

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Town Council – January 8, 2004 @ 12:00 PM

Mayor Boothman called the meeting to order.

Town Clerk Wilson administered the Oath of Office to Councilmember Elect, Debbie Emery.

Roll Call: Carrie Brooks, Debbie Emery, Wally Gillette, David F. Jones, & Howard Rosenfeld

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

John Lindsay, Pastor for the Lutheran Church in the San Juans, gave two quotes regarding attitude and church, then gave a blessing on the Town government.

During the public access portion of the meeting, Betty Gilson, 240 Harrison Street and member of the San Juan Island Trails Committee, asked Council to write a letter to Congressman Rick Larsen in support of House Resolution 3571 which will transfer ownership of Department of Natural Resource "Mitchell Hill" land to the National Park Service.

Sheriff Report – tape sequence #340

Sheriff Cumming distributed November and December monthly Sheriff Department Reports, as well as the yearly summary report. Mr. Cumming reported that County wide, 1000 more calls were received in 2003 than the previous year. Mr. Cumming discussed staffing levels and new telephone equipment. Following inquiries, Mayor Boothman thanked Mr. Cumming for his report.

Resolution #1364 – tape sequence #566

At 12:18 PM, Mayor Boothman introduced draft Resolution #1364. A resolution authorizing the Mayor to execute an agreement for a feasibility study to acquire the Browne Lumber property by the Economic Development Council for \$2,000.00.

Councilmember Brooks inquired if the property owners had been notified of said study. Mayor Boothman answered in the affirmative.

Councilmember Emery inquired if the Port of Friday Harbor and the Town have discussed the issue. Mayor Boothman answered that he met with Steve Simpson, Port Director, regarding said issue.

Councilmember Emery asked if the roll of the Economic Development Council (EDC) would be to poll the business community. Richard Civille, EDC Executive Director, answered in the affirmative and stated that they would be speaking with businesses regarding taxing opportunities; business thoughts; and the possibility of an open market, such as a smaller Pike Place Market.

Councilmembers Emery noted a clerical error and questioned the term of the contract. It was noted that the term of the contract should be March 31, 2004.

Councilmember Gillette suggested a wording change.

Port Director Simpson indicated that the Port Commissioners have already adopted their resolution in support of said study.

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Councilmember Jones moved and Councilmember Brooks seconded to adopt Resolution #1364 as amended. The motion passed unanimously.

Solid Waste Issues

At 12:33 PM, Jon Shannon, San Juan County Public Works Director, asked that the Town allow the County to continue to use the "shelf" area, currently used for recycle staging, through the construction season of 2004.

Administrator Fitch indicated that one reason the Town would required the County to vacate the "shelf" area at the Solid Waste Facility is due to the requirement of the Landfill Closure Plan approved by the Department of Ecology to "re-close" this section of the landfill. Mr. Shannon indicated the County would move back its recycling activities to its previous location at said Facility.

Mr. Shannon indicated that tipping rates would increase for the Town starting in April 2004. Mr. Shannon pointed out that although the present increase is approximately 14% the overall increase over 10 years has been less than the annual cost of living increases.

Councilmember Gillette stated confusion why the Town is unable to match the County's recycle acceptance system and collect cardboards and papers and those Town residents who want to recycle such items have to drive to the County site to do so. Councilmember Gillette asked Mr. Shannon if there was any way to make the two systems match. Mr. Shannon responded that the County's proposed new recycling facility will make it easier for the Town and other refuse collectors to cost effectively do curbside collection for co-mingled recyclables. He further explained that there currently is no cost effective way to load that type of material into packer trucks and dump it. He hoped by 2007, such improvements could be made. He also pointed out that collecting such materials would be an additional cost to the Town. Administrator Fitch agreed that until such time as there is an export dock for the Town to use, such a system is not cost effective for the Town residents.

Councilmember Jones asked if Mr. Shannon could see the symmetry of the Town and the County treating each other as regular customers. The County would charge the Town the same rate it charges other commercial refuse haulers and the Town would charge the County the correct amount of rental fees for property the County is renting.

Mr. Shannon responded that in most jurisdictions, everyone pays the same rates, whereas San Juan County gives a discount to its biggest self-haulers; such as the Town and San Juan Sanitation. Mayor Boothman pointed out that the Town does not receive any more of a discount than San Juan Sanitation, whereas the Town has provided virtually free property for the County's solid waste operations. Discussion followed regarding County notification of tipping rate increases and the Town's impact on the County's operations.

Administrator Fitch asked Mr. Shannon for a cost analysis that shows the actual cost to the County of servicing and accepting the Town's refuse.

Administrator Fitch asked if the County were not relocating their recycling facility to a new location, would the tipping fee cost still be at \$160 per ton. Mr. Shannon replied in the

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affirmative and stated that the \$160 per ton rate was based on operational costs and did not include infrastructure improvements.

General discussion continued regarding rates; the use of the Town's "shelf" area for recycling; the County's benefit to having the Town haul its refuse rather than individual haulers; additional costs the County incurs to accept the Town's refuse; and the need for better communication between the policy makers of the County and the Town.

Grant Research – tape sequence 2810

At 1:14 PM, Jim Slocomb distributed information about various grants. Mr. Slocomb stated that a successful grant is focused, achievable, and part of a larger plan. Mr. Slocomb said that the relationship with the grantor is a major factor in obtaining grants. Mr. Slocomb volunteered to email Council with information about various grants that look promising for Town projects. Discussion followed regarding average income of Friday Harbor residents; tying together a project with Town planning and supporting documents; cost of attending the grant application meetings; and how grants fit in to the Town organization.

Councilmember Rosenfeld asked about the number of grants the Town applied for that they learned about through the eCivis Grant Locator System. Mr. Slocomb responded that zero grants had been applied for that could be directly contributed to said grants locator system. Councilmember Rosenfeld suggested that the Town adopt some criteria to gauge the performance of said grant locator system before renewing its contract next time. Councilmember Brooks suggested the program should pay for itself.

Councilmember Jones asked Mr. Slocomb to set the performance standard. Council suggested Mr. Slocomb look for grants that help with infrastructure, sewer, water, street, stormwater, fire and safety, affordable housing, and parks.

Mr. Slocomb recommended that a successful program will identify those portions of current Town planned activities and developments that are grantable and then go look for them. Mr. Slocomb suggested that in terms of the cost benefit ratio the Town would be successful if it joined together its planning and grantsmanship. Mr. Slocomb commented that it is hard to quantify an appropriate price to spend to have access to grants opportunities.

Following discussion, Council asked Mr. Slocomb to return with a list of criteria that define a successful eCivis Grant Locator program in the year 2004.

At 1:37 PM, Councilmember Brooks moved and Councilmember Jones seconded to extend the meeting a maximum of 25 minutes. The motion passed 4 to 1 with Councilmember Rosenfeld opposed.

Planning Commission Appointments – tape sequence #248

Mayor Boothman asked Council to confirm the appointment of two Planning Commission members. Betty Gilson to Position #1 and Laura Arnold to Position #3. Councilmember Brooks moved and Councilmember Rosenfeld seconded to appoint said members to said positions. Following discussion, the motion passed unanimously.

Administrator's Report – tape sequence #292

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Administrator Fitch reported on a claim against the Town and suggested Council refer said claim to its insurance carrier. Council agreed.

Administrator Fitch indicated Attorney Eaton wanted to address Council regarding providing water beyond the Town's corporate limits at the evening meeting.

Administrator Fitch reported on activities; leaks, and damage that occurred due to the recent snow storm.

Minutes

Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt the Town Council minutes of December 18, 2003 noon and 5:30 PM meetings as written. Councilmember Gillette pointed out a correction regarding the vote taken for the 12/4/03 Town Council minutes at the 12/18/03 meeting. The motion was changed to reflect this amendment. The motion passed unanimously, with Councilmember Emery abstaining because she was not a Councilmember at that time.

At 1:47 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – January 8, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Attorney Eaton, Zoning Coordinator Jones, Utilities Superintendent Wilks, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Seattle Yacht Club Public Hearing

At 5:34 PM, Mayor Boothman opened the public hearing regarding Shoreline Substantial Development Permit (SSDP) Application #74 and SEPA Checklist #236. The applicant of said application is Seattle Yacht Club; who propose to make improvements to an existing cabin located on waterfront property at 624 and 626 Warbass Way.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participating in the public hearing process. Mayor Boothman inquired, but did not hear any objection to his or any other Councilmember's participation in the public hearing process. Mayor Boothman inquired if any Councilmembers had any interest in the property or issue; stood to gain or lose any financial benefit as a result of the outcome of this hearing; and if they engaged in communication with opponents or proponents regarding this issue. Council answered in the negative to all these inquiries.

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Mayor Boothman instructed those present of the procedures that would be followed and asked Zoning Coordinator Jones to present the staff report.

Mr. Jones summarized the 14-page staff report dated 12/24/03. Using Exhibit A, Mr. Jones pointed out the existing cabins on the subject property and the proposed improvements to one of the cabin. Mr. Jones explained the zoning of the subject property, as well as, surrounding properties; and mailing and newspaper notification procedures. Mr. Jones noted four public inquiries regarding said project, but stated he did not receive any statements of displeasure regarding the project. Mr. Jones noted that said staff report recommends approval of SSDP Application #74 and SEPA Checklist #236.

Mayor Boothman asked if the applicant had any comments. David Waldron, Project Architect, used Exhibits B through J to note the other buildings on the property; land proportions, elevations, and design features. Mayor Boothman opened the public hearing to audience comments and Council inquires of staff.

Jan Sear, Brown Island Resident & Seattle Yacht Club Member, spoke in support of the approval of said project.

Jan Champlin, 626 Warbass Way, & Manager of the subject property, spoke in support of the project.

Betty Gilson, 640 Harrison Street, questioned the traffic impact of the construction project on Warbass Way. Ms. Gilson expressed confusion regarding the owners of said property as depicted in Attachment A.

David Waldron answered that the subject property has a large off-street parking area that will be used for construction staging and therefore will cause minimal traffic impact. Mr. Jones explained the property exchange between the Seattle Yacht Club and the O'Neill's and current ownership.

Liz Illg, Condo owner on Harrison Street, indicated that the elevation conceivably could be an issue if the roof line is raised any greater than the 3.5 feet proposed, and just wanted to be on the record that "they would be watching".

Councilmember Jones asked Mr. Jones if the applicant were aware that they were bound by the restrictions of the Shoreline Management Substantial Development Permit issued in 1998 to the former owners in regards to parking, construction materials, etc. Mr. Jones answered in the affirmative.

Councilmember Brooks inquired about the total height of the building. Mr. Waldron answered 13.5 feet total from the elevation of the deck.

At 5:54 PM, hearing no further input or inquires, Mayor Boothman closed the public input portion of the meeting and opened Council deliberations.

Councilmember Brooks moved and Councilmember Jones seconded to approve Substantial Development Permit Application #74 and SEPA Checklist #236 and directed staff to create

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findings of fact and conclusions of law to support said decision. The motion passed unanimously.

Washington State Ferries – tape sequence #885

At 5:57 PM, Mayor Boothman opened the public hearing regarding Shoreline Substantial Development Permit (SSDP) Application #73. The applicant of said application is Washington State Department of Transportation; who propose to repair, replace, and remodel elements of the Friday Harbor Ferry Terminal located at 90 Front Street South to maintain safe and reliable service to San Juan Island.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participating in the public hearing process. Mayor Boothman inquired, but did not hear any objection to his or any other Councilmember's participation in the public hearing process. Mayor Boothman inquired if any Councilmembers had any interest in the property or issue; stood to gain or lose any financial benefit as a result of the outcome of this hearing; and if they engaged in communication with opponents or proponents regarding this issue. Council answered in the negative to all these inquiries.

Mayor Boothman instructed those present of the procedures that would be followed and asked Zoning Coordinator Jones to present the staff report.

Mr. Jones summarized the 15-page staff report dated 12/24/03 and Exhibit A. Mr. Jones explained the zoning of the subject property, as well as, surrounding properties; and mailing and newspaper notification procedures. Mr. Jones observed that said project was reviewed under the State Environmental Policy Act (SEPA) with the Dept. of Transportation as lead agent. Mr. Jones indicated that the Community Development Department had reviewed said SEPA and the determination of non-significance for said project and approved with their findings. Mr. Jones noted one public inquiry regarding said project. Mr. Jones noted that said staff report recommends approval of SSDP Application #73, subject to fire protection, **submarine sewer line protection**, and impact and vibratory hammer time limits as stated in said staff report.

Mayor Boothman asked if the applicant had any comments. Charles Torres, Washington State Ferries Project Manager, described the main points of the project. He indicated that said project was a preservation project that would take place in three phases and included a temporary vessels loading/unloading ramp in phase one; phase two would be the removal, extension of the main slip by 80', and reconstruction of the main slip along with replacement of some of the dolphins and towers; and phase three would be elimination of the temporary load/unload ramp; and other improvements such as restroom improvements, and terminal building improvements.

Sasha Visconti, Environmental Project Consultant, explained the proposed benefits to the aquatic environment because of the extension of the ferry load/unload ramp 80 feet further out into the bay.

Mayor Boothman opened the public hearing to audience comments and Council inquires of staff.

Roger Bennett, 1 Spring Street, expressed concerns about the documents received from the Town which showed old wing walls and old towers being left in place after the completion of

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the project. Mr. Bennett described a notice received from the Corp of Engineers that indicated said walls and towers would be removed. Mr. Bennett distributed two maps, Exhibit B, which depicts the existing ferry dock and the adjoining Bennett property including a previously approved future dock, & Exhibit C, which depicts the completed project with the new ferry dock extended out 80 feet. Mr. Bennett expressed appreciation for the additional fairway maneuvering room between the ferry terminal and the Port docks with the completion of the proposed project. Mr. Bennett stated support for the proposed project as long as the Washington State Ferry System adheres to the settlement agreement between Mr. Bennett and Washington State Ferries and provided that the new ferry dock does not hamper his ability to construct the dock he has been seeking to building since 1992.

Mr. Torres mentioned that the original wing walls will be removed, but that some of the current dolphins will remain in place. Mayor Boothman inquired if the Council had the most recent drawing that depicted the finished project. Mr. Torres indicated that they did not. Using Exhibit A, Mr. Jones explained how the finished product would appear.

Attorney Eaton asked Mr. Torres if Washington State Ferries had considered keeping the temporary ferry ramp to be used during the construction process and making it a permanent ramp for emergency use. Mr. Torres indicated that the Ferry System had considered the suggestion and it had been rejected.

Administrator Fitch noted that a new disabled parking space, closer to the terminal, is a part of the completed project.

Councilmember Gillette inquired if the proposed dock will conflict with other marina traffic. Mr. Jones indicated that the ferry dock extension will affect how vessels land at the Port of Friday Harbor's Spring Street Landing dock.

Administrator Fitch asked Mr. Jones if the Port was notified of the Washington State Ferries project and if they had made any comment regarding said project. Mr. Jones indicated that the Port had been notified of said project and the Town has not received any comments from the Port regarding said project.

Councilmember Brooks asked why Washington State Ferries had decided to eliminate the temporary load/unload ramp at the end of construction. Mr. Torres answered that the temporary ramp, being used during the project, is at the end of its life and ready to be salvaged. Mr. Torres also indicated that public comments received regarding a permanent second slip indicated it was not wanted, and the project was a preservation project and not a growth project.

Sasha Visconti noted that the business case analysis in regards to retaining the temporary ramp indicated that it did not make good business sense.

Councilmember Brooks inquired about the new restroom facility. Mr. Torres introduced Exhibit D, which depicts the new restrooms being added by Washington State Ferries.

Councilmember Gillette inquired if the crew quarters were to be improved. Mr. Torres answered in the negative.

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Councilmember Brooks inquired if the project would affect boats that anchor in the harbor in the summer time. Administrator Fitch pointed out that because the area where the boats are mooring is considered a transportation lane; they should not be mooring in that area anyhow.

Councilmember Brooks inquired about the width of the loading lanes. Mr. Torres commented that the ramp will be wide enough for two lanes of cars, but it will be used as one lane.

Councilmember Rosenfeld expressed surprise that Washington State Ferries received comments against keeping a second unload/load ramp.

Councilmember Rosenfeld asked Mr. Bennett to clarify his position on the project. Mr. Bennett indicated that supported the project unless in some way it prohibited him from being able to build a dock at his property.

Councilmember Emery inquired if the pedestrian disembarking flow will change or remain the same. Mr. Torres answered that at the completion of the project, the pedestrian circulation will remain the same as the present.

Councilmember Gillette suggested the Ferry System provide a location for a transportation information stand within their project. Mr. Gillette suggested the project also include improvements to the crew quarters and the Friday Harbor Terminal to reflect the architecture of Friday Harbor. Mr. Torres presented Exhibit E, which depicted the outer proposed changes to the Ferry Terminal. It was noted that said exhibit was included in the Council packet regarding said issue, but not in a color format.

Councilmember Jones inquired if the Ferry System agrees to put in a new water main and new fire hydrant per the staff recommendation. Mr. Torres indicated he was not able to answer the question without further discussion with his organization. Mr. Torres mentioned that Washington State Ferries is currently reviewing fire protection at all their ferry terminals. Mr. Jones suggested that should the Council approve of said development permit, it add a provision to provide adequate fire protection and a hydrant.

Councilmembers Gillette and Rosenfeld inquired if the Ferry System was planning to consider the layout of the Waterfront Intermodal Transportation Study in their project. Mr. Torres answered that he was not familiar with those issues.

Councilmember Brooks stated that she agreed with Councilmember Rosenfeld that a permanent second ferry slip was needed in Friday Harbor.

Mr. Bennett pointed out that the Kevin Peterson, the Architect for the Port of Friday Harbor on the Waterfront Intermodal Transportation Study, observed that more headroom would be needed to move pedestrians under the ferry dock.

At 6:47 PM, hearing no further input or inquires, Mayor Boothman closed the public testimony portion of the meeting and opened Council deliberations.

Councilmember Jones stated support of the project with staff's recommendations.

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Councilmember Gillette suggested that the pedestrian holding area at the terminal needed to be enlarged and protected. Councilmember Brooks agreed.

Following a request by Mr. Jones, at 6:48 PM, Mayor Boothman re-opened the public input portion of the meeting. Mr. Jones and Ms. Visconti clarified that there will be a roof over the pedestrian area.

At 6:50 PM, Mayor Boothman again closed the public testimony portion of the meeting and opened Council deliberations.

Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the Substantial Development Permit Application #73, subject to the conditions recommended by staff for fire protection, **submarine sewer line protection**, and vibratory hammer time limits and directed staff to create findings of fact and conclusions of law to support said decision.

Councilmember Gillette moved to add a condition that the walkway must match up with said Intermodal Study and a further condition that an area for a transportation kiosk be added, and that the crew quarters are modified to conform to the other architectural changes.

Mr. Jones observed that the crew quarters and the proposed restrooms are outside of the 200 foot shoreline area and therefore are not subject to the criteria of this permit.

Attorney Eaton explained that the Council's approval or disapproval of an application for a shoreline substantial development permit must be based on the criteria in the Town's Shoreline Master Program. Attorney Eaton elaborated that the Council could not redesign or add conditions to a project outside of the criteria in said Shoreline Master Program.

Councilmember Brooks seconded Councilmember Gillette's amendment to the main motion.

Councilmember Brooks noted that on page 3 of the staff report it states that ferry terminals are considered transportation facilities that depend on or serve the Town shoreline. Ms. Brooks asked if the pedestrian walkways described in the Intermodal Study could be considered a part of the permit. Attorney Eaton answered in the affirmative, but cautioned that should the Council impose a condition that is too burdensome on an applicant, it may cause significant re-engineering of the project and might "kill" the project in full.

Following inquiry about how to support said Intermodal Study walkways without causing the project to be aborted altogether, Attorney Eaton indicated that Council could add a condition that the applicant design the project to accommodate the pedestrian walkway as along as it does not require significant re-engineering of the project.

Councilmember Rosenfeld pointed out that the Intermodal Study was originally approved as a guideline only.

Following further discussion of said Intermodal Study, Councilmember Jones indicated he would be voting against the amendment because the applicant has met the requirements of the law.

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Attorney Eaton pointed out that a condition that the crew quarters be modified would not be enforceable in a court of law, because said crew quarters are outside of the 200' shoreline area.

The amendment to the motion failed 4 to 1, with Councilmember Gillette in favor of the amendment.

Councilmember Rosenfeld encouraged Washington State Ferries to renew their interest in the Waterfront Intermodal Transportation Study.

The original motion passed 4 to 1 with Councilmember Gillette opposed.

Warbass Way Right of Way – tape 2 sequence #343

At 7:10 PM, Tom Metke from MPD Engineering presented information regarding a Warbass Way right of way study. Mr. Metke proposed doing a survey of the Warbass Way area to locate public amenities and discrepancies in the right-of-way usage. Following Mr. Metke's presentation, discussion, and inquiries, Council approved the 10/20/03 proposal by MPD Engineering to perform said Warbass Way right of way study.

At 7:30 PM, Councilmember Rosenfeld moved and Councilmember Jones seconded to extend the meeting until 7:45 PM. The motion passed unanimously.

Resolution #1365 – tape sequence #1030

Mayor Boothman introduced draft Resolution #1365. A resolution approving the proposed modification of the common boundary line between land owned by Geraldine Lawson, Trustee of the Gilbert J. Lawson Testamentary Trust, and the J. Lawson Family LLC and land owned by the Town of Friday Harbor, being land located in or in the vicinity of the Town's Trout Lake watershed.

Attorney Eaton explained the particulars and procedures of said land exchange. Following discussion, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1365 as stated. The motion passed unanimously.

Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve claim warrants #23988 through #24026 in the amount of \$86,065.34 and payroll warrants #9832 through #9909 in the amount of \$173,075.68. The motion passed unanimously.

Non-agenda

Mayor Boothman inquired if the draft letter to Congressman, Rick Larsen, in support of HR3571, regarding San Juan National Historical Park Boundary Addition Act of 2003, was acceptable to Council. Council approved of said letter.

Administrator Fitch noted that San Juan County would be forthcoming with a request for a new water service at their new Sutton Road Recycling Facility that will house the "Trash to Treasures" project. Attorney Eaton explained that the Town has spent significant dollars and time defending its right to prohibit out-of-Town water hookups and asked Council to consider the implications of changing said policy.

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Following comments, Council asked for future agenda time to discuss said issue.

At 7:50 PM, hearing no further comments and no objections, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – January 15, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch, Fire Chief Low, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Mayor Boothman explained that San Juan County Commissioner Nielsen would be unable to attend the Town Council meeting.

Departmental Reports

Fire Chief Low introduced newly elected San Juan Island Fire District #3 Commissioner, Bob Jarman. Chief Low mentioned efforts that will be taken to fix the Town clock on top of the Fire Station. Chief Low confirmed that the new self-contained breathing apparatus equipment will be shipped the week of January 26th, 2004, and should arrive by 2/10/04. Mr. Low indicated that the new fireboat hydrohoist will be here on 1/26/04. Mr. Low reported on various new equipment that was purchased through a grant; training of the firefighters; the resignation of the part-time training officer; a burning ban that the Department of Ecology is imposing on urban populations of 5000 or less by 2006, which will result in a total outdoor burning ban; and an educational committee that he has joined.

Councilmember Rosenfeld inquired into the total number of fire calls in 2003. Chief Low observed that Fire Department had 80 calls, which was down from 120 calls in previous years. Mr. Low indicated that all of the island fire departments had a fewer number of calls in 2003.

Councilmember Gillette asked for clarification of current procedures regarding fires adjacent to its borders. Chief Low responded that the Town is not notified in the case of County fires adjacent to Town borders until the 4th alarm. Chief Low clarified that the opposite is true in reverse, the County is notified with the 1st alarm.

When asked about the total number of firefighters, Chief Low responded 32, although he would like a total of 50, space limitations hinder having this many firefighters. Councilmember Rosenfeld indicated that interlocal agreements are helpful in a situation when more firefighters are needed.

Utility Department Report – tape sequence #390

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Because Utilities Superintendent Wilks was unavailable to come to Council, Administrator Fitch reported on December rainfall, lake level, and water production (1.42", Full, 8,880,000). Mr. Fitch reported on weather related problems throughout Town and within the Maintenance Department due to the recent cold and snow. Following inquiry, Mr. Fitch indicated that the Town sanded the ferry system main parking lot as a public service for islanders.

Economic Development Council (EDC) Annual Report – tape sequence #654

EDC Executive Director, Richard Civille, and President, Cathy Cavanaugh, outlined various economic development highlights of 2003. Discussion and inquiry continued regarding the broadband infrastructure project; discussions with Senator Cantwell regarding funding; other funding opportunities, building relationships to improve the business climate; business assistance and development; and educational facilities.

Resolution #1366 – tape sequence #1570

Mayor Boothman introduced draft Resolution #1366. A resolution authorizing the Mayor to execute an agreement to promote economic development within the Town for 2004. Administrator Fitch explained the particulars of said resolution for \$1,500.00. Councilmember Gillette moved and Councilmember Brooks seconded to adopt Resolution #1366 as stated. The motion passed unanimously.

Resolution #1367 – tape sequence #1629

Mayor Boothman introduced draft Resolution #1367. A resolution authorizing the Mayor to execute a contract for construction of a public restroom facility with Stellar J. Corporation for \$289,897.17. Administrator Fitch explained the particulars of the bidding process and the optional materials included in the alternative bids.

Councilmember Brooks inquired if local contractors were being treated fairly in the bidding process. Administrator Fitch described the particulars of the bidding process and the limitations that the Town has under state bidding laws.

Councilmember Gillette expressed displeasure with the use of the current building as a public restroom facility. Councilmember Gillette maintained that the current building had structural weaknesses that may cause problems in case of an earthquake. Mr. Gillette distributed four pictures of said building in support of his statement. Mr. Gillette suggested that tearing down the old building and rebuilding a new facility, rather than rehabilitating the current building, would be cheaper and more structurally secure.

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1367 as presented.

Administrator Fitch noted his belief that the structure was not the most ideal structure as well. Mr. Fitch indicated that the Town's Historic Preservation Review Board requested that the building be renovated rather than destroyed.

Councilmember Brooks asked about the process should the Town decide to demolish the current building. Administrator Fitch explained that either the Town could sign a contract with the current low bidder and then negotiate different terms, or the Town could develop new plans

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and re-bid the project. Mr. Fitch pointed out that it may not be possible to complete the restroom project by summer 2004 under these conditions.

Councilmember Rosenfeld expressed concerns with changing the scope of the project at this late of date after all the amount of money the Town has invested in the architectural plans, bidding process, etc.

Councilmember Jones asked if the architect could assure the structural integrity of the masonry walls should an earthquake occur. Administrator Fitch indicated he did not have the answer as yet, but could contact the architect and report back to Council at the evening meeting. Administrator Fitch pointed out that under Division 4 of the Public Restroom Facility Specifications 3/8" rebar will be layed in the walls of the masonry.

The motion on the floor passed 4 to 1 with Councilmember Gillette in the opposition.

Committee Assignments – tape sequence #2650

At 1:12 PM, Mayor Boothman opened discussion on various committee assignments. It was agreed that the following Councilmembers, Mayor, Staff and Citizens would represent the Town on the following committees:

Disability Board – Councilmember Rosenfeld
Ferry Advisory Committee – No vacancy according to Mayor Boothman.
Law and Justice Council – Councilmember Emery
Local Board of Trustees – Mayor Boothman & Councilmember Brooks
Local Emergency Planning Committee – Mayor Boothman
Marine Resources Committee – Land Use Administrator Bertrand
SJC Lodging Tax Advisory Committee – Alan Paschal
Town Lodging Tax Advisory Committee – Councilmembers Jones & Rosenfeld
Solid Waste Advisory Committee – Councilmember Gillette
Utility Committee – Administrator Fitch
Water Resource Management Committee – Administrator Fitch

Councilmember Brooks indicated she would contact John Campbell in regards to the Housing Advisory Board, and Councilmember Rosenfeld indicated he had been attending the Chamber of Commerce meetings. Administrator Fitch indicated that two council members could attend the Chamber of Commerce meetings, if desired.

Administrator's Report

Administrator Fitch observed that he did not have anything at this time.

At 1:27 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

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Town Council – January 15, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Shoreline Master Program Review

Mayor Boothman opened discussion of the Council review of the Town's Shoreline Master Program (SMP).

Attorney Eaton explained that state statute, called the Shoreline Management Act, requires local jurisdictions to have their own local regulations. Attorney Eaton explained that said Act was developed to regulate the development and use of the shoreline area, which includes the aquatic environment and the 1st 200' of land adjacent to bodies of water. Attorney Eaton explained that local regulations have to be approved by the state and be consistent with the State's Shoreline Management Act and its intents. Attorney Eaton pointed out the different zones in the Town's SMP; the difference between a quasi-judicial public hearing and a legislative public hearing and which government agency handles appeals to Council decisions regarding shoreline permits. Attorney Eaton gave an overview of how the SMP pertains to commercial property development and single family residential development. Attorney Eaton suggested Council become familiar with the many different definitions in the Town's SMP, particularly the definition of what water dependent means.

Land Use Administrator Bertrand explained that the last Town SMP update was in 2002. Mr. Bertrand explained how the state regulations were dismissed by the court system following a challenge and have only just recently been reinstated. Mr. Bertrand anticipated that the Town will have to do a new SMP update within the next 2 years. Mr. Bertrand observed that because of budget cuts, the Department of Ecology (DOE) will no longer be reviewing the Town's Shoreline Development Permits, unless they are under appeal.

Administrator Fitch explained past process with DOE; protection of the view corridors within Town; and the confusing jurisdiction lines between the Town and San Juan County.

Discussion and inquiry followed regarding view corridors and public access (can be visual or physical access); and taxation. At the end of the discussion, Land Use Administrator Bertrand left the meeting.

SJC Solid Waste Transfer Station – tape sequence #1520

At 6:15 PM, Mayor Boothman opened discussion of the disposal fees at the San Juan County (SJC) Solid Waste Transfer Station.

Administrator Fitch explained the particulars of the tipping fees increase to be imposed by SJC. Mr. Fitch explained that the Town's 2004 budget does not currently have sufficient funds to cover the expected \$33,000 SJC rate increase.

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Councilmember Brooks inquired about the rental and lease agreements that the Town has with the County at said Transfer Station. Administrator Fitch explained the particulars of said rental and lease agreements. Administrator Fitch explained the deterioration of the shelf area that is currently being used by SJC for its recycling staging.

Councilmember Brooks suggested raising the monthly rental amount at said shelf area to cover the rate increase proposed by the County instead of passing said budget shortage along to the Town's refuse customers.

Councilmember Rosenfeld suggested that the Town did not need to recoup the entire portion of the budget shortage from SJC, but could recoup a portion via an increase in rental fees.

Councilmember Jones expressed that it would be shrewd of SJC to keep their fees low enough that it is cheaper for the Town to do business with them rather than forcing the Town to find alternative ways to handle their solid waste disposal.

Councilmember Gillette asked the Town Administrator if the Town raised its refuse per can fee to match the County's \$6 per can fee would that cover the County's increased tipping rates. The Town Administrator responded that it would.

Councilmember Emery suggested that perhaps further discussion with SJC regarding the rate increase would be beneficial.

Following discussion, Councilmember Brooks moved and Councilmember Jones seconded to direct staff to prepare a resolution that would require an increase in the rental amount for the shelf area at said Transfer Station.

Following further discussion and suggestions, the motion passed 4 to 1 with Councilmember Gillette in the opposition.

Waterfront Intermodal Transportation Study – tape sequence #3265

Mayor Boothman opened Council discussion of the review of the Waterfront Intermodal Transportation Study. Mayor Boothman explained that said Study was adopted as a guideline for future planning.

Port of Friday Harbor Commissioner, Greg Hertel, Port Director, Steve Simpson, and Port Intermodal Study Consultant, Kevin Peterson, agreed with Mayor Boothman that said Study was a planning tool. They stressed that Washington State Ferries' budget limitations have hurt the overall development of the transportation side of the guidelines. They suggested re-starting the original committee to open communications again between the various jurisdictions and discuss their limitations and develop a new five year concept. General discussion followed.

Claims

At 7:15 PM, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt claim warrants #24040 through #24072 in the amount of \$136,148.18. The motion passed unanimously.

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Non-agenda – tape 2 sequence #495

Councilmember Brooks noted that she spoke with John Manning regarding the Housing Advisory Commission, but that Mr. Manning had not gotten back to her as yet.

Administrator Fitch updated Council on the progress of the Caines Street sidewalk project.

Administrator Fitch asked for Council approval to prune, inoculate, and finish the cabling of the Elm Trees in Circle/Memorial Park. Mr. Fitch estimated the cost at approximately \$10,000. Mr. Fitch indicated that said funds had not been budgeted in 2004, and should Council approve of said expenditure, it would become a part of the budget amendment in July. It was the full consensus of Council to approve said expenditure.

Councilmember Jones asked that the further discussion regarding the Waterfront Intermodal Study be placed on the next agenda. Mayor Boothman indicated he would place said item on the next agenda. Councilmember Rosenfeld moved and Councilmember Jones seconded to accept the Port of Friday Harbor's suggestion to resume the Intermodal Committee. The motion passed unanimously.

Councilmember Rosenfeld expressed concern at the missed opportunity for a permanent second ferry docking slip at the Friday Harbor Ferry Terminal. He suggested that the Council write a letter to Washington State Ferries requesting that they reconsider the option of keeping a second docking/unloading slip in Friday Harbor.

Mayor Boothman explained his personal testimony to Washington State Ferries regarding the impracticality of a second slip in Friday Harbor.

Councilmember Jones suggested placing the item on the next agenda for further discussion and public input. Mayor Boothman agreed.

At 7:31 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – February 5, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Staff present: Town Administrator Fitch, Utilities Superintendent Wilks, Utility Worker III Gates, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

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Councilmember Brooks requested that the Adoption of the Findings of Fact and Conclusions of Law regarding Washington State Ferries Shoreline Substantial Development Permit to construct improvements at 90 Front Street and the discussion of a second ferry loading ramp be reversed on the evening Town Council agenda. Mayor Boothman indicated that if Council had no objection at the evening meeting an agenda change could occur.

Department Reports – tape sequence #65

Utilities Superintendent Wilks reported on the level of Trout Lake (over the spillway since Nov.), January rainfall (3.22"), and production (10,475,000). Mr. Wilks indicated that production was up due to the freezing weather and ensuing water leaks. Mr. Wilks commented on weather related personnel activities; personnel hiring; and other projects and activities of the Utilities Department.

Councilmember Brooks expressed concern about the continued growth of the amount of water used and produced over the last three years. Discussion followed regarding the point at which the Town's ability to handle growth would be impacted.

Councilmember Brooks inquired about the type of fencing to be used at the Wastewater Treatment Plant. Administrator Fitch answered that the fence will be an 8' high security fence with vinyl slats.

Mayor Boothman presented Utilities Superintendent Wilks with a Certificate of Excellence from the Association of Washington Cities (AWC) recognizing the public works department for developing and maintaining excellent inspection and maintenance records.

Mayor Boothman presented Jerry Gates, Utility Worker III, with a Certificate of Appreciation for 30 years of service with the Town of Friday Harbor. After accepting the certificate, Mr. Gates left the meeting.

At 12:15 PM, Land Use Administrator Bertrand distributed the annual summary reports for the Building and Permitting departments. Mr. Bertrand reported that a request for vacation of a Town street has been submitted and that a public hearing would be forthcoming. Mr. Bertrand distributed requested changes to the 2003 Town Comprehensive Plan and Land Use Regulations. Mr. Bertrand asked if Council wanted to attend the Planning Commission's public hearing on said proposed changes to hear public testimony. Town Council answered in the affirmative. Mr. Bertrand reported on the anticipated resignation of Nolan Campbell, Building Inspector from his department.

Administrator Fitch commented that Utilities Superintendent Wilks had applied for and received a grant from AWC Risk Management Services for a digital camera to document sidewalk conditions.

Resolution #1368 – tape sequence #630

Mayor Boothman introduced draft Resolution #1368. A resolution authorizing the Mayor to execute Change Order #10 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant. Administrator Fitch explained that the Town is required to build curb, gutter, and sidewalk improvements the same as a private developer to obtain a certificate of final occupancy. Mr. Fitch explained how the proposed change order will tie in with the

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proposed improvements to Tucker Avenue. Mr. Fitch indicated that the higher than anticipated price is due in part to an increase in the amount of asphalt needed and concrete price increases. Following inquiry, Administrator Fitch explained the street improvements to be completed.

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1368 as stated. Following further discussion, the motion passed 4 to 1 with Councilmember Gillette in the opposition. Prior to the vote, Councilmember Gillette commented that he was voting against the motion because he felt it circumvented the state bidding requirements and asked that said comment be placed in the minutes.

Administrator Fitch explained that an additional change order for approximately \$14,000.00 would be forthcoming to repair the slope and build a retaining wall between the adjoining property owner and the Town.

Resolution #1369 – tape sequence #1097

Mayor Boothman introduced draft Resolution #1369. A resolution authorizing the Mayor to execute an agreement for janitorial services to clean Town Hall offices for 2004/2005 with Islands Janitorial. Administrator Fitch explained the particulars of said resolution. Councilmember Gillette moved and Councilmember Rosenfeld seconded to adopt Resolution #1369 as stated. The motion passed unanimously.

Resolution #1370 – tape sequence #1153

Mayor Boothman introduced and explained draft Resolution #1370. A resolution authorizing the Mayor to execute an agreement with David L. Waldron, Architect, for preparing plans and specifications for alterations to Memorial Park for an amount not to exceed \$12,105.00.

Councilmember Emery asked for assurance that all current vehicles that travel off of Washington State Ferries, by Memorial Park, on to Spring Street could continue to take this route. Mayor Boothman answered in the affirmative. Administrator Fitch pointed out that passage of Resolution #1370 would grant pre-approval of an amendment to the 2004 budget. Following further discussion, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1370 as presented. The motion passed unanimously.

Waterfront Intermodal Discussion – tape sequence #1450

Mayor Boothman opened Council discussion of participation of the Waterfront Intermodal Transportation Study Committee. Mayor Boothman asked if Council wanted to have a joint meeting with the Port of Friday Harbor regarding said subject or if they wanted to have their own committee and discussion.

Councilmember Rosenfeld recommended a joint meeting with the Port. Council agreed. Mayor Boothman offered to contact the Port regarding said meeting. Administrator Fitch recommended that Council keep discussions with the Port limited to comments and concerns and to be aware of sending "signals" that may suggest pre-approval of Port shoreline issues that may come before Council for permitting in the future. Administrator Fitch asked Council to retain their Intermodal packet information for future discussions.

Administrator's Report – tape sequence #1622

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At 12:48 PM, Administrator Fitch reported that the boatlift for the fireboat "Confidence" has been installed and is in operation. Mr. Fitch conveyed that the lawsuit involving a trip and fall by Robin Thomas on 1st Street is not Town related and will be passed on to the private property owner. Administrator Fitch described the history of the Front Street loading dock and ramp. Administrator Fitch recommended removal of said ramp. Following discussion, Council agreed that the ramp and loading dock should be removed. Council asked that a letter be mailed to the business owners in the area notifying them of the removal of the ramp, loading dock, and perhaps the sidewalk gate. They requested said letter ask business owners to contact Council within 30 days if they have any further suggestions.

Administrator Fitch reported that several commercial customers have requested relief from high sewer bills due to weather related water leaks.

Administrator Fitch reference two letters in front of Council. One regarding the distribution of Capron Funds and the other an offer by SCS Engineers to present Council with a proposal regarding the cost of migrating towards its own refuse disposal system. As the Town's Solid Waste Advisory Committee representative, Councilmember Gillette distributed information complied by the San Juan County Public Works Department regarding refuse rates.

Minutes – tape sequence #3112

Councilmembers Gillette requested the following change in the 1/8/04 noon draft minutes: "Councilmember Gillette suggested a clerical wording change." and asked that the following sentence at the 1/15/04 5:30 PM draft minutes be changed to read: "Councilmember Gillette suggested raising the Town customers' refuse per can fee to \$6 to cover the budget shortage asked the Town Administrator if the Town raised its refuse per can fee to match the County's \$6 per can fee would that cover the County's increased tipping rates. The Town Administrator responded that it would." Councilmember Brooks pointed out a clerical error to correct. Councilmember Jones moved and Councilmember Gillette seconded to adopt the Town Council minutes of January 8th and January 15th, 2004 noon and 5:30 PM meetings as amended. The motion passed unanimously.

Non-agenda

Councilmember Brooks noted a "Press Release", issued by Don Lapworth of Anacortes, soliciting for travelers for a trip to the Town of Friday Harbor's and City of Anacortes' Sister City, Vela Luka, Croatia.

At 1:27 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – February 5, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Seattle Yacht Club – tape sequence #50

Councilmember Jones moved and Councilmember Gillette seconded to adopt the Findings of Fact and Conclusions of Law regarding Seattle Yacht Club Shoreline Substantial Development Permit #74 and SEPA Checklist #236 to construct improvements at 624 & 626 Warbass Way. The motion passed unanimously.

Ferry Loading Ramp – tape sequence #74

Mayor Boothman indicated that at the noon Town Council meeting Councilmember Brooks had requested a switch in the agenda sequence between the Council discussion of the Washington State Ferries Findings of Fact and Conclusions of Law and the second ferry loading ramp discussion. Council agreed with said change in agenda order.

Mayor Boothman opened Council discussion of the second ferry loading ramp. Mayor Boothman pointed out the 3 construction alternatives presented by the Washington State Ferries (WSF). Alternative 1 was to convert the current tie-up slip to a permanent second vehicle unloading slip; Alternative 2 was to convert the current tie-up slip to a temporary second vehicle unloading slip during construction only; Alternative 3 was to make improvements to the main slip and tie-up slip with 3-4 week vehicle closure.

Councilmember Rosenfeld moved and Councilmember Brooks seconded to send a letter requesting that WSF change the 2nd tie-up slip from a temporary construction slip to a permanent vehicle unloading slip.

Councilmember Emery questioned the impact of said request on the WSF Findings of Fact and Conclusions of Law under review this evening. Attorney Eaton indicated that said Facts should be approved or denied according to if they meet the criteria in the Town's Shoreline Master Program.

Councilmember Brooks commented that a 2nd vehicle slip could be advantageous during an emergency. Following discussion, the motion passed unanimously.

Washington State Ferries – tape sequence #402

Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt the Findings of Fact and Conclusions of Law regarding Washington State Ferries Shoreline Substantial Development Permit #73 and SEPA Checklist #235 to construct improvements at 90 Front Street. The motion passed unanimously.

Solid Waste Facility – tape sequence #443

At 5:44 PM, Mayor Boothman opened Council discussion of the rental agreement with San Juan County (SJC) for a portion of the Solid Waste Facility.

Attorney Eaton explained the procedure for changing the amount of rent to be charged to SJC for use of the "shelf" area at the Solid Waste Facility on Sutton Road for their recycling program.

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Councilmember Rosenfeld advocated increasing the rent for said "shelf" area by 40 or 50% of the \$30,000 refuse budget shortfall and increasing the refuse pickup rates for the other 1/2 of said shortfall.

Councilmember Jones indicated that SJC has a \$2.2 million operation and increasing their costs by \$30,000 should not negatively impact their operations.

Councilmember Gillette stated that the information distributed by him at the noon Town Council meeting from SJC demonstrates that SJC has been fair to the Town. Mr. Gillette said that the County is doing a fantastic job with its MERF recycling system. He stated that as the Town we have a short fall by not taking advantage of the County's MERF Recycling System. The Town is charging less than \$5 per refuse can and offering the service of picking up the refuse, whereas the County is charging \$6 per refuse can and the refuse is hauled by private citizens.

Councilmember Brooks commented that the County rates may not be unfair, but the increase tipping fees are impacting the Town customers. Whereas the Town has helped the County by allowing them use of their property for 20 years at a rate of \$10/year and additional room for recycling at \$10/month, she felt that the County should give the Town more consideration and negotiate a fair price.

Jon Shannon, SJC Public Works Director, stated that the County Commissioners set the rates and advocated the Town and the Board of County Commissioners meet to discuss policy issues.

Administrator Fitch indicated that Council ought to discuss the philosophy of its refuse system to determine if they want to continue being a customer of SJC or if they want to explore the cost of running their own refuse disposal system. Mr. Fitch mentioned that SCS Engineers, the Town's refuse system engineers, have volunteered to make a presentation at the next Town Council meeting regarding a study to determine the cost of running their own refuse disposal operation.

Councilmember Jones inquired if the County had a refuse rate study. Mr. Shannon responded in the negative. Mr. Shannon elaborated that the policy decisions necessary to develop a rate study have not been formulated by the SJC Commissioners as yet.

Councilmember Gillette advocated continuing as a SJC customer because they could keep rates lower because of their economy of scale.

Councilmember Rosenfeld reiterated his proposal to increase the rental fees for the area used by SJC for recycling by 50% of the cost of the tipping fee increase and raise Town refuse pickup rates by 50 cents. The majority of Council agreed with this suggestion.

Following discussion, it was decided that the Town staff would handle the procedures involved with this suggestion.

Resolution #1372 – tape sequence #1740

At 6:20 PM, Mayor Boothman introduced draft Resolution #1372. A resolution authorizing the Mayor to extinguish a utility easement on portions of Lot 2 and Lot 4, Block D, Plat of Belair.

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Administrator Fitch explained the particulars of said resolution. Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1372 as presented. The motion passed unanimously.

Ordinance #1243 – tape sequence #1900

Mayor Boothman introduced draft Ordinance #1243. An ordinance granting a franchise extension to Century Island Associates, Inc., dba: Adelphia Cable Communications to operate and maintain a cable communication system. Administrator Fitch explained the particulars of said ordinance. Following discussion and inquiries, Councilmember Gillette moved and Councilmember Rosenfeld seconded to adopt Ordinance #1243 as stated. The motion passed unanimously.

Claims & Payroll

At 6:30 PM, Councilmember Rosenfeld moved and Councilmember Jones seconded to approve claim warrants #24075 through #24162 in the amount of \$196,110.78 and payroll warrants #9910 through #9951 in the amount of \$152,574.82. The motion passed unanimously.

Non-agenda

Administrator Fitch pointed out a copy of a memo to Kathy Turnbull, SJC Treasurer, from Jon Shannon, SJC Public Works Director, and dated 1/20/04 regarding the distribution of Capron Funds to the Town by SJC. Following discussion, Mr. Shannon noted for the record that he would support the Town's continued disbursement of the historically received 10% of the overall Capron Funds. He said he was only interested in getting the proper legal steps in place. Attorney Eaton volunteered to contact SJC Prosecuting Attorney, Randy Gaylord, regarding an interlocal agreement regarding said funds.

Mayor Boothman explained a letter he wrote to the Senate Land Use and Planning Committee dated 2/4/04 addressing Senate Bill 6624 regarding the impact that allowing guest houses in SJC would have on the Town's water system. Following discussion and inquiries, Council thanked Mayor Boothman for writing said letter.

Councilmember Rosenfeld asked if the recent change in the rules of annexation by petition affected Steve Buck's recent request to be annexed into the Town. Attorney Eaton explained that because Mr. Buck's property was not currently designated in the Urban Growth Area, the change in annexation rules still did not apply.

At 7:00 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – February 19, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Emery, Gillette, Jones, & Rosenfeld (Late)
Council excused the absence of Councilmember Brooks.

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Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Barbara Marrett, Portals of Welcome Committee Representative, indicated that said Committee had not anticipated the \$1,000 Shoreline Substantial Development Permit (SSDP) fee for the house posts to be placed at the Port Waterfront Park in their fundraising planning. Ms. Marrett asked Council to waive said fee. Following discussion, Councilmember Jones and Rosenfeld volunteered to poll the Lodging Tax Advisory Committee Members in regards to increasing the Town's donation towards said project by an additional \$1,000 from Hotel Motel funds. The SSDP fees would not be waived, and the Portals of Welcome Committee will proceed with the application process.

Department Reports – tape sequence #195

Fire Chief Low reported on firefighter training; a possible hazardous materials mutual aid agreement with Mount Vernon; reimbursement of funds for firefighter training from the state; equipment purchases; joint training exercised to be held with Fire District #3; and various other fire department activities.

System Administrator Dubail was unable to attend the meeting. Mayor Boothman gave an overview of a memo dated 2/13/04 from Mr. Dubail to the Mayor and Town Council. Councilmember Emery asked the total number of computers the Town currently operates. It was estimated that the Town had approximately 30 computers.

Resolutions 1373-1376 – tape sequence #558

Mayor Boothman introduced draft Resolutions #1373 through 1376. Resolutions authorizing the Mayor to execute amendments to the intergovernmental agreements with San Juan County Fire Protection Districts 2, 3, 4, & 5. Mayor Boothman noted that the amendment was to add the Town's new fireboat "Confidence" to said interlocal agreements. Following discussion, Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1373 (District 2), #1374 (District 4), #1375 (District 5), and #1376 (District 3) as stated. The motion passed unanimously.

Non-agenda – tape sequence #720

Jim Slocomb, Town consultant, noted a memo from him to Council dated 2/16/04 in regards to Council's request for the "criteria of a successful grant program". Mayor Boothman stated that one of the advantages of the eCivis program is that it can be set up to flag only those areas of interest. Following discussion, it was decided that Council members will contact Mr. Slocomb to set up their own individual eCivis account to conduct their own grant research and then refer potential grants to staff for further research.

Mayor Boothman presented a draft letter to the Board of County Commissioners, in response to an email from San Juan County Commissioner Nielsen, regarding the impact accessory dwelling units would have on the Town's water system resources.

Administrator's Report – tape sequence #1300

At 12:39 PM, Administrator Fitch indicated that the State Auditor's Office has agreed to perform an individual audit in regards to Councilmember Gillette's opposition to the passage of Change

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Order #10 on the Wastewater Treatment Plant. Mr. Fitch indicated he would report the results of said audit to Council when they become available.

Administrator Fitch reported conflicts between the Tucker Avenue Improvements design and the utilities installed in the street right of way. Mr. Fitch described several options the Town could take: move the utilities further into the street; alter the road design; or remove the parking lane, which would reposition the curb and gutter further into the street and allow more room for the electrical conduits, etc. Following discussion, Administrator Fitch expressed that due to said conflicts, another altered design for Tucker Avenue may be forthcoming.

Administrator Fitch reported that David Kinderfather, Project Architect for the Sunshine Alley Restroom Project, has come forth with a proposal to connect the Public Restrooms to the rest of Sunshine Alley using paver tiles and lighting. Mr. Fitch updated Council on other project matters such as: easements; beautification plans; drainage issues; and the completion date. Following discussion, Administrator Fitch indicated he would proceed with the proposal from David Kinderfather, Project Architect. Mr. Fitch stated that two change orders regarding said project would be forthcoming due to unexpected rot and materials.

Administrator Fitch indicated that David Waldron, Memorial/Circle Park Improvements Architect, has designated Hart Pacific Engineering to do the structural and civil engineering portion of the construction drawings for the renovations to said Park for an approximate additional cost of \$11,000. Discussion followed regarding funding. Administrator Fitch indicated that the use of Harbor Improvement Funds for said project was still under investigation by Attorney Eaton.

Regarding the removal of the loading/unloading ramp on Front Street, Administrator Fitch expressed the concerns of Charles Hyon Su, owner of the China Pearl Restaurant, regarding visibility concerns between freight delivery and pedestrians.

Administrator Fitch reported that Tracey Dunlap, Financial Consultings Solutions Group, Inc. has offered to create a spreadsheet to help the Town review the impact of its water and sewer connection fees on its overall capital revenue projections. Following discussion, Council agreed that an annual review of said connection fees in September would be useful.

Minutes

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of February 5, 2004 noon and 5:30 PM meetings. Councilmember Emery asked for the following sentence change in the noon minutes: "After accepting the certificate, Mr. Gates left the meeting." Councilmember Emery asked that the name of the janitorial services business be placed in the minutes for Resolution #1369. Councilmember Emery pointed out some clerical word errors. Councilmember Gillette asked for a wording change and asked for the following sentence change in the 5:30 minutes: "He stated that as the Town we have a short fall by not taking advantage of the County's MERF recycle system." The motion, as amended, passed unanimously.

At 1:28 PM, hearing no further business before Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

Town Council – February 19, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present:

Emery, Gillette, Jones, & Rosenfeld

Council excused the absence of Councilmember Brooks.

Others present: Town Administrator Fitch, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Resolution #1377 – tape sequence #37

Mayor Boothman introduced draft Resolution #1377. A resolution setting a public hearing date on the matter of the Petition for Vacation of portions of Front Street and West Street. Land Use Administrator Bertrand explained the particulars of said resolution. Following discussion, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1377 specifying the public hearing for said Vacation on March 18, 2004 at 5:35 PM in the Town Council Chambers. The motion passed unanimously.

Prior to Treasurer Picinich's presentation, Mayor Boothman asked Council to review the draft letter dated 2/19/04 to the San Juan County Board of County Commissioners regarding Accessory Dwelling Units. Council approved of said letter with slight changes.

Town Treasurer Financial Presentation – tape sequence #260

At 5:48 PM, Treasurer Picinich gave a thorough presentation which described the Town's various financial reports. Discussion and inquiry ensued throughout the presentation.

Non-agenda – tape sequence #3560

Administrator Fitch reported that the Town's Solid Waste Consultants, SCS Engineers, will be giving a presentation at the March 4, 2004 Council meeting regarding the Town managing its own independent solid waste program.

Administrator Fitch asked Council to approve a \$5,000 expenditure for SCS Engineers to complete the necessary Department of Ecology (DOE) annual reports for well monitoring at the Town's Landfill on Sutton Road for the years 1992-2002 and another \$11,000 to collect, analyze, and submit the 2003 well monitoring annual report to DOE. Following discussion regarding the advantages of continuing with a joint annual report process with San Juan County, or proceeding alone, Council agreed to the proposed expenditures, but asked Administrator Fitch to contact the County Health Department regarding joint use of SCS Engineers for said services.

Claims

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Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #24164 through #24229 in the amount of \$213,946.08. The motion passed unanimously.

Non-agenda

Regarding a clarification distributed by the Clerk, Councilmember Gillette moved to reconsider the approval of the February 5, 2004 5:30 PM meeting minutes. The motion died for lack of a second.

Mayor Boothman reported that he spoke with Greg Hertel, Port of Friday Harbor Commissioner, regarding a joint Town Council and Port Commissioner meeting on March 4, 2004 to discuss waterfront intermodal issues. Councilmember Jones commented that he would not be able to attend the 3/4/04 Town Council meetings, and asked if the joint meeting could be rescheduled. Mayor Boothman indicated that he would contact Mr. Hertel about rescheduling.

Councilmember Rosenfeld suggested the Council reevaluate a noise ordinance. Councilmember Rosenfeld also suggested the Council review the information drafted by the Town Planning Commission regarding public art.

At 7:23 PM, hearing no further business before Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – March 4, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, & Rosenfeld

Council excused Councilmember Jones' absence.

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

Public Access

Bill Hamilton, District Manager of the San Juan Conservation District, asked Council for a statement of agreed priority in regards to their Centennial Clean Water funding request to the Department of Ecology for the 2005 grant/loan cycle. Mr. Hamilton distributed a letter dated 2/26/04 regarding said request.

Sheriff Report

Sheriff Cumming distributed the Fire & EMS Report and Law Reports for February 2004. Mr. Cumming reviewed ongoing personnel employment matters. Mr. Cumming stated support for a sidewalk along Guard Street to the San Juan Island Library, if resources allowed. Administrator Fitch asked Mr. Cumming to speak with the San Juan County Commissioners regarding their

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recent decision to reduce the percentage of Capron Funds the Town will receive; because said reduction will impact the Town's ability to afford sidewalks.

Councilmember Rosenfeld asked if Sheriff Cumming continued to support the Town passing a noise ordinance. Mr. Cumming indicated that such an ordinance would be another tool for law enforcement during special cases. Discussion and inquiry followed.

In regards to the noise ordinance, Councilmember Brooks relayed a story about meeting a New York person who thought Friday Harbor was too quiet. Councilmember Brooks expressed concerns regarding the speed of vehicles on Grover Street. Sheriff Cumming indicated he would have the radar trailer and an Officer's presence on a more regular basis at said location.

System Administration – tape sequence #570

System Administrator Dubail distributed and reviewed the Jan/Feb 2004 Activity Summary for the System Administration Department. Discussion and inquiry followed.

Guard Street Improvements – tape sequence #798

Lauren Stara, San Juan Island Library Director, asked Council to put a sidewalk along Guard Street so that children walking from the middle and high schools to the Library would have better pedestrian safety. Ms. Stara also indicated that speeds at the corner near the Library are excessive. Discussion and inquiry followed regarding the Town's Planning Commission reviewing the report of the Transportation Advisory Committee; Guard Street design; Library use statistics; road priorities; and Transportation Improvement Board grants. Mike Bertrand, who joined the meeting during the discussion, explained that the Town Planning Commission would be reviewing the Transportation Advisory Committee's Final Report at their 3/11/04 meeting. Following discussion regarding the Town's Six Year Road Plan, Council asked for future agenda time to discuss which project should be submitted for a Transportation Improvement Board Grant.

SCS Engineers Presentation – tape sequence #1551

At 12:45 PM, Administrator Fitch explained the particulars of the Town's past interaction with SCS Engineers. Scott Lester and Derrel Triplett of SCS Engineers gave a presentation regarding the requirements of running a solid waste program and their proposal for a study that would outline the benefits and pitfalls of the Town running its own solid waste facility. Discussion and inquiry ensued during said presentation.

Administrator Fitch suggested that Council needed to have a philosophical discussion regarding the solid waste system. Discussion followed.

Extension of meeting

At 1:30 PM, Councilmember Brooks moved and Councilmember Rosenfeld seconded to extend the meeting for an additional 5 minutes. The motion passed unanimously.

Administrator Fitch described and explained the necessity for Change Order #1 on the Sunshine Alley Restroom Facility project. Discussion followed regarding additional costs the Town has incurred in trying to preserve said building; as recommended by the Historic Preservation Review Board. Mr. Fitch indicated that a resolution for said change order would be forthcoming at the evening Town Council meeting.

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At 1:44 PM, hearing no further objection, Mayor Boothman declared the unfinished business on the noon Town Council agenda moved to the evening agenda and hearing no objection, declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – March 4, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Public Hearing

Mayor Boothman opened the public hearing on the proposed changes to the Land Use Ordinance regarding Historic Preservation Incentives, and Planned Residential Developments.

Land Use Administrator Bertrand explained the proposed changes to the roof pitch language in regards to historic preservation incentives. Mr. Bertrand explained that certain elements on a building, where the developer is taking advantage of the historic preservation incentives, may be at a roof pitch of 4:12 or greater. Mr. Bertrand explained the particulars of the rules and regulations regarding planned residential developments. Mr. Bertrand indicated said new regulations were in response to Council's desire to facilitate affordable housing. Council discussion and inquiry followed.

At 6:01 PM, after receiving no public input, Mayor Boothman closed the public hearing on the proposed changes to the Land Use Ordinance regarding Historic Preservation Incentives and Planned Residential Developments and introduced draft Ordinance #1244. An ordinance amending Section 3 of Ordinance No. 1232 and FHMC 17.64.070(E), concerning historic preservation. Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt Ordinance #1244 as presented. The motion passed unanimously.

Mayor Boothman suggested tabling Ordinance #1245, concerning Planned Residential Developments, until the 3/18/04 Town Council meeting to allow sufficient time for public input. Councilmember Rosenfeld moved and Councilmember Gillette seconded to table Ordinance #1245 until the 3/18/04 Town Council meeting. The motion passed unanimously.

Caines Street Discussion

Rachel Dietzman, MPD, Engineering Inc., representative, presented various preliminary design options for the sidewalks on Caines Street. Following discussion and inquiry, it was decided that staff would approach the property owners in the area and the Council would consider the various options presented and discuss further at the next Town Council meeting.

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Noise Ordinance

Mayor Boothman explained that the reason he put said discussion on the agenda was to clarify when parliamentary procedure allows for renewal of a legislative discussion concerning an issue that has been previously voted upon.

Administrator's Report – tape sequence #2360

Regarding the request at the noon Town Council meeting by Bill Hamilton, Councilmember Brooks moved and Councilmember Rosenfeld seconded to authorize the Mayor to sign a letter regarding the statement of agreed priority for San Juan Conservation District's Centennial Clean Water funding request to the Department of Ecology for the 2005 grant/loan cycle. The motion passed unanimously.

Administrator Fitch reported that the Town received 22 applications for its Parks Utility Worker position and 5 for its Fire Training Officer position.

Administrator Fitch asked Council to circulate and review the Town's "Accident Prevention Program Manual" prior to adoption by resolution at a later date.

Administrator Fitch asked what the Council's priority is for the Town's WACERT application process. Mayor Boothman explained the WACERT process. Following discussion, Council asked staff to submit Tucker Avenue improvements as a WACERT List project.

Administrator Fitch asked if the Lodging Tax Advisory Committee (LTAC) had made a decision regarding the additional \$1,000 donation towards the purchase and placement of the House Posts at the Port of Friday Harbor. Councilmember Rosenfeld indicated that he anticipated reporting on said decision during the non-agenda time.

Administrator Fitch updated Council on communication from business owners on Front Street regarding the load/unload ramp removal.

Administrator Fitch reported that SCS Engineers are not proceeding with a study proposal regarding the Town Solid Waste System until they receive further direction from Council. Council asked that discussion be placed on a future agenda.

Councilmember Rosenfeld asked whether the Town had received a response to the letter sent to the County regarding an increase in rental rates for the shelf recycling area at the Sutton Road Solid Waste Facility. Attorney Eaton responded that San Juan County (SJC) Prosecutor, Randy Gaylord, answered the Town's letter with a counter offer to pay the requested increased rental rates if the Town was willing to provide water to the County's "trash for treasurers" site. Discussion followed.

Administrator Fitch introduced and explained draft Resolution #1378. A resolution authorizing the Mayor to execute Change Order #1 on the contract with Stellar J. Corporation for construction of a public restroom facility. Following discussion, the motion passed 4 to 1 with Councilmember Gillette opposed.

Administrator Fitch introduced and explained draft Resolution #1379. A resolution authorizing the Mayor to execute Change Order #1 on the contract with Richard Lawson Construction, Inc. for installation of a wastewater pump station in Sunshine Alley. Councilmember Rosenfeld

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moved and Councilmember Brooks seconded to adopt Resolution #1379 as presented. Following discussion, Councilmember Brooks moved and Councilmember Rosenfeld seconded to replace the word "contractor" in the second WHEREAS of Resolution #1379 with "Richard Lawson Construction, Inc." The motion passed unanimously. The motion to adopt Resolution #1379 as amended passed unanimously.

Administrator Fitch explained the possible discrepancies between property lines in Sunshine Alley and the actual alley use. Mr. Fitch indicated that the estimate to re-pave the alley with the addition of a fog line would be approximately \$11,000.

Administrator Fitch reported that various change order proposals on the Wastewater Treatment Plant project would be forthcoming for approximately \$100,000. Mr. Fitch updated Council on said project.

Administrator Fitch asked for a Council recommendation in the amount of funds to transfer from the Current Expense Fund to the Refuse Fund to cover the budget shortfall due to the increase of refuse tipping fees by SJC. Following discussion, Council asked for additional time to think about the recommendation.

Minutes – tape 2 sequence #845

Councilmember Gillette moved and Councilmember Emery seconded to approve the Town Council minutes of February 19, 2004 noon and 5:30 PM meetings as written. The motion passed unanimously, with Councilmember Brooks abstaining because she was not in attendance at said meetings.

Non-agenda

Regarding a letter from the San Juan Historical Museum dated 2/13/04 supporting Memorial Park as the official name of the park at the intersection of Front and Spring Street, Council asked staff to draft a resolution officially naming the park "Memorial Park".

Claims & Payroll

Councilmember Gillette moved and Councilmember Brooks seconded to approve the payment of claim warrants #24232 through #24309 in the amount of \$205,186.47 and payroll warrants #9952 through #9992 in the amount of \$136,766.26. The motion passed unanimously.

Non-agenda

Councilmember Rosenfeld reported that the LTAC had unanimously agreed to recommend that an additional \$1,000 of Hotel Motel Funds be donated to the Portals of Welcome Committee's project to place Native American House Posts in the Jack Fairweather Park at the Port of Friday Harbor. Councilmember Rosenfeld moved and Councilmember Emery seconded to approve of said expenditure. Councilmember Brooks recused herself. The remaining Council members passed the motion unanimously.

Councilmember Rosenfeld asked that discussion of Guard Street improvements be placed on a future Town Council agenda.

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Councilmember Emery volunteered to write a letter for Council signature in response to a letter from San Juan Fire District #3 dated 2/18/04 offering cooperative training between the Town Fire Department and the District during the Town's quest for a new Fire Training Officer.

Councilmember Brooks clarified that she did not want two permanent ferry docking slips as part of the Friday Harbor Terminal renovation project, but wanted the temporary slip to be kept for emergency use. Mayor Boothman reported on a visit from Washington State Ferries Director, Mike Thorne, and the anticipated letter from Mr. Thorne in response to the Town's letter regarding said second slip.

Executive Session

At 7:38 PM, Councilmember Gillette moved and Councilmember Rosenfeld seconded to extend the meeting until 7:50 PM. The motion passed unanimously.

Hearing no objection, Mayor Boothman declared the meeting in executive session to discuss the sale of Town property for approximately 10 minutes with no action anticipated.

At 8:19 PM, Mayor Boothman declared the meeting back in regular session.

Councilmember Rosenfeld moved and Councilmember Brooks seconded to direct Town Attorney Eaton to write a letter to SJC Prosecuting Attorney Gaylord offering the sale of the Town's Sutton Road Solid Waste Facility property for \$650,000 with a condition that a 20 year assurance that the SJC tipping fees to the Town would not surpass the annual consumer price index each year. The motion passed unanimously.

At 8:20 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – March 18, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch & Attorney Eaton

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

BOCC Update

San Juan County Commissioner (SJC) Nielsen updated Council on various legislative issues and spoke about the impact Tim Eyman's newest initiative would have on County funds. Ms. Nielsen commented on the County's decision to follow the law regarding its distribution of Capron Funds to the Town, which bases the Town's allocation on its assessed value rather than the previous 10% flat allocation given to the Town for numerous years. Ms. Nielsen also indicated that the SJC Commissioners have decided to withdraw the 25% automatic distribution

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of House Bill 2260 funds to the Town beginning in 2005. She indicated that the Town is welcome to apply for said funds during the application process, such as other entities do. Ms. Nielsen suggested a public forum meeting with the Town, County, and junior taxing districts to discuss delivering services with less revenues.

Mayor Boothman commented that of the estimated \$264,000 HB 2260 funds received by the County in 2003, the Town generated \$72,000, of which \$66,000 was distributed back to the Town from the County. Mayor Boothman mentioned that it does not benefit the Town residents, which are within the County, when funding is taken away.

Following discussion and inquiry, it was decided that following discussion with the other SJC Commissioners, Ms. Nielsen would report back a possible date for a broad agenda joint meeting between Council and the Commissioners. Attorney Eaton left the meeting.

Economic Development Council Update – tape sequence #728

Mayor Boothman noted that the Economic Development Council update would be forthcoming at the evening Town Council meeting.

Resolution #1380

At 12:25 PM, Mayor Boothman introduced draft Resolution #1380. A resolution authorizing the Mayor to execute Change Order #11 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant in the amount of \$28,700.11. Administrator Fitch explained the particulars of said resolution. Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1380 as stated. Following discussion, the motion passed 4 to 1 with Councilmember Gillette opposed.

Resolution #1381 – tape sequence #903

Mayor Boothman introduced draft Resolution #1381. A resolution authorizing the Mayor to execute Change Order #12 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant in the amount of \$21,441.45. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1381 as stated. Following discussion, the motion passed 4 to 1 with Councilmember Gillette opposed.

Resolution #1382 – tape sequence #1030

Mayor Boothman introduced draft Resolution #1382. A resolution officially designating the name of the Park located at the intersection of Front Street and Spring Street as Memorial Park. Administrator Fitch explained the particulars of said resolution. Following a correction, Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1382 as amended. The motion passed unanimously.

Resolution #1383 – tape sequence #1152

Mayor Boothman introduced draft Resolution #1383. A resolution authorizing the Mayor to execute an interlocal joint purchasing agreement between the Town of Friday Harbor and the City of Everett to enable either entity to purchase from each others' contracts. Administrator Fitch explained that said interlocal agreement would be used to purchase a new street sweeper for approximately \$160,000. Following discussion, Councilmember Gillette moved and

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Councilmember Brooks seconded to adopt Resolution #1383 as stated. The motion passed unanimously.

Caines Street Preliminary Plans – tape sequence #1352

Mayor Boothman opened discussion of the preliminary plans for improvements to Caines Street. Administrator Fitch explained the particulars of the project in regards to utilities; right of way issues; easements; and encouraged Council to support the “reduced parking” option of the preliminary plans in order to secure the required easements. Following discussion and inquiry, Council indicated that staff was proceeding correctly.

Administrator’s Report – tape sequence #1765

At 12:52 PM, Administrator Fitch updated Council on the Wastewater Treatment Plant Improvement project; the Sunshine Alley Pump Station #5 project; and the Tucker Avenue sidewalk project.

Mr. Fitch informed Council that the estimate to re-pave Sunshine Alley following the completion of the Public Restroom and Pump Station #5 projects would be approximately \$13,000 and that he would be asking for a budget amendment in the future for said paving.

Mr. Fitch indicated that due to the increased tipping fees being imposed by San Juan County effective 4/1/04, the Town will need to increase its refuse rates accordingly to cover said additional unbudgeted expenditure. Mr. Fitch indicated that a draft ordinance would be forthcoming to increase said rates.

Mr. Fitch reported that the Town would not be applying for a Federal Emergency Management Act (FEMA) grant on behalf of the Fire Department until the debt of Engine 7 could be paid down further.

Mr. Fitch noted that the San Juan Island Chamber of Commerce has completed their downtown business community parking survey.

Mr. Fitch mentioned that a letter from SJC Prosecuting Attorney, Randy Gaylord, to the Town Attorney Eaton dated 3/18/04 suggested the Town contact SJC Public Works Director, Jon Shannon, if they wanted to negotiate an interlocal agreement regarding Capron Funds.

Mr. Fitch also reported that a letter from Mr. Gaylord dated 3/17/04 states that SJC is not interested in purchasing the Town’s Solid Waste Facility property at the price offered.

Non-agenda – tape sequence #2793

Councilmember Rosenfeld announced that the new “2004 San Juan Islands Visitor’s Guide” has arrived at the Chamber Offices. Mayor Boothman inquired about a previous idea for a brochure called “Lane 4” that would be given to ferry travelers coming to Friday Harbor. Councilmembers Jones and Rosenfeld were unaware of such a brochure.

Administrator Fitch noted the letter from Mike Thorne, Director/CEO of Washington State Ferries which addresses the Council’s letter of 2/19/04 regarding a 2nd slip at the Friday Harbor Ferry Terminal. Discussion followed.

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Councilmember Emery noted that her son, Forrest Emery, had videoed a trip to the Cascade Recycling Center in Woodinville to view their Materials Recycling Facility (MRF), and was willing to edit and distribute a copy of said video to Council. Council agreed they would be interested in viewing said video.

Councilmember Brooks indicated she would be attending the April 20th, 2004 meeting on affordable housing.

Minutes

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of March 4, 2004 noon and 5:30 PM meetings as written. Councilmember Jones abstained because he was not in attendance at said meetings. The motion passed unanimously.

At 1:22 PM, hearing no further business, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – March 18, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present:

Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Attorney Eaton, Land Use Administrator Bertrand, & Zoning Coordinator Jones.

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Vacation Public Hearing

At 5:35 PM, Mayor Boothman opened the public hearing for Vacation Application #18, Applicant: Tukang Enterprises, LLC, Location: an unopened portion of West Street and Front Street.

Mayor Boothman asked if any Councilmember wished to excuse themselves from participating. There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to the inquiries regarding interest in the properties or issues; gain or loss of financial benefit; and communication with opponents or proponents. Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Mayor Boothman instructed those present of public hearing procedures.

Zoning Coordinator Jones presented the 13-page staff report dated 3/3/04, and outlined the proposal and staff process. Mr. Jones indicated receipt of two letters; one from the applicant

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and one from the Port of Friday Harbor regarding said vacation. Mr. Jones cautioned Council that the public hearing was in regards to the vacation of Town right of way and that they should not consider any specifics of a future building project in their decision making process. Mr. Jones indicated that the property under consideration for vacation falls within the jurisdiction of the Town's Shoreline Master Program and Shoreline View Corridors and further explained that vacating said property would violate the Town's own shoreline master program goals and policies. Mr. Jones indicated that it was staff's recommendation that Council deny said vacation and direct staff to write findings of fact and conclusions of law to support said decision.

Mayor Boothman opened the meeting to applicant comments.

Misty Todd, Tukang Enterprises, LLC, explained future development plans for said site.

Peter Brachvogel, project architect, emphasized that vacating the subject property would improve the urban experience and allow for public access from the Port Park and weave through the development, as well as, allow residents to live and work within the Town. Using Exhibit C, Mr. Brachvogel pointed out the path on the Tukang property, and indicated that the public is currently using said pathway on the Tukang property for access between Front and West Streets.

Anna Gunter, project manager, observed that the tops of the proposed developed buildings would be only 2 feet higher than the present ground level and therefore would not block views significantly.

Attorney Eaton cautioned that the open public hearing was not about the project, but about the request for vacation of Town right of way. Attorney Eaton explained that because a future public hearing regarding a shoreline permit would be forthcoming, the Town Council should not be receiving information regarding said proposed development prior to the shoreline public hearing. Attorney Eaton asked Council and the developer to keep the discussion centered on the vacation of the Town's right of way and not the proposed future development of the site.

Mr. Brachvogel suggested Council vacate said property with conditions attached to the future development project.

Arnie Klause, 8607 Cattle Point Road, spoke in support of said project indicating the historic use of the pathway used by the public on the Tukang property; that vacating the Town's right of way would increase health and safety for the public using the Tukang property pathway; and sited economic benefits to the Town.

Peter Kilpatrick, Maddy Creek Lane and local builder, recommended approval of said project because the site of the future development would be difficult to build on without the Town's vacation of said property.

John Dustrude, 6 Treehouse Place, supported the vacation because it would enhance the hillside.

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Richard Hobbs, Roche Harbor resident, encouraged dialog between the developer and the Town to find criteria to make the project work. Mr. Hobbs commented that he saw the project as an opportunity to partner together to make a project that works for the developer and the community. He stated support for the project and the vacation of Town right of way.

Betty Gilson, 240 Harrison Street and Planning Commission Member, described how Town committees have been struggling to find pedestrian and bicycle pathways. She expressed nervousness about the Town selling its right of way, and expressed appreciation for the project, while asking Council to try and maintain a minimum width of roadway that could be used for future development of pedestrian and/or bicycle paths.

Brent Snow, Roche Harbor resident, supported the connectivity of the Port property and West Street. He suggested the Town attach a perennial easement to the vacation and encouraged Council to see through the entire project.

Greg Hertel, Friday Harbor Port Commissioner, using Exhibit J, expressed concern about the Port's access easement being diminished from an 80' easement to a less than 30' easement should the subject property be vacated. Regarding connectivity, Mr. Hertel observed that 95% of pedestrians use the Front Street sidewalk. He elaborated that the uphill path via the Tukang property is not the path most pedestrians would choose. He mentioned fighting numerous battles protecting view corridors and cautioned that once the Town vacates the property, it is final. He stressed that the Town should not give up its control over the view corridor of its property; its street ends and/or its right of way.

Marilyn O'Conner, Ridgedale Road, specified that although she is a Port employee she was speaking as a private citizen. She agreed with Mr. Hertel regarding pedestrian patterns along Front Street. She commented that there is very little public shoreline left and urged Council to conduct a study of the various ways the cliff side could be used for pedestrians. She noted that perhaps a public and private partnership could be obtained, but further analysis of the public uses for the Town's right of way was necessary before making a decision on the proposed vacation of Town right of way. Ms. O'Conner commented that should the Council ultimately decide to vacate said property, at the least, they should attach stipulations regarding views and access.

Nina LeBaron, Saddle Road, supported the vacation because it would connect pedestrians with the shoreline. She did not believe the public's right to view the shoreline would be affected nor that views would be blocked. She suggested the Town ask the developer to put up "story poles" to show the proposed height of the development in relation to the view corridor. She thought the proposed vacation would ultimately bring the Town additional funding in various ways.

Paul LeBaron, Saddle Road, supported the vacation of the Town's right of way because it would provide income to the Town and release the Town from access liabilities.

Roger Bennett, 1 Front Street, expressed concerns with the sizeable area of land proposed for vacation and compared it to other shoreline areas. He mentioned that the proposed property for vacation would increase the Todd's current property by one half. Noting that one of the Todd's reasons for the requested vacation is access to their property via Front Street, Mr. Bennett noted that the applicant would obtain better access from West Street. Mr. Bennett

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indicated that should this property be vacated by Council, he would be next in line for property to be vacated near his Front Street Business, and cautioned Council about giving away public right of way.

Peter Brachvogel observed that said vacation would get pedestrians off of Front Street and on to the developed project and provide a viewing area for the public.

Gordy Petersen, Blackberry Lane and downtown property owner, supported the project as an opportunity for the future enhancement of West Street Park; dispose of its environmental liabilities in regards to the fuel bins previously on the property; and enhance the public's use of the shoreline.

Dan Levin, Carter Beach Road, supported the vacation because it would take the liability responsibilities away from the Town and attract more businesses.

Linda Hersey, Manager of the Friday Harbor House, supported vacation of the property because it would allow better public access.

Zoning Coordinator Jones emphasized that staff is required to work within the rules given to them by Council and on page 7 of the staff report it quotes from the Town's Shoreline Master Program (SMP) regarding how vacating property within the public shoreline would violate our own rules. Mr. Jones suggested that if Council wanted to vacate said property, they first needed to change their own SMP. Mr. Jones explained that both the State of Washington Shoreline Management Plans and the Town's own SMP discourage the loss of public views.

Attorney Eaton reminded Council that the focus of the public hearing was on whether or not to vacate a portion of a public street and that the statute that authorizes you to do so says that the vacation should be in the public's benefit not the private developer's benefit.

Peter Brachvogel stated that typically architecture questions codes and encouraged Council to "thinking outside the box" and review its code to see if anything could be changed for the betterment of the Town.

Bill Giesy, Front Street property owner, suggested vacating all or part of the property with covenants that mitigate view blockage.

Mayor Boothman asked Council if they had any questions of staff or the applicant.

Misty Todd indicated she was agreeable to an open dialog with staff regarding said vacation.

Councilmember Rosenfeld asked if the vacation were granted and future development began, if sidewalks, etc., would have to be constructed by the developer on Front Street where it abuts their property. Land Use Administrator Bertrand answered in the affirmative.

Councilmember Brooks stated that a lot of the public testimony received has talked about vision, and she appreciated their vision, but vacating public property is a serious decision. She emphasized that one of Council's duties is to keep the laws and protect the public. She asked Attorney Eaton if a partial vacation could occur; if the liabilities regarding pollution could be

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transferred to the new owner; and if the area under review had ever been officially designated as a Park.

Attorney Eaton responded in the affirmative regarding a partial vacation and indicated that although no provision was provided in the statute for placing restrictive covenants on a vacation, he thought it could be done. Attorney Eaton responded in the negative regarding transferring pollution liabilities; and answered that although no official designation has occurred regard the street being expanded into a larger park, although numerous discussions have occurred.

Ms. Brooks asked staff to explain how the public's interests were not being upheld by vacating the property. Zoning Coordinator Jones stated that he felt it was clearly expressed in the staff report. Land Use Administrator Bertrand expressed that staff has to look at the proposed vacation and the future possible use of vacated property as a worse case scenario and make their recommendations accordingly.

Councilmember Jones asked if the purchase price had been determined for the proposed vacated property. Land Use Administrator Bertrand answered in the negative.

Councilmember Jones asked Attorney Eaton if legally Council could table further discussion until the staff and applicant could work together to find solutions to some of the concerns of staff.

Councilmember Rosenfeld suggested that staff research and report back with a history of vacated properties within the Town. Councilmember Rosenfeld expressed concern that, if approved, this vacation might set a new precedent.

Councilmember Emery asked if the narrow easement would cause difficulties for fire suppression vehicles responding to the Port. Administrator Fitch responded in the affirmative that the 30 foot easement could cause difficulties.

Land Use Administrator Bertrand noted that having limited right of way could impact the Town's ability to obtain transportation improvement grants for Front Street.

Hearing no further public input, Mayor Boothman closed the public hearing, reserving the right to re-open at a future time or date. Mayor Boothman opened Council deliberations. All public input is on tape.

Councilmember Jones suggested allowing the applicant and staff more time to work on alternative solutions. Councilmember Brooks agreed that staff should work with the applicant to make sure that the project could not obstruct public views and that there would be adequate road access.

Land Use Administrator Bertrand explained that because applicant did not own the subject property, but wished to develop it, they could not apply for a Shoreline Substantial Development Permit (SSDP). He added that one way around this problem is for the Town and the Applicant to be co-applicants on a SSDP for said area. Attorney Eaton indicated he would research if it was possible to run the SSDP and the vacation public hearings at the same time.

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Attorney Eaton explained to Council that staff is conservative and a proponent of following the correct process because of experiences with past development applicants and opponents.

Councilmember Emery noted that it is difficult to separate the proposed vacation request from the future development proposal. Ms. Emery expressed concern with the width of Front Street and setting precedent with this vacation of Town property and future requests forthcoming as a result of this vacation.

Councilmember Rosenfeld stated concerns with access of fire apparatus. Mr. Rosenfeld indicated that the opinions of the Town staff and Port of Friday Harbor are important and indicated the only advantage to allowing the vacation was a possibility for a tradeoff of right of way from the developer to mitigate the loss of the Town right of way. He supported tabling to allow further discussion between staff and applicant.

Councilmember Gillette commented that he is in favor of private ownership and private development, however, he is concerned about the bottleneck of the access to the Port and that the proposed vacation is in the shoreline area along with the fact that it is unknown how this property could be of public use in the future.

Councilmember Jones moved and Councilmember Rosenfeld seconded to continue the public hearing to the 1st Town Council meeting in May to allow the applicant and staff to have further discussions regarding some of the issues that have been mentioned.

Attorney Eaton reminded Council that they should continue to refrain from discussions with proponents or opponents of the requested vacation.

Recess

At 7:12 PM, Mayor Boothman declared a short recess. Councilmember Brooks left the meeting during the recess because of a prior commitment.

At 7:17 PM, Mayor Boothman called the meeting back to order.

Economic Development Council Update – tape 2 sequence #374

Mayor Boothman introduced Richard Civille, Executive Director of the San Juan County Economic Development Council. Mr. Civille gave a preliminary analysis report on the feasibility study to acquire the Browne Lumber property on Spring Street. Discussion followed.

Ordinance #1245 – tape sequence #986

Mayor Boothman introduced draft Ordinance #1245. An ordinance authorizing planned residential developments in multifamily residential zones, establishing standards and procedures for such development, and amending Ordinance No. 1172 and Ordinance No. 1058.

Following discussion, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Ordinance #1245 as stated. The motion passed unanimously. Councilmember Jones asked staff to consider applying the same planned residential development criteria to single family residential as well.

Agenda Modification

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Mayor Boothman suggested delaying the Council discussion of transportation improvement projects and drafting a noise ordinance until the 1st meeting in April. Council concurred.

Claims – tape sequence #1235

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #24312 through #24395 in the amount of \$465,095.25. The motion passed unanimously.

At 7:46 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – April 1, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present:

Brooks, Gillette, Jones, & Rosenfeld

Council excused Councilmember Emery's absence.

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Anchor Management Services

Mike Aiken, owner of Anchor Management Services, explained his proposal to stage and shuttle cars from the San Juan County Fairgrounds to the Friday Harbor Ferry Terminal on summer Sundays and holidays in an effort to prevent traffic gridlock in Town because of ferry staging on these busy days. Mr. Aiken asked Council to pay a portion of the cost of said operation, along with San Juan County and Washington State Ferries. Following discussion, it was the consensus of Council to support said proposal. Council asked staff to write a letter of support expressing the Council's approval for signature at the evening meeting.

Resolution #1384 – tape sequence #739

Mayor Boothman introduced draft Resolution #1384. A resolution authorizing the Mayor to execute Change Order #13 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant for \$29,836.86. Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1384. Councilmember Gillette voiced numerous objections to both Resolution #1384 and Resolution #1385. The motion passed 3 to 1 with Councilmember Gillette opposed.

Resolution #1385 – tape sequence #925

Mayor Boothman introduced draft Resolution #1385. A resolution authorizing the Mayor to execute Change Order #14 on the contract with Stellar J. Corporation for improvements to the

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Wastewater Treatment Plant for \$24,916.58. Councilmember Brooks moved and Councilmember Rosenfeld seconded to adopt Resolution #1385. The motion passed 3 to 1 with Councilmember Gillette opposed.

Resolution #1386 – tape sequence #953

Mayor Boothman introduced draft Resolution #1386. A resolution authorizing the Mayor to execute Change Order #2 on the contract with Richard Lawson Construction, Inc. for installation of a wastewater pump station in Sunshine Alley for \$4,111.35. Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1386. The motion passed unanimously.

Ordinance #1247 – tape sequence #978

Mayor Boothman introduced draft Ordinance #1247. An ordinance establishing the date, time, and place for a meeting of the Friday Harbor Town Council, to take place at a location other than that specified by Ordinance No. 1135. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1247 as stated. Following discussion, the motion passed unanimously.

Ordinance #1246 – tape sequence #1050

Mayor Boothman introduced draft Ordinance #1246. An ordinance adopting refuse rate tables and repealing Ordinances #1122 and #1152 in their entirety. Administrator Fitch explained the particulars of said ordinance and indicated it was the 1st reading for Council review and questions.

Ordinance #1248 – tape sequence #1105

Mayor Boothman introduced draft Ordinance #1248. An ordinance granting a franchise extension to Century Island Associates, Inc., dba: Adelphia Cable Communications to operate and maintain a cable communication system. Mayor Boothman and Administrator Fitch explained the particulars of said ordinance. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1248 as stated. Councilmember Brooks expressed concerns regarding items on the public access channel. Following discussion, the motion passed unanimously.

Joint Town/County Meeting Dates – tape sequence #1362

Mayor Boothman opened discussion of available dates to hold a joint meeting between the Town Council and the Board of County Commissioners. Following discussion, it was determined that starting after April 30th, either a Friday at 5:00 PM, or a non-Council meeting Thursday at noon would be suitable dates for the Town Council.

Administrator's Report – tape sequence #1550

Administrator Fitch informed Council of salt water contamination difficulties within the wastewater collection system and the corrective measures being taken.

Administrator Fitch inquired if the Council wished to set a date to require the San Juan County (SJC) Solid Waste Division to vacate the shelf area at the Town's Sutton Road property, which is currently being used for recycling activities, so that said area could be re-shaped and re-closed to allow for proper drainage and prevent any future environmental damage. Following

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discussion, it was the consensus of Council that staff should draft a resolution to cancel the rental agreement effective September 30th, 2004.

Administrator Fitch asked Council if they wished to respond to the SJC Prosecuting Attorney's letter of 3/18/04 indicating they were not interested in purchasing the Town's Solid Waste Facility property at the price offered. Following discussion, Council did not feel a response letter was necessary.

Administrator Fitch reported on the preliminary plans for beautification of the Sunshine Alley Restroom project. Administrator Fitch indicated that with Council permission, he would obtain a professional services agreement with David Kinderfather to develop a preliminary design for paving, lighting, and landscaping on said project. Following discussion, Council agreed that Mr. Fitch should proceed with said professional services agreement.

Administrator Fitch distributed a proposal from SCS Engineers regarding an independent Solid Waste Program Evaluation for Council review.

Administrator Fitch asked for Council direction regarding signage for parking enforcement. Council agreed that a separate sign listing the days of exemption from parking enforcement would be best.

Minutes – tape sequence #2600

Councilmember Rosenfeld moved and Councilmember Brooks seconded to approve the Town Council minutes of March 18, 2004 noon and 5:30 PM meetings as written. Following discussion, the motion passed 3 to 1 with Councilmember Gillette opposed.

Non-agenda – tape sequence #2683

At 1:13 PM, Mayor Boothman asked Council to consider formulating a community standard regarding liquor licenses.

Mayor Boothman suggested Council also discuss developing specified truck routes within the Town. Administrator Fitch suggested that an element such as this should be a part of the goals and policies in the Transportation Element of the Town's Comprehensive Plan.

Mayor Boothman pointed out a draft letter to the State Department of Community, Trade, and Economic Development in support of the Salal Neighborhood affordable housing project for Council review and approval.

Councilmember Brooks asked Council to keep an open mind regarding the use of street roundabouts in the Town.

At 1:26 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

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Town Council – April 1, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Public Hearing

At 5:35 PM, Mayor Boothman opened the public hearing for Shoreline Substantial Development Permit (SSPD) #77, Applicant: Port of Friday Harbor, Location: 200 Front Street N, Project: To install two Native American House Posts in the grassy area at Fairweather Park.

Mayor Boothman asked if any Councilmember wished to excuse themselves from participating. Councilmember Brooks indicated there was a possibility she might excuse herself.

There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process.

Council responded in the negative to the inquiry regarding interest in the properties or issues, except Councilmember Rosenfeld indicated he had made a previous donation to the Portals of Welcome Committee, and Councilmember Brooks indicated she has done research on behalf of the house posts project. Attorney Eaton asked both Councilmembers if they could hear the issue in a fair and objective manner. Both Councilmember Brooks and Rosenfeld responded in the affirmative. Attorney Eaton felt that if the Councilmembers felt they could hear the issue in a fair and impartial fashion, and no one from the audience objected, they could still participate in the public hearing process. Mayor Boothman indicated for the record that the Town also made a financial contribution towards the acquisition of said House Posts.

Council responded in the negative to the inquiries regarding the gain or loss of financial benefit; and communication with opponents or proponents, except Councilmember Brooks indicated she has had bank business regarding the project.

Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Mayor Boothman instructed those present of public hearing procedures.

Zoning Coordinator Jones presented the 6-page staff report dated 3/18/04, and outlined the proposal, zoning, and staff process. Mr. Jones indicated receipt of no public inquiries or letters regarding said project. Mr. Jones indicated that it was staff's recommendation that Council approve SSDP #77 and direct staff to write findings of fact and conclusions of law to support their decision.

Mayor Boothman opened the meeting to applicant comments.

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Barbara Marrett, Portals of Welcome Committee member, mentioned that she was authorized by Steve Simpson, Port of Friday Harbor Director, to say that the Port has given its blessings on this project.

Mayor Boothman opened the meeting to audience comments. None were forthcoming. Staff had no further comments.

Councilmember Brooks commented that because past conversations regarding said posts have indicated that the use of the words "Totem Poles" was considered incorrect, she inquired why the engineering firm for said project used the term "Totem Poles" in their drawings.

Ms. Marrett responded that the term "Totem Poles" was incorrect and the proper wording was "House Posts". Zoning Coordinator Jones indicated that staff would correct the error in its findings of fact and conclusions of law regarding Council's decision.

At 5:45 PM, hearing no additional public input, Mayor Boothman closed the public input portion of the public hearing, and opened Council deliberations.

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve Shoreline Substantial Development Permit #77 to install two Native American House Posts in the grassy area at Fairweather Park and direct staff to prepare findings of fact and conclusions of law to support said decision. The motion passed unanimously. Zoning Coordinator Jones left the meeting.

Transportation Improvement Projects – tape sequence #524

At 5:47 PM, Mayor Boothman opened Council discussion of transportation improvement projects. Administrator Fitch explained that projects on the six-year road plan are generally major arterials and roads that the Town will seek State Transportation Improvement Board (TIB) grant funds to build a road to state standards. Administrator Fitch noted that Council should also consider local utility companies when setting their six-year road plan, as said companies use the Town's six-year road plan in setting their annual infrastructure budgets. Administrator Fitch elaborated that the six-year road plan was different than any special projects that Council planned to do during the annual budgetary process; such as Caines Street this year and suggested the Council use the Transportation Advisory Committee's final report to guide them in their selection of project(s) to fund during their annual budget process.

Discussion followed regarding engineering Guard Street; selling unused Town street property to obtain street project revenues; using real estate excise tax money for road improvements; and the TIB grant application process. Following discussion, Council decided to wait and see if extra sales tax funds may be available in late 2004 to do a preliminary engineering design for Guard Street. If said funds were unavailable, further discussion would take place during the 2005 budget process. In the interim, Administrator Fitch will see that the roadway shoulder near Victoria Crossing is improved.

Noise Ordinance Discussion – tape sequence #2133

At 6:30 PM, Mayor Boothman opened discussion of drafting a noise ordinance. Discussion began regarding Sheriff Cumming's support for a Town noise ordinance; adding exemptions for

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commercial businesses; if a need for regulation was necessary; concerns with how the regulation may be used in the future; current state public nuisance laws; obtaining noise related complaint data; and obtaining more public input. At the end of discussion, it was decided to wait and see how the summer season transpired regarding noise issues.

Recess

At 6:55 PM, Mayor Boothman declared a brief recess. At 7:00 PM, Mayor Boothman declared the meeting back in session.

Committee Reports – tape sequence #3490

Councilmembers reported on their various committee commitments.

Correspondence

Mayor Boothman noted two letters for Council signature. One to the State Department of Community, Trade, and Economic Development in support of the Salal Neighborhood project and the other to Anchor Management Services, Inc. in support of their idea presented at the noon Town Council meeting regarding ferry parking.

Claims

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #24398 through 24456 in the amount of \$87,983.15 and payroll warrants # 9996 through #10074 in the amount of \$168,504.40. The motion passed unanimously.

Non-agenda

Mayor Boothman presented Council with a Territorial Sesquicentennial Certificate, from the Secretary of State, commending the work and outstanding support our Town has made to honor Washington's past 150 years since it became a territory.

At 7:30 PM, hearing no further business before Council, Mayor Boothman continued the meeting to April 8, 2004 at 7:00 PM, for a joint meeting with the Town Planning Commission to hear public testimony regarding the 2004 amendments to the 2002 Comprehensive Plan. Administrator Fitch distributed information in regards to said public hearing. The meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – April 8, 2004 @ 7:00 PM

Mayor Boothman called the Town Council meeting to order. The Town Council met in continued session for a joint meeting with the Town Planning Commission to hear public testimony regarding the 2004 amendments to the 2002 Comprehensive Plan. Members present: Emery, Gillette, Jones, & Rosenfeld

Council excused the absence of Councilmember Brooks.

Others present: Town Administrator Fitch, Attorney Eaton, & Land Use Administrator Bertrand.

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Chair Coyne, called the Planning Commission meeting to order and asked for roll call. Those present: Laura Arnold, Mike Coyne, Betty Gilson, Jeff Iverson, and Jennifer Herda.

Planning Commissioners, Mike Coyne and Jeff Iverson, recused themselves from discussions regarding the Magnum Investment, Inc. request to change their zoning from single family residential (SFR) to multi-family residential (MFR).

Attorney Eaton explained the difference between a "conflict of interest" and an "appearance of fairness" and how they related to the importance of maintaining a quorum for the Planning Commission.

Following questions by Mr. Eaton, it was determined that Mr. Iverson had a conflict of interest and he left the room. It was determined that Mr. Coyne had an appearance of fairness issue, and although Stephanie O'Day, attorney for Magnum Investments, objected to Mr. Coyne's participation, Mr. Coyne felt he could hear public testimony in an impartial and fair manner, and where his recusal would put the Planning Commission in a lack of quorum status, it was determined that Mr. Coyne would not recuse himself.

Mr. Coyne asked the Planning Commission and Council the public hearing procedural questions regarding personal interests; financial gain/loss; fair and objectiveness; and discussions with opponents or proponents.

Ms. O'Day asked Mr. Coyne to disclose his discussions with opponents or proponents regarding the Magnum Investment request. Mr. Coyne disclosed discussions with co-workers, his mother, and neighbors. Following inquiries from Attorney Eaton regarding whether or not said discussions would influence Mr. Coyne's decision process, it was determined that Mr. Coyne could be fair and impartial regarding said issue.

At 7:24 PM, Land Use Administrator Bertrand introduced and explained the request by Magnum Investment, Inc., to change their zoning from SFR to MFR (Evergreen Addition Unit 1 Lots 10-13). Mr. Bertrand read in to the record letters from the Port of Friday Harbor, Don and BJ Craddock, and Frank and Melissa Guard regarding said issue. Mr. Bertrand indicated that staff recommended denial of the multi-family residential request, but supported a non-residential reclassification of the property with Mullis Street access. Mr. Bertrand indicated that a non-residential reclassification would require text changes in the Town's land use code.

All public input is on the audio tape for this meeting. A brief summary of public input is below. For a more extensive written description of public testimony, exhibits received, and discussion held, please refer to the Planning Commission minutes for this meeting.

Stephanie O'Day, attorney for Magnum Investment Inc., gave past history of subject property and indicated the owner would understand a denial of his MFR request, but asked that the property be designated light industrial as supported by staff.

William Weissinger, attorney for Greg Davis a resident of the Evergreen Subdivision, opposed any change from the current SFR zoning designation. Mr. Weissinger also commented that it

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seemed unfair to change the property to light industrial without said change being proposed formally to the neighborhood.

Claudia Cross, 555 Hemlock Court, opposed any zoning change and mentioned that Hemlock Court could not withstand any additional traffic that would result from multi-family residential use or a higher zoning designation.

Paul Herndon, 449 Eagle Cove Drive and San Juan Pilots Association member, commented that an increase in population in the area would translate to an increase in airport noise complaints, and therefore opposed the residential designation, but supported the light industrial designation.

David Eden, 410 Spruce Street, opposed the MFR zoning request due to traffic. He observed that a change to light industrial would be acceptable, as long as access remained off of Mullis Street, but his ultimate preference remained SFR.

Greg Davis, 550 Hemlock Court, supported the property remaining SFR for various reasons.

Jeanie Fodor, 690 Harbor Street, supported keeping the property SFR for traffic reasons.

Ms. O'Day shared the traffic concerns regarding traffic and suggested if the Town zoned the property light industrial it could place restrictions designating access via Mullis Street. Ms. O'Day pointed out that Washington State Department of Transportation prohibits residential developments near airports.

Mr. Weissinger commented that future traffic patterns may not allow access from Mullis Street and therefore still impact Hemlock Court and reminded the Commission that a rezone request has been applied for numerous times and turned down each year by the Commission.

Ken Hedin, 540 Hemlock Court, commented that the request by Magnum Investment, Inc. was all about wealth and suggested that said company wanted it zoned differently to gain more profit from its investment.

Greg Davis spoke about past dealings with Ms. O'Day regarding said rezone request and suggested the Town should notify its entire population, not just those within 300' of a suggested zoning change.

Land Use Administrator Bertrand commented that regarding access from Mullis Street, preliminary calculations indicated it would be allowed.

Commissioner Arnold inquired if the Town had notified those residents within a 300' area regarding the Town's support of a change from SFR to light industrial zoning. Mr. Bertrand answered in the negative and observed that said residents were only notified of Mr. Greenway's request to change to MFR.

Mayor Boothman questioned if perhaps the Town should wait and process said proposed change during the next amendment process. Mr. Bertrand indicated that it was within the Town's right to make adjustments recommended by staff. Attorney Eaton clarified that

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throughout the process new suggestions by staff, Planning Commissioners, or Council are considered and that the Town is not restricted by the same deadline as the general public.

Councilmember Emery asked if an applicant is able to change their request after the deadline. Attorney Eaton answered in the negative.

Commissioner Herda asked if access to said property would be via Hemlock Court if the zoning remained SFR. Mr. Bertrand responded in the affirmative and elaborated that there would not be through access to Mullis Street.

At 8:19 PM, hearing no further comments, Chair Coyne closed the public input portion of the request by Magnum Investments, Inc. Mr. Iverson re-joined the meeting. Attorney Eaton explained public hearing procedures and the possibility that the Town could re-open a public hearing at a later time/date.

At 8:20 PM, Land Use Administrator Bertrand explained and outlined staff recommendations for the other reclassification changes received, as well as, the land use regulation text changes proposed.

At 8:35 PM, Greg and Naoni Zervas distributed information regarding their request to reclassify their property from multi-family residential (MFR) to Commercial.

Gary Boothman, Mayor, indicated that changing the Town's properties that are currently designated as various zones to one zone named "Utility Zone" would assist in land capacity analysis.

Jeanie Fodor, 690 Harbor Street, asked how the proposed utility zone would differ from the present zoning and if property taxes would be impacted by this new designation.

Tookie Sandwith, 620 Larsen Street, stated that she would like to comply with the law regarding home occupations, and asked that a process be found to allow individual home occupations different daily customer allotments.

Land Use Administrator Bertrand indicated that technically questions regarding property taxes should be directed to the SJC Assessor's Office, but he speculated that property around the **Wastewater** Treatment Plant is probably presently being assessed based on their closeness to said plant and changing said zone would not affect property taxes.

William Weissinger commented that the Town's request to change its properties to a new "Utility Zone" classification may be in opposition to its own reclassification laws.

Jeanie Fodor inquired about various aspects of the "utility zone" she did not understand. Land Use Administrator Bertrand explained the various uses that are currently allowed and would continue to be allowed under the "utility zone" designation.

Commissioner Arnold inquired if the proposed text change regarding Shoreline Public Accommodation would allow more units if parking were available within 100 feet. Mr. Bertrand

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answered in the affirmative, but felt they would still be greatly limited by the amount of parking that they can provide.

Mr. Coyne inquired about landscaping and beautification standards in regards to the proposed Utility Zone. Mr. Bertrand indicated that said standards would be the same as currently designated for light industrial and also those found in the Town's off-street parking requirements.

Mr. Coyne inquired if it was possible to assign home occupations different numbers of permitted visits per day. Mr. Bertrand responded in the negative and indicated that all home occupations should be treated in the same manner.

At 8:56 PM, Attorney Eaton stated that a request to allow further public input for an additional week had been received from the previous owners of the Hillside House Bed & Breakfast regarding the Zervas' reclassification request. Attorney Eaton also reminded the Commissioners and Councilmembers to consider information regarding reclassification requests and not to consider information distributed that does not pertain to said requests.

Ms. Fodor inquired if buffer trees would be required in a utility zone. Mr. Bertrand indicated he felt the Town would be sensitive to its neighbors.

Ms. O'Day asked about the process the Town uses for adding restrictive conditions. Mr. Bertrand indicated that restrictive conditions are added during the platting process and Attorney Eaton added that conditions are sometimes added during development also.

At 9:04 PM, hearing no further comments from the public, members, or staff, Chair Coyne closed the public input portion of the meeting.

Mayor Boothman declared the Town Council portion of the meeting adjourned. Council and the Town Clerk left the meeting.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – April 15, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Emery, Gillette, Jones, & Rosenfeld

Absent: Councilmember Brooks

Others present: Town Administrator Fitch

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Department Reports

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Utilities Superintendent Wilks reported on comparisons of March 2003 versus March 2004 water production; rainfall; and lake levels. Mr. Wilks observed a higher than average water loss since the beginning of the year. Mr. Wilks explained the process the Town crew uses to locate a leak. Mr. Wilks reported on various projects, activities, and personnel changes within the Utilities Department. Following inquiry, Mayor Boothman thanked Mr. Wilks for his report.

Fire Chief Low reported on training, including joint training exercises with Fire District #3, completion of the storage unit for the new fireboat, personnel, a September recruit class, and fire association activities. Mayor Boothman thanked Mr. Low for his report.

Family Resources Center (FRC) – tape sequence #477

Joyce Sobel, Family Resources Center Director, explained discussions regarding a financial assistance program between the Town and the FRC to help families in need pay for their Town water and **sewer** bills. Ms. Sobel explained past history of the FRC, and how they began with only one program, but are currently offering nine programs. Ms. Sobel explained the various programs.

Administrator Fitch asked about the criteria placed on the frequency of financial assistance requests. Ms. Sobel answered that other FRC programs limit the frequency of financial assistance to once per year per family. Mr. Fitch asked if funds would be distributed to the Town from the FRC. Ms. Sobel answered in the affirmative.

Councilmember Emery suggested the Town develop a "round it up" program such as Orcas Power and Light Cooperative currently administers. She observed that such a program empowers those who want to help others to proceed, but does not place the burden of assisting others on the entire Town utility customer population.

Administrator Fitch inquired if FRC was able to locate other municipal utilities that were offering a financial assistance program of this type. Ms. Sobel answered in the negative.

Mayor Boothman presented Ms. Sobel with a proclamation for the "Week of the Young Child" for the week of April 18th through 24th, 2004.

Following discussion and inquiry, it was determined that future agenda time should be allocated for discussion regarding a financial assistance program.

Browne Lumber Property Purchase Study – tape sequence #1231

Richard Civille, Economic Development Council Executive Director, gave a progress report regarding the feasibility study to acquire the Browne Lumber property. Mr. Civille indicated that a detailed summary would be distributed to Council later in the day. Discussion followed.

Derelict Vessels – tape sequence #2878

Jim Slocomb, Marine Resources Committee (MRC) member, announced that the Department of Natural Resources (DNR) has developed a new program to manage derelict vessels. Funding for said program will come from a portion of the boat registration fees and that DNR is willing to pay 75% of the cost of removing derelict vessels in the Town's aquatic jurisdiction. Mr.

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Slocomb asked if Council were interested in pursuing a partnership agreement along with San Juan County and the Port of Friday Harbor to fund the remaining 25% for removal of said derelict vessels. Following discussion and inquiry, it was determined that Council would review the information distributed by Mr. Slocomb and the item would be discussed further on a future agenda.

At 1:35 PM, hearing no objection, Mayor Boothman moved the remaining agenda items to the evening Town Council meeting and declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – April 15 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Emery, Gillette, Jones, & Rosenfeld

Council excused the absence of Councilmember Brooks.

Others present: Town Administrator Fitch & Attorney Eaton

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Biodiesel Presentation

Charlie Meyer, owner of Island Petroleum Services and current supplier of Town diesel, described the products that make up biodiesel and the benefits of biodiesel, some of which were that it is domestically produced, sustainable, and an alternative to dependence on petroleum based fuels. Mr. Meyer asked Council to consider using biodiesel as a source of fuel for the Town.

Councilmember Gillette asked if Mr. Meyer would cover the additional expense if the Town experienced additional repairs and maintenance to its equipment after switching to the biodiesel product. Mr. Meyer answered in the affirmative.

Discussion and inquiry followed. During discussion it was determined that the Town equipment was currently receiving B-20 biodiesel, and according to Mr. Meyer said biodiesel was an equivalent product to the #2 diesel specified in the Town's fuel contract.

Following more discussion, Mayor Boothman thanked Mr. Meyer for his presentation.

Browne Lumber Study

Richard Civille, Economic Development Council Executive Director, distributed a Browne Lumber Acquisition Assessment final draft for comment dated 4/15/04 regarding the feasibility study to acquire said property.

Ordinance #1246

Mayor Boothman introduced draft Ordinance #1246. An ordinance adopting refuse rate tables and repealing Ordinances #1122 and #1152 in their entirety. Mayor Boothman explained that

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said refuse rate increase will help to mitigate the increased tipping fees imposed by San Juan County (SJC) as of 4/1/04. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1246 as stated. Attorney Eaton explained that an article in the online newspaper which quoted the SJC Prosecuting Attorney was incomplete because it indicated that SJC had offered to pay the Town \$15,000 rent, for the recycling "shelf" area located at the Town's Sutton Road Facility, and this statement was somewhat misleading in that the offer received from SJC was to pay \$15,000 annual rent for said shelf area contingent on the Town providing SJC with a water connection for their adjoining property's trash to treasurer's project. The motion passed unanimously.

Ordinance #1249

Mayor Boothman introduced draft Ordinance #1249. An ordinance granting a franchise extension through June 30, 2004 to Century Island Associates, Inc., dba: Adelphia Cable Communications to operate and maintain a cable communications system. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Ordinance #1249 as stated. Following discussion, the motion passed unanimously.

Resolution #1389

Mayor Boothman introduced draft Resolution #1389. A resolution declaring it to be in the public interest to terminate the Rental Agreement with San Juan County for a portion of a parcel of land owned by the Town at its closed landfill site on Sutton Road.

Administrator Fitch explained that draft Resolution #1389 was the procedure to terminate the lease with San Juan County for their current use of the shelf area being used for recycling activities at the Town's Sutton Road Facility. Mr. Fitch explained that the reason said lease termination was necessary, and in the public's best interest, was because the shelf area needed to be re-graded and re-closed because it was out of compliance with the requirements of the Town's landfill closure plan, and the Town should try to be good guardians and assure the public that it is following its own approved closure plans. Mr. Fitch explained that the re-closure construction documents call for approximately 2600 tons of gravel and material to be utilized in correcting the property grade so that it slopes back to the intended drainage system that was engineered in to the Town's landfill closure plan. Mr. Fitch estimated the cost for said re-closure of the shelf area at approximately \$30, 000 to \$50,000, and would be funded out of the monies in the landfill closure fund.

Councilmember Gillette inquired about the current balance of the Town's landfill closure fund. Administrator Fitch explained that the final amount to be funded was approximately \$670,000, with the current balance at the end of the year to be approximately \$400,000. Mr. Fitch stressed that the landfill closure funds came from the Town refuse customers through their refuse rates.

Matt Zybas, SJC Solid Waste Manager, stated appreciation to the Town for allowing the County to use the shelf area so far and discussed the various options regarding alternative areas to move the current recycling activities on to other property owned by the Town on Sutton Road.

Discussion and inquiry followed regarding alternative areas that the County could place its recycling activities on Town property.

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Councilmember Rosenfeld inquired if the County's use of the shelf area has contributed to any of the shelf deterioration. Administrator Fitch answered that it could not be specifically determined if their use of said area was a contributor to the deterioration.

Following further discussion, Mr. Zybas asked that the resolution to terminate the shelf area lease be delayed for another 3 years, and indicated at that time San Juan County would be willing to contribute towards the re-closure costs of said area.

Utilities Superintendent Wilks expressed concerns with the Town giving up any additional area that it currently uses for its equipment parking; employee parking, and/or dumpster storage area at the Solid Waste Facility. He noted that for reasons of safety and convenience these areas were valuable to the Town's refuse and cardboard operations.

Councilmember Jones expressed that the Town may be exposed by not following its own landfill closure plans if it allows further use of the shelf area.

Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1389 as stated. During discussion, Councilmember Rosenfeld suggested tabling the motion until a future Council meeting to allow for additional discussion. Councilmember Emery agreed that additional alternatives needed to be explored. Mark Tompkins, SJC Environmental Health Manager, commented that he was unaware of any illegal drainage coming from said shelf area, and felt allowing the County to continue to use the area would not be detrimental for an extended period, but not 3 years. Mr. Tompkins stated that if the County's recycling activities moved to its former location, he would discontinue using said recycling facilities because of unsafe circulation space, but following inquiry by Mayor Boothman, admitted he was unaware of any accident reports as well.

Attorney Eaton commented that he has taken pride over the years that the Town follows its own regulations and does not just enforce its laws on its citizens, but tries to follow its own regulations. Mr. Eaton elaborated that the Town has an obligation by law to follow its own landfill closure plan, and the issue is not only has someone complained or is it hurting someone, but are we fulfilling our obligation to comply with the law.

Councilmember Rosenfeld moved and Councilmember Gillette seconded to table Resolution #1389 until the May 6th Town Council meeting. The motion passed unanimously.

House Posts

Mayor Boothman introduced adoption of Findings of Fact and Conclusion of Law regarding Port of Friday Harbor Shoreline Substantial Development Permit for installation of "House Posts" in the Port of Friday Harbor Fairweather Park. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Findings of Fact and Conclusions of Law for Shoreline Management Substantial Development Permit Application #77. The motion passed unanimously.

Resolution #1390

Mayor Boothman introduced draft Resolution #1390. A resolution designating the Journal of the San Juans as the source for legal printing and other official publications for the Town of

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Friday Harbor. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1390 as stated. Following inquiries, the motion passed unanimously.

Resolution #1387

Mayor Boothman introduced draft Resolution #1387. A resolution authorizing the Mayor to execute Change Order #15 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant for \$24,742.84. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1387 as stated. Following discussion, the motion passed unanimously.

Resolution #1388

Mayor Boothman introduced draft Resolution #1388. A resolution authorizing the Mayor to execute Change Order #16 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant for \$24,203.13. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1388 as stated. Following discussion, the motion passed unanimously.

Joint Meeting Dates

Following discussion, it was decided to ask the San Juan County Board of County Commissioner to host a joint meeting on May 4, 2004 at noon to 2:00 PM.

Administrator's Report

Administrator Fitch reported that Nolan Campbell, the Town's Building Inspector, has resigned and his last day will be April 21, 2004. Mr. Fitch indicated that the Town would be advertising for a replacement soon.

Administrator Fitch asked for direction regarding parking enforcement. Council concurred that the present operation was acceptable.

Administrator Fitch confirmed that Council has agreed to amend the 2004 budget to repave Sunshine Alley. Council agreed.

Administrator Fitch notified Council of another unbudgeted expenditure for approximately \$9,200 to sealcoat MacDonald and Harbor Streets.

Administrator Fitch reported that Orcas Power and Light Cooperative, Adelphia Cable Company, and CenturyTel Phone Company have all asked the Town to delay the Tucker Avenue improvements project until 2005, so that they can appropriate the proper funds in their company budgets. Following discussion regarding various sidewalk and street projects, Council asked Administrator Fitch to contract Gray & Osborne Engineering about applying for a Transportation Improvement Board (TIB) grant to improve Guard Street.

Administrator Fitch noted that the Town is accepting bids for the 327 Zone Pump Station Upgrade and Pipeline Replacement along Marguerite and Park Streets.

Administrator Fitch reported that the Orca Fest Dance will take place on a portion of Front Street on May 1, 2004.

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Councilmember Gillette asked if plans for a Town public works yard facility off of Harbor Street have been developed. Administrator Fitch indicated that he would like to start the process, but it was not budgeted in 2004.

Non-agenda

Mayor Boothman asked Council for joint meeting agenda items. Councilmember Emery suggested discussion the solid waste issues. Councilmember Jones agreed and suggested adding discussion regarding their rate study and their capital budget. Councilmember Rosenfeld suggested discussing the Capron Funds and the HB 2260 Funds. Councilmember Gillette suggested discussing a County road plan that would relieve Warbass and Harrison Streets.

Ordinance #1250

Mayor Boothman presented draft Ordinance #1250. An ordinance establishing the date, time, and place for a continued meeting of the Friday Harbor Town Council, to take place at a location other than that specified by Ordinance No. 1135. Mayor Boothman explained that said continued meeting would be held at noon on May 4, 2004 at the San Juan County Commissioners Hearing Room, located at 350 Court Street, Friday Harbor, Washington. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1250 as stated. The motion passed unanimously.

Claims

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #24459 through #24532 in the amount of \$252,897.64. The motion passed unanimously.

Minutes

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of April 1, 2004 noon and 5:30 PM meetings as written. Councilmember Gillette expressed an objection because of the lack of explanation in the minutes regarding his opposing votes for Resolutions #1384 and #1385. The motion passed 3 to 1, with Councilmember Gillette in the opposition.

At 7:30 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting continued until May 4, 2004 at noon in the San Juan County Commissioners Hearing Room for the purpose of hold a joint hearing with the Board of County Commissioners. The meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – May 4, 2004 @ 12:00 PM

Clerk Wilson called the meeting to order at noon and called roll.

Members present: None

Clerk Wilson declared a lack of quorum and adjourned the meeting at 12:01 PM.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

The Friday Harbor Town Council continued their April 15, 2004 evening meeting to May 4, 2004 at noon for the purpose of a joint meeting with the San Juan County Board of County Commissioners. Unfortunately, the Board of County Commissioners was unavailable for a joint meeting on this date.

Kelle Wilson, Town Clerk

Town Council – May 6, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Resolution #1389

Mayor Boothman introduced draft Resolution #1389. A resolution declaring it to be in the public interest to terminate the Rental Agreement with San Juan County for a portion of a parcel of land owned by the Town at its closed landfill site on Sutton Road. Councilmember Emery suggested tabling said resolution until the Town Council meeting on May 20th, to allow for discussion regarding said issue at the joint meeting with the San Juan County Board of County Commissioners tentatively scheduled for May 18, 2004 at noon. Following discussion, Council concurred with this suggestion.

Browne Lumber Purchase – tape sequence #440

Mayor Boothman opened discussion of the report by the Economic Development Council (EDC) regarding the feasibility study to acquire the Browne Lumber property. Mayor Boothman reviewed the possible revenues for said property and stated that the report from the EDC has several revenue assumptions. Mayor Boothman asked Council if they wanted to continue the pursuit of the purchase of the Browne Lumber property. Discussion followed regarding Port of Friday Harbor interest; management and maintenance costs; use of the rainy day funds; and site development costs. Following discussion, it was decided that staff would investigate the actual costs of site development and Councilmember Brooks would contact the Browne family to discuss purchasing said property.

Ordinance #1251 – tape sequence #1527 – 1st reading

Mayor Boothman introduced draft Ordinance #1251. An ordinance granting a non-exclusive franchise to Century Island Associates, Inc., a Delaware Corporation, d/b/a Adelphia Cable Communications, Inc., to install, operate, and maintain a cable television system within the public streets and rights of way of the Town of Friday Harbor.

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Mayor Boothman pointed out that the current document did not address Council concerns regarding two separate channels, one for government and education and one for local public access. Following discussion, it was decided that Council would deliver written comments regarding said draft ordinance to staff by Friday, May 14th, so that they could be incorporated into the draft ordinance to be considered at the public hearing on May 20, 2004.

Resolution #1391 – tape sequence #2357

Mayor Boothman introduced draft Resolution #1391. A resolution authorizing the Mayor to execute Change Order #17 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant for \$12,202.89. Councilmember Brooks moved and Councilmember Rosenfeld seconded to adopt Resolution #1391. The motion passed unanimously.

Resolution #1392

Mayor Boothman introduced draft Resolution #1392. A resolution authorizing the Mayor to execute an amendment to the agreement between the Town of Friday Harbor and the engineering firm of Brown and Caldwell to provide construction management services during the Wastewater Treatment Plant Expansion and Upgrade. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1392 as stated. The motion passed unanimously.

Joint Meeting Dates – tape sequence #2521

At 1:09 PM, Mayor Boothman opened Council discussion of possible meeting dates with the SJC Board of County Commissioners and Directors of the Port of Friday Harbor. Mayor Boothman asked if the tentative date of May 18, 2004 at noon was acceptable to Council. Council concurred with said date. Mayor Boothman indicated he would not be attending the joint meeting. Councilmember Rosenfeld volunteered to chair the meeting in the Mayor's absence. Following discussion regarding the agenda topics for said joint meeting, Council asked that the following issues be on the agenda: solid waste issues; Turn Point/Pear Point Road Plan and the possibility of more joint meetings.

Administrator's Report – tape sequence #2863

At 1:15 PM, Administrator Fitch reported that Mayor Boothman successfully testified at the San Juan County Public Hearing on 4/27/04 regarding a proposal to amend their allocation of the .08 percent sales and use tax to the Town. Mr. Fitch indicated that following Mayor Boothman's testimony the San Juan County Commissioners voted 2 to 1 to continue allocating an annual automatic percentage of said funds to the Town.

Regarding the request by Anchor Management, Inc., for additional area to stage ferry parking, Administrator Fitch suggested allowing the use of Court Street on Sundays during the summer season. Following discussion, Council asked Mr. Fitch to draft a resolution to allow said company the use of Court Street.

Administrator Fitch asked Council if they wanted biodiesel included in the next specifications for Town fuel purchases. Council asked that the discussion be placed on a future Town Council agenda.

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Administrator Fitch reported that the San Juan Island Chamber of Commerce sponsored Arts Fair would be on Saturday, July 17th on Court Street from 10 AM to 5 PM, and therefore said street would be blocked to through traffic.

Administrator Fitch reported that the landfill monitoring report has been completed by SCS Engineers and now awaits approval from the State Department of Ecology and the SJC Department of Environmental Health.

Administrator Fitch reported that an amendment to the 2004 Town budget for approximately \$6200.00 was necessary to purchase a water hookup for irrigation purposes for the Front Street roundabout beautification project. Following discussion, Council agreed to the future amendment to said budget.

At 1:37 PM, hearing no objection, Mayor Boothman extending the meeting for an additional 10 minutes.

Administrator Fitch reported that the annual street striping project would commence the week of May 17th.

Administrator Fitch indicated that several change orders would be forthcoming in regards to the Sunshine Alley Restroom Project. Mr. Fitch commented that the estimated project completion date is now the second week in June.

Mr. Fitch reported that the Town is experiencing significant water line loss, and although considerable time has been spent trying to locate the leak(s), a professional company will be coming to the island to assist the Water Department in locating its line loss within two to three weeks.

Administrator Fitch updated Council on the construction schedule for the Washington State Ferry Terminal Restoration Project.

Claims & Payroll

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #24535 through #24641 in the amount of \$516,881.01 and payroll warrants #10075 through #10118 in the amount of \$155,582.53. The motion passed unanimously.

Minutes

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of April 8, 2004 at 7:00 PM and April 15, 2004 noon and 5:30 PM meetings as written. Councilmember Brooks asked that the 4/15/04 noon minutes reflect her absence. The motion passed unanimously, with Councilmember Brooks abstaining from voting on the 4/15/04 meetings as she was not in attendance due to illness.

Mayor Boothman asked if Council wanted to hold a joint meeting with the Port of Friday Harbor at their evening May 20, 2004 Town Council meeting. Council concurred.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Due to anticipated attendance that may exceed the seating capacity of the Town Council Chambers, Mayor Boothman had previously called a Special Town Council Meeting to begin at 5:35 PM this day and to be held at the San Juan Island Grange building located at 152 – 1st Street North for the purpose of holding two public hearings regarding a substantial shoreline development permit and a request for vacation of Town property.

At 1:47 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – May 6, 2004 @ 5:30 PM

The Town Council met in special session for the purpose of holding two public hearings located at the San Juan Island Grange at 152 First Street North with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld (arrived during flag salute)

Others present: Town Administrator Fitch, Attorney Eaton, & Land Use Administrator Bertrand

Mayor Boothman led the meeting in the Pledge of Allegiance.

Mayor Boothman announced that this is a special meeting of the Council of the Town of Friday Harbor for the purpose of holding two public hearings.

Mayor Boothman opened the public hearing for Shoreline Management Substantial Development Permit Application #75 and SEPA Checklist #237, Applicant: Tukang Enterprises, Project: A request to allow new construction to accommodate a mix of commercial and ancillary residential use.

Mayor Boothman asked if any Councilmember wished to excuse themselves from participating. There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to the inquiries regarding interest in the properties or issues; gain or loss of financial benefit; and communication with opponents or proponents. Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Mayor Boothman instructed those present of public hearing procedures.

Land Use Administrator Bertrand explained that Council requested at the previous public hearing held on March 18, 2004, regarding Tukang Enterprises LLC., request to vacate portions of Front Street and West Street adjacent to West Street Park that they wanted to view the entire proposed project in an effort to better evaluate the decision regarding the vacation of Town right of way. Mr. Bertrand stated that because of said request the public hearing for Shoreline Substantial Development Permit (SSDP) #75 would commence prior to the continued public hearing regarding Tukang's request for vacation of Town owned property. Mr. Bertrand

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

explained how he would like the public hearing process to proceed regarding both public hearings.

Mr. Bertrand presented Exhibit A, a letter from J.W. Cory & Associates dated 5/5/04, expressing opposition to the applicant's SSDP and the vacate request.

Mr. Bertrand presented the staff report dated 5/6/04 and using Exhibit B, a large aerial photograph showing the proposed buildings, depicted the area that is owned by the applicant, as well as the area proposed for vacation, and the associated five buildings proposed to be built on the entire land. Mr. Bertrand gave an overview of the proposed project, including shoreline requirements; view protection overlay; zoning; and proposed use of the property. Mr. Bertrand introduced Exhibit C, an aerial site plan showing a landscape schematic. Mr. Bertrand presented two photos taken by him, which were designated Exhibit D and E. Said photos depicted the story poles shown from the Spring Street Dock and along the Front Street sidewalk. The model of the proposed project was marked Exhibit F. Mr. Bertrand recommended that should the Council decide to vacate the Town's property, it should place requirements on the sale of said property. Mr. Bertrand suggested a requirement (using Exhibit G, depicting Front Street elevation) that the maximum height of any structure built on the vacated land would be the ground line of the area above, which is approximately at elevation 109 feet. Mr. Bertrand explained compensation procedures for vacated land. Mr. Bertrand outlined the staff's recommendation regarding the compensation the Town should receive for its property (50% of appraised value, applicant constructs improvements to the Town's remaining right of way in this area; approval of construction in vacated area).

Mr. Bertrand introduced Exhibit H and I, photographs taken by the applicant looking north and north east from West Street Park while sitting and standing. Mr. Bertrand agreed that the photographs were an accurate representative of the project.

Mr. Bertrand asked if Council wanted to go and view the story poles as a group. Council stated they had viewed the story poles individually at times prior to the meeting.

Upon Mayor Boothman's request, Attorney Eaton explained that the reason for the order of the public hearings was based on a Council request. Mr. Eaton explained how the process should be followed regarding the separate public testimony and separate deliberations and independent decisions regarding both public hearings under consideration.

Mayor Boothman opened the public input portion of the hearing.

Peter Brachvogel, representative for the owner and BJ&C Architect Firm, indicated that when his company approaches a project they review the principals and goals of a Town comprehensive plan. He stated that his company tried to employ good urban design principals when developing this project and tried to accommodate the public with its view corridors; public access ways; and the anticipated building use. Using Exhibit F, the model of the proposed buildings, Mr. Brachvogel showed Council the view of the project looking from West Street Park.

Anna Gunter, BJ&C Architect representative, introduced Exhibit J, site profile looking northwest and Exhibit K, site profile looking south which showed the view corridors.

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Mayor Boothman opened the meeting for public input. Attorney Eaton explained proper public testimony procedures.

Warren Jones, 339 Olympic View Drive, indicated he was testifying as a private citizen and gave past history of his service to the Town. Mr. Jones stated that he disagrees with the course that the Council has taken on this proposal. He expressed that said project would create view blockage towards the ferry landing. Mr. Jones spoke about vision and how it relates to public uses. He suggested that the public would not feel welcome to intrude on the proposed project property, which although designated public would seem private. He suggested the Town appropriate funds for a park in this area.

Misty Todd, 470 Friday Avenue, introduced Exhibit L, two photographs looking NE towards the water, one taken standing and one sitting and Exhibit M, two photographs looking more easterly, depicting the structural view blockage that may happen at full development. Ms. Todd expressed that the design of the building was an effort to work with the topography of the building site and configured to open up the area for a walkway for the public.

Albert Hall, 250 Scenic Place, expressed appreciation for the attractive project, but disagreed with the vacation of the Town's right of way, due to excessive current traffic on Spring Street and future unknown traffic concerns. Mr. Hall suggested the Town have an option to buy it back after 20 years and have complete reversion in 30 years.

Attorney Eaton reminded the audience that the open public hearing was on the shoreline substantial development permit application and that opportunity to speak on the vacation of the Town's property would be forthcoming soon.

Marilyn O'Conner, 100 Ridgedale, commented that even when there is a public/private partnership sometimes the public is hesitant to encroach on the portion they feel may be private. She gave an example of the public's tentative use of West Street Park where it abuts Friday Harbor House and how they tend to only access half of the Park because they are unsure if they are intruding on the Friday Harbor House property.

Paul LeBaron, Remax Realtor, supported Ms. Todd's efforts to design something that is small, fits in to the waterfront area, does not create a view problem, and provides retail and residential uses.

Chris Clarke, Town Business Owner, asked questions and expressed concerns regarding the height variance requested by the applicant. Mr. Clark indicated he would like the project held within the Town's 27-foot height limit.

Misty Todd commented that they have generously addressed all of their view corridor issues and because of poor terrain a height variance was requested. Ms. Todd noted that without a height variance they would have the right to build to a zero lot line, and therefore could build to the lot line and block the view from Vinny's Restaurant, whereas the current project alters the restaurant view, but does not destroy it.

Glen Gullikson, Port of Friday Harbor resident, asked Council to make wise choices and preserve the public lands and the public trust for future generations.

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Bob Carrieri, 15 Malcolm Street, indicated that Vinny's Restaurant is a good place for visitors and locals alike and this project would hurt his restaurant business. He commented that it is hard to envision the density of the project from the story poles places on the project site.

Arnie Klaus, 8607 Cattle Point Road, gave history of projects he has been involved with developing. Mr. Klaus asked Council to be proactive and imaginative when creating public access spaces. Mr. Klaus stated that this project was consistent with the shoreline management act and Town policy. He stated the project would enhance economic development; provide pedestrian transit zones; and diversify the area.

Peter Brachvogel commented that the windows along Vinny's Restaurant are currently in violation of the uniform building code with respect to property line and openings and that the project was designed to create weaving vistas.

Marilyn O'Conner stated appreciation with some aspects of the project and indicated she would support it if fully built on private property.

Alex Taylor, San Juan Island resident, commented that it is difficult to regain something that you have let go. He supported preserving the Town's land for future use. He spoke against vehicular traffic in this area and concerns with liabilities and handicap access. He asked Council to protect the public's interests first and foremost.

Greg Hertel, 74 Wold Road and Port Commissioner, paraphrasing from a letter dated 5/6/04 from the Port of Friday Harbor, encouraged the Town to apply its codes pertaining to shoreline developments and view corridors to all applicants just as tenaciously as they have done in the past with other applicants, including the Port. Said letter was marked Exhibit N.

Anna Gunter clarified that the height variance requested is 18" below the highest gable and one of the reasons for said request was to hide the view of the parked cars from West Street Park. Ms. Gunter commented that the Friday Harbor House structure was not required to follow shoreline substantial development permit requirements, whereas this application is required to follow such regulations and therefore required to allow access to the public and consequently will have much more of a public "feel" than the Friday Harbor House. Ms. Gunter noted that the project has also allowed for handicap lifts in the stairs for handicap access.

Chris Clarke asked for clarification of location of the height variance. Mr. Bertrand pointed out the requested area.

Warren Jones stated that the pathways are not very inviting for the public, because they are 8' wide next to a 27' tall building.

Hearing no further public input, Mayor Boothman closed the public testimony portion of the public hearing, with the option to open it again later, and opened the hearing to council questions.

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Councilmember Gillette questioned the size of the building housing the parking garage. Ms. Gunter clarified the slope and grade of the building under question. Mr. Brachvogel noted that they are doing the minimum necessary to be able to fit parked cars under the building.

Councilmember Gillette inquired about the slope of the driveway into the left-hand building. Ms. Gunter explained where the driveway would be situated.

Councilmember Emery asked Mr. Bertrand for clarification regarding the zero lot line for this property. Mr. Bertrand explained that in the downtown core, the property owner is allowed to build to a zero lot line, but because this project is within the view protection overlay district, they will have to maintain the 10' view corridors at each property line.

Councilmember Rosenfeld inquired if the applicant could build a building shaped like a box to their property line. Mr. Bertrand answered in the affirmative, but clarified that the applicant could build to its rear and front property line, but not the sides.

Ms. Gunter introduced a site plan alternative, designated Exhibit O, which demonstrated how the site would appear with maximized building use, if built to the zero lot line. Mr. Brachvogel interjected that said site plan also accommodates the view corridors and open space requirements, and depicts what a developer could build following the Town's Land Use Regulations.

Councilmember Brooks inquired about the driveway from West Street. Ms. Gunter explained the access to the buildings.

Mayor Boothman asked if the view corridor from West Street was a view corridor that had to absolutely remain protected. Mr. Bertrand illustrated the shoreline view corridor and answered in the affirmative.

Councilmember Jones inquired if the applicant has adhered to the staff's recommendation that their peak elevation should not exceed 109'. Mr. Bertrand answered in the affirmative.

Councilmember Jones inquired why the staff recommendation payment of 50% of the appraised values instead of 100%. Mr. Bertrand responded that having the applicant complete improvements within the Town's right of way seemed more in the public's best interest than receiving additional funds.

Councilmember Brooks asked what type of conditions could be placed on a SSDP. Attorney Eaton responded that conditions are allowed as long as they are reasonably related to achieving the criteria in the Town's Shoreline Master Program.

At 7:00 PM, Mayor Boothman closed the public hearing and noted that it may be re-opened later this evening after the public hearing on the vacation request or in the future.

Mayor Boothman opened the public hearing for Vacation Application #18, Applicant: Tukang Enterprises, LLC, for an unopened portion of West Street and Front Street.

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Mayor Boothman asked if any Councilmember wished to excuse themselves from participating. Council answered in the negative. There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to the inquiries regarding interest in the properties or issues; gain or loss of financial benefit; and communication with opponents or proponents (other than the public hearing on 3/18/04). Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Mayor Boothman instructed those present of public hearing procedures.

Land Use Administrator Bertrand noted that the original staff report dated 3/3/04 was still valid and introduced Exhibit A, a letter from San Juan Island Park and Recreation District dated 4/12/04 and Exhibit B, a letter from the Port of Friday Harbor dated 3/22/04, both expressing opposition to the right of way vacation. Mr. Bertrand commented that the only change from the prior staff report is the size of the right of way to be vacated, and the pointed out the corrected map within the information distributed to Council for the previous SSDP public hearing.

Anna Gunter commented that the request for the additional vacated area was not to gain more square feet of building space, but to provide more public space and increase safe access with a public and community experience.

Marilyn O'Conner, read her letter dated 5/6/04 and designated Exhibit C in to the record and expressed her biggest concern that the Town inventory its property in the shoreline area and retain said property for the public.

Warren Jones introduced a copy of the original plat of the Town of Friday Harbor, designated Exhibit D. Mr. Jones noted that said plat specified all streets and roadways in the Town are dedicated to the use of the public forever. Mr. Jones asked the Council to adhere to its Shoreline Master Program when making their decision. Mr. Jones supported the Town retaining its property and placing a public park in the area.

Chris Clarke, expressed appreciation for the aesthetic proposal put forth by the applicant, but he objected to the excessive height of the proposal. Mr. Clarke expressed support for the Town staff and their recommendations.

Greg Hertel stated that the Port of Friday Harbor voted unanimously to urge Council not to vacate its public right of way. He noted that one of the Port's main objections was because of the minor arterial designation of Front Street. He observed that minor arterials should be 60' wide and vacating said property would limit the street to 40' wide. He asked Council to preserve the street for future possibilities.

Arnie Klaus stated the applicant and the staff have worked together to find a compromise regarding some of the issues and should be appreciated. Mr. Klaus spoke in support of the vacation due to public access and the public/private partnership.

Peter Brachvogel stated that a manual put out by the Traffic Engineering Association designates the minimum requirement for a minor arterial dead end as 40'. Mr. Brachvogel commented that currently most of the right of way is a rock and not being used by the public. Mr. Brachvogel

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stated that they located 45 points within the Town's Comprehensive Plan that supported the vacation and asked Council to look at said document in an innovated fashion.

Warren Jones stated that those who platted the Town of Friday Harbor understood that this area was comprised of rock, but still designated it for the public. Mr. Jones asked Council to balance the benefits of the loss of public property against the benefits received.

Paul LeBaron supported vacating the property so that a more aesthetic complex could be built with a park type atmosphere. Mr. LeBaron outlined expected Town revenues from the project and encouraged Council to let the project proceed.

Chris Clarke suggested that the applicant had other options should Council deny the vacation request. He stated the applicant could still build an aesthetically pleasing complex. Mr. Clarke expressed that it would be a mistake to give up the public's property, especially in the shoreline.

Misty Todd commented that coming in on the ferry or walking around Town and seeing an inviting complex is valuable. She noted that this project would increase the Town pedestrian circulation and divert it away from Spring Street and increase business along West and First Streets.

Norm Schwinge, former owner of San Juan Inn, commented that his former business was affected by a loss of view when the Town Square Building was built. Mr. Schwinge supported the Town retaining its property for a park or area for the public to view the shoreline.

Following inquiry, Attorney Eaton reminded Council of the criteria for vacating public street right of way.

Mayor Boothman opened the meeting up to council questions.

Councilmember Brooks asked the applicant why the vacated property was necessary for their project. Mr. Brachvogel responded that it was a better urban design solution to spread out the project along the edge of the hill; allowed a more sympathetic way to establish the urban fabric from the water and from the Town; along with created a looser density. Mr. Brachvogel commented that without the vacation the project looks jammed and did not fit within the history of the Town.

Councilmember Rosenfeld asked if Attorney Eaton had time to research the history of the vacations within the Town and setting a precedent. Attorney Eaton responded that if a similar vacation request were received the Council would need to consider it in a similar way and treat each applicant in a fair manner. Mr. Eaton suggested Council should be prepared to articulate the circumstances surrounding a vote to approve a vacation as well as a vote justifying disapproval of a vacation.

Councilmember Rosenfeld questioned the advisability of going against the staff's recommendation, Attorney Eaton responded that the Council is free to go against the staff's recommendation, but should be prepared to articulate why they find a different result for the record.

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Councilmember Jones stated that he feels the public should know the amount of funds the Town would receive for the vacated property. Mr. Bertrand noted that an appraisal has not been done to determine the actual amount the Town would receive, but an estimate from the applicant was \$50 per square foot.

Attorney Eaton commented that assuming that Council found a basis that vacating the property was within the public's best interest, the next step would be to adopt an ordinance that would provide for payment.

Mayor Boothman clarified that therefore the argument to vacate or not to vacate should be based on the merits of the vacation and not on the money to be received. Attorney Eaton agreed.

Misty Todd commented that she did not want the Town to compromise or set a precedent regarding vacations should the price of the vacated Town property be outside of her financial capabilities.

Attorney Eaton explained that should the Council find that vacating the property is in the public's best interest, the Council then has the discretion to pick a percentage to be paid by the property owner and it may not be the full amount of the property value. Following inquiry, Mr. Eaton added that other criteria could be added within the ordinance to protect the Town's interests as well.

At 7:45 PM, Mayor Boothman closed the public testimony portion of the hearing and opened Council deliberations.

Councilmember Gillette stated that he agrees with the staff report that this vacation is not in the public's best interest for two reasons: future expansion that may be necessary for permanent accessibility to the Port and quality of life for residents as well as visitors to Friday Harbor. Councilmember Gillette stated he would vote against the vacation for these reasons.

Councilmember Emery stated that she was against the vacation because it would be giving up the rights to develop the property for public use in the future.

Councilmember Brooks thanked the designers of the proposed project for their vision, but commented that vacating public right of way is everlastingly and serious and felt it was not in the public's best interest to vacate the property and therefore would follow the staff's recommendation.

Councilmember Rosenfeld expressed concerns with not following the staff's recommendations and the loss of the option to develop a wider street for emergency access to the Port on Front Street should the vacation be approved. He indicated that public property was valuable and not to be given up lightly and that he would follow the staff's recommendation.

Councilmember Jones expressed that unfortunately the weight of the applicant's argument did not override the public's interest in the Town's right of way.

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Councilmember Jones moved and Councilmember Rosenfeld seconded to reject Vacation Application #18 and direct staff to prepare findings of fact and conclusions of law in support of said decision. The motion passed unanimously.

At 7:58 PM, Mayor Boothman declared a brief recess.

At 8:06 PM, MB called the meeting back to order and re-opened the public hearing on the SSDP #75.

Land Use Administrator Bertrand indicated that because of the denial of the vacate request, the applicant may want to re-design their SSDP application if Council is willing to continue the public hearing to a future date.

Misty Todd agreed that she would like to modify her SSDP request and return at a future date before Council.

Councilmember Gillette moved and Councilmember Emery seconded to continue the public hearing until June 3, 2004. Attorney Eaton clarified that the SSDP application would be altered and further public input would be received at the June 3, 2004 public hearing. Following discussion, the motion passed unanimously.

Executive Session

It was determined that an executive session was not necessary.

Non-agenda

Councilmember Rosenfeld encouraged Council to read an article called "Dark Skies and Silent Nights" in the magazine "Preservation".

Councilmember Brooks commented that she would be attending the "2004 Housing Convention" in September.

At 8:12 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – May 18, 2004 @ 12:00 PM

The Town Council met in special session for the purpose of a joint meeting with the San Juan County (SJC) Commissioners at 350 Court Street. Town Council present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Mayor Boothman was not present.

Board of County Commissioners present: Evans, Miller, & Nielsen

Town Staff present: Town Administrator Fitch & Land Use Administrator Bertrand

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County Staff present: Public Works Director Shannon & Prosecuting Attorney Gaylord. Solid Waste Manager Zybas arrived later in the meeting.

At 12:14 PM, Commissioner Nielsen called the meeting to order. By consensus Council agreed that Councilmember Rosenfeld would serve as Mayor Pro-tem.

Temporary 2nd Ferry Slip

Discussion began with Ferry Advisory Committee, Bob Distler, explaining the reasoning behind Washington State Ferries' decision to place a temporary 2nd ferry slip in Friday Harbor rather than a permanent 2nd slip during the upcoming renovation project at the Friday Harbor Ferry Terminal. Mr. Distler spoke of fiscal impacts, public input, scheduling, and project permitting and environmental impacts. Mr. Distler suggested that if the Town and County created a proposal to facilitate faster offloading of cars and foot passengers in Friday Harbor, Washington State Ferries (WSF) may be more inclined to build a permanent 2nd ferry slip.

Councilmember Rosenfeld questioned if WSF might be open to leaving the temporary ferry slip for an extended time to test the assumption of whether or not a 2nd ferry slip would provide the facilitated faster unloading of foot passengers and cars in Friday Harbor. Mr. Distler commented that, due to permitting and environmental issues, he did not feel WSF would be allowed to keep the 2nd ferry slip once the main slip was completed.

General discussion followed regarding the usefulness of a second slip for emergency purposes; current project design; different configurations that may facilitate offloading; the Town and County working together to lobby for a 2nd ferry slip; and keeping the Port of Friday Harbor informed.

Following discussion it was determined that Commissioner Nielsen would draft a letter to Washington State Ferries in support of a permanent second ferry slip for signature by the Town Council and County Commissioners.

Solid Waste Issues

At 12:40 PM, Commissioner Nielsen opened discussion of the solid waste issues. Matt Zybas, SJC Solid Waste Manager, explained discussion and agreement with Town Administrator Fitch regarding termination of the Town/County lease for the shelf area at the Solid Waste Facility located on Sutton Road. Mr. Zybas stated that the County would then remove its modular buildings from said area and place them in another location; a second lease would be drafted to allow the County to place its recycling bins on a smaller portion of the shelf.

Discussion followed regarding the Town's cooperative management of its Sutton Road property with the County; communication difficulties between the two entities; the Town's offer to sell its Sutton Road property to the County and their subsequent refusal; the value of the Town's property versus relocation of the County's solid waste operations; how increased costs, such as rental fees by the Town would result in increased tipping fees by the County; a County study of its solid waste capital facilities and rates for better joint planning in future; the Town giving the County a long term lease for its Sutton Road property, lack of infrastructure funding; forming a sub-group of members of the Council and Board; and more joint meetings.

Joint Planning Issues

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At 1:18 PM, Commissioner Nielsen commented on the necessity for the Town and County to follow its joint planning policies, which includes planning for public capital facilities, per Appendix 2 of the County Comprehensive Plan dated December 30, 1996. Discussion followed.

Turn Point/Pear Point

At 1:22 PM, Commissioner Nielsen indicated that the County's plan for traffic circulation in the Turn Point/Pear Point area has not changed, but has been unable to move forward due to money restraints.

Discussion followed regarding congestion on Warbass Way; how traffic on Warbass Way and Harrison Street contribute to the ferry parking congestion; working together to locate road improvement grants for said project; placing the item on the County's six year road plan; and other pressing concerns in the County road program.

Capron Funds

Public Works Director Shannon explained that the SJC Treasurer is currently following the letter of the law regarding the distribution of the Capron Funds. Mr. Shannon noted that the SJC Prosecuting Attorney indicated that an interlocal agreement between the Town and the County could be negotiated regarding said funds.

Commissioner Nielsen suggested the interlocal agreement condition the use of the additional Capron Funds by the Town to shoreside improvements or ferry terminal traffic improvements.

Councilmember Rosenfeld explained how lack of communication during the Town's budget season regarding the modification of the distribution of Capron Funds caused an unexpected impact on the Town's budget. Mr. Rosenfeld questioned the fairness of using figures that are out of date for accessed valuation of public facilities.

Following discussion regarding failing infrastructure and the necessity to jointly serve the needs of the citizens of the County and the Town, the Commissioners indicated they were not opposed to an interlocal agreement with the Town regarding Capron Funds.

Joint Meetings

At 1:36 PM, the Council and Commissioners discussed the schedule for joint meetings. Following discussion it was determined that joint meetings would be held for one hour each quarter and alternate between Tuesdays, in the Board of County Commissioners Hearing Room and Thursdays, in the Town Council Chambers.

Accessory Dwelling Unit (ADU)

At 1:40 PM, Commissioner Evans asked for clarification of the Town's position regarding ADU's, in regards to the County's Comprehensive Plan. Mr. Evans explained how other water service purveyors handle a request for a second water service hookup. Commissioner Nielsen observed that she felt it was mandatory for the Town to allow ADU's within its jurisdiction per the state housing policy.

Councilmember Rosenfeld explained how additional unplanned water connections may cause the necessity for the Town's dam at Trout Lake to be enlarged prior to its expected

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improvement date. Commissioner Evans suggested exempting the ADU provision within the Town limits.

Administrator Fitch explained that the Town's water system extends beyond its limits and into the County and so an exemption within the Town limits would not solve the problem. Mr. Fitch also spoke on the Town and County definitions of a single-family residence in regards to a water connection.

Commissioner Miller suggested the Town simply reject any request for a second water hookup within their water system. Commissioner Evans agreed that the County does not want the Town to provide water to county residents if it does not have the capacity to do so.

Administrator Fitch asked for assistance in preventing approval of vacation rentals within the county when they are on the Town's water system. Commissioner Miller asked Mr. Fitch to send the Commissioners a memo to that effect.

At 1:56 PM, hearing no objection, Commissioner Nielsen adjourned the meeting.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – May 20, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Birgit Kriete, Orca Relief representative, 53 Limestone Road, asked Council for permission to sell T-shirts at the Orca Relief Event being held Saturday, May 22, 2004 on a portion of Court Street. Following discussion, Council gave their permission for Orca Relief to sell T-shirts at said function.

Mike Green, Phifer Condominium Association representative, asked to speak regarding Resolution No. 1395 concerning the private use of Court Street by Anchor Management Services. Mayor Boothman suggested Mr. Green wait until the issue was before Council.

Poppy Days Proclamation

Mayor Boothman proclaimed May 29-31, 2004 as Poppy Days in the Town of Friday Harbor and urged Town citizens to support their American Legion Auxiliary and their Veterans, and allow poppies to bloom throughout the Town on every coat, jacket, shirt, and blouse.

Sheriff Report – tape sequence #252

Sheriff Cumming indicated he would deliver the April Sheriff Report to Administrator Fitch later this day. Sheriff Cumming reported on the upgrading of telephone, radio, and paging

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equipment. Discussion followed regarding said equipment. Mr. Cumming reported on departmental support during the scheduled electrical power outages.

Community Development Department

Land Use Administrator Bertrand distributed Community Development Department reports. Mr. Bertrand indicated that the staff report for the Tukang Shoreline Substantial Development Hearing scheduled for 6/3/04 would be delivered on Tuesday, June 1, 2004. Mr. Bertrand reviewed advertising for two vacant personnel positions within his department; various building projects in Town, and departmental activities. Mr. Bertrand commented that the Town Planning Commission would complete its deliberations regarding the 2004 amendments to the 2002 Comprehensive Plan at their May 27, 2004 meeting.

Resolution #1393 – tape sequence #940

At 12:29 PM, Mayor Boothman introduced draft Resolution #1393. A resolution authorizing conditional private use of a portion of Front Street by the Rotary Club of San Juan Island. Administrator Fitch explained the particulars of said resolution. Councilmember Brooks moved and Councilmember Gillette seconded to adopt Resolution #1393 as stated. Following discussion, the motion passed unanimously.

Resolution #1395 – tape sequence #1070

Mayor Boothman introduced draft Resolution #1395. A resolution authorizing the conditional private use of a portion of Court Street by Anchor Management Services, Incorporated. Mike Akin, Anchor Management, explained that an alternative location for ferry parking may become available through Lynn Danaher of Starr Storage in the future. Mr. Akin explained the particulars of the request by his company to use Court Street as another parking area for ferry vehicular traffic. Discussion followed regarding signage (provided by Town) and clean up of the Court Street area (provided for by Anchor Management).

Mike Greene, Phifer Condominium Association representative, expressed concerns regarding trash; vandalism; window breakage, insurance; and vehicular access to the Phifer Building.

Following discussion, Councilmember Jones moved and Councilmember Brooks seconded to adopt Resolution #1395 as stated. The motion passed unanimously. Administrator Fitch asked Mr. Akin to contact his insurance regarding naming the Phifer Building as an additionally insured party on his insurance. Mr. Akin indicated he would do so.

Resolution #1394 – tape sequence #1608

Mayor Boothman introduced draft Resolution #1394. A resolution authorizing an agreement for summer traffic control for 2004. Administrator Fitch explained the particulars of said resolution. Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1394 as stated. The motion passed unanimously.

Resolution #1396 – tape sequence #1680

At 12:50 PM, Mayor Boothman introduced draft Resolution #1396. A resolution to execute Change Order #2 on the contract with Stellar J. Corporation for construction of a public restroom facility in the amount of \$19,605.92. Councilmember Jones moved and Councilmember Emery seconded to adopt Resolution #1396. Councilmember Gillette expressed

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disagreement with the change order. Following discussion and explanation by project architect, David Kinderfather, the motion passed 4 to 1 with Councilmember Gillette in the opposition.

Resolution #1397 – tape sequence #2048

Mayor Boothman introduced draft Resolution #1397. A resolution to execute Change Order #3 on the contract with Stellar J. Corporation for construction of a public restroom facility in the amount of \$16,716.46. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1397 as stated. Following discussion, the motion passed 4 to 1 with Councilmember Gillette in the opposition.

Resolution #1389 – tape sequence #2168

At 1:00 PM, Mayor Boothman introduced draft Resolution #1389. A resolution declaring it to be in the public interest to terminate the Rental Agreement with San Juan County for a portion of a parcel of land owned by the Town at its closed landfill site on Sutton Road. Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1389. Following discussion, the motion passed 4 to 1 with Councilmember Gillette in the opposition.

Administrator's Report – tape sequence 2422

At 1:07 PM, following inquiry by Administrator Fitch, Councilmember Jones moved and Councilmember Rosenfeld seconded to appoint Mikki Ellis, of Friday Harbor Suites, to the Town Lodging Tax Advisory Committee (LTAC). The motion passed unanimously.

Following inquiry by Mr. Fitch regarding the location of the Town's draft Safety Manual, Councilmember Emery indicated she had completed her review of said document and would return it to the Town.

Administrator Fitch reported that portions of Park, McDonald, and Harbor Streets would be chip sealed June 15-17, 2004. Mr. Fitch reported on street stripers; hanging baskets; and the Memorial Day parade. Mr. Fitch indicated that the Town's street engineers, Gray & Osborne, have volunteered to write the grant application for Transportation Improvement Board (TIB) funds to reconstruct Guard Street from Tucker Avenue to Marguerite Street. Mr. Fitch reported that he would be meeting with architects to design a new public works yard on the Town's Harbor Street property.

Mr. Fitch reminded Council of the ceremony for the "Salish House Posts" on May 22, 2004 at 3:00 PM in the Port of Friday Harbor's Fairweather Park.

Mr. Fitch asked Council to consider storing the Town's antique fire engine offsite at the north end of the island in an effort to protect said fire engine from unsuitable conditions. Administrator Fitch indicated he would contact the Town's insurance carrier to discuss the issue. Following discussion, Council agreed that if the Town's insurance carrier would cover said engine, off-site storage would be acceptable.

Administrator Fitch reported on compliments received regarding the work of Town employees: David Smith, Keri Eathorne, and Sharon Hammel.

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Administrator Fitch reported that USA Leak Protection Services, using special equipment, located the water line loss that the Town had been experiencing recently. Said leak, found on Nichols Street, was repaired. Mr. Fitch mentioned that further repairs to the Nichols Street pipe would be a 2005 budget item.

Mr. Fitch announced that Hart Pacific has produced two designs for Memorial Park, and they are available for Council review. Councilmember Brooks suggested a public/private partnership to fund said project. Mr. Fitch mentioned that the Town is still investigating the use of Harbor Improvement Funds also. Discussion followed.

Mr. Fitch explained the concept plans for Caines Street improvements. Administrator Fitch pointed out the various options for discussion. Discussion followed.

At 1:34 PM, hearing no objection, Mayor Boothman extended the meeting to 1:40 PM and indicated that the unfinished business on the agenda would be addressed at the evening Town Council meeting.

Following discussion, it was the consensus of Council that staff should proceed with construction plans based on the preliminary plans presented, except further discussion was necessary regarding the area in front of the Kennedy/Weissinger building.

At 1:43 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – May 20, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Attorney Eaton, Treasurer Picinich, Land Use Administrator Bertrand, and Zoning Coordinator Jones

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Public Hearing – SSDP/Port

At 5:32 PM, Mayor Boothman opened the public hearing for Shoreline Management Substantial Development Permit (SSDP) Application #76 and SEPA Checklist #238, Applicant: Port of Friday Harbor Project: A request proposing to construct an enclosure to the existing open-air portion of the Spring Street Landing building that is located on the pier by placing windows and glass doors in the openings on the north and south sides of the building. The proposed enclosure will

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prevent weather damage to the interior of the building and provide better protection from the weather for passengers.

Council answered in the negative to Mayor Boothman's inquiry if any Councilmember wished to excuse themselves from participating. There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to the inquiries regarding interest in the properties or issues; gain or loss of financial benefit; and communication with opponents or proponents. Mayor Boothman disclosed a brief discussion with Port Commissioner Hertel regarding the Town's staff report. Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Zoning Coordinator Jones presented the staff report dated 5/14/04 including 10 pages of materials. Using Exhibit D, Overlay of the Area, Zoning Coordinator Jones described the proposed project, indicated zoning; use (authorized under SSDP #61, issued in 1996); and that the subject building was on a pier over an aquatic area, known as Spring Street Landing. Mr. Jones indicated that said project was regulated by the Town's Shoreline Master Program and within the Town's View Corridor. Mr. Jones outlined staff procedures that were followed regarding said application. Mr. Jones indicated that staff reviewed the entire historical record that allowed the original construction of the building, with conditions, and concluded that view blockage of this proposal could be significant due to sun and glare and would violate the public views, goals, and policies of the Town's Shoreline Master Program and Comprehensive Plan regarding views. Mr. Jones indicated that staff recommended denial of this proposal. Mr. Jones entered in Exhibit A, a letter from the Port of Friday Harbor dated 4/29/04 which includes pictures of the subject project. Mr. Jones entered in Exhibit B, a letter from Misty Todd dated 5/19/04. Mr. Jones gave some past history of the subject building and the permitting process used in 1996.

Greg Hertel, Port of Friday Harbor Commissioner, mentioned that the building was first proposed as a passenger terminal. Mr. Hertel described how the Port wants to enclose the current building with glass for protection from the weather and to prevent pigeons from going inside the building. Mr. Hertel did not agree that sun and glare would be a significant problem throughout the day. Mr. Hertel indicated that US Customs wants to use the building to process passengers coming in on international vessels from Victoria and they require the building to be secured. Mr. Hertel maintained that if the building were enclosed it would allow the building to be used year around and increase passenger traffic to Friday Harbor. Mr. Hertel asked this Council to reconsider the earlier Council decision that disallowed enclosing the building.

Ed Barrett, Port Harbormaster, spoke on security and border protection issues under 33 CFR 105. Mr. Barrett indicated that US Customs has told the Port that having an enclosed building would be a facility requirement to meet minimum federal standards for security and asked Council to approve the SSDP.

Mike Ahrenius, Port Commissioner, suggested the Port would be willing to locate non-glare glass to keep down glare and retain the sight through the building. Mr. Ahrenius elaborated that one of the Port's missions is to create economic development and approval of this application would help business in Town.

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Roger Bennett, Pier One Port, PO Box 1329, suggested, if approved, the Council require the Port to keep the glass clear of banners, posters, etc., and keep furniture blockage low so that the public view would not be affected.

Brian Calvert, Port Commissioners, entered Exhibit E, five pictures that depicted the old building located on the pier. Mr. Calvert commented that with the possible elimination of the international ferry run and without the enclosed area for Customs to perform their inspections at Spring Street Landing the international connection with Friday Harbor would be lost. Mr. Calvert did not feel glare from the enclosed windows/door would be a problem.

Marilyn O'Conner, Port Employee, commented that there is a strong possibility that in the next few years private passenger ferries may use the Spring Street Landing dock for loading/unloading, consequently this location may become a year around northern ports transportation link.

Betty Gilson, 240 Harrison, stated that as an enthusiastic walker she would support the enclosure of the subject building.

Zoning Coordinator Jones noted that the pictures taken in Exhibit C, were taken at 5:40 AM and therefore did not show any glare. Mr. Jones distributed two pictures (Exhibit F) taken at approximately 2:00 PM, which depicted a glare coming off the windows of said building. Mr. Jones asked Council to consider the public's loss of views.

Port Commissioner Hertel, looking at Exhibit F, maintained that the glare shown on the pictures would only appear if a person was either on the ferry or on the fuel dock.

Councilmember Emery asked the applicant if the ferry dock renovation project would change the circulation of any of these boats coming in to the Spring Street Landing dock. Port Commissioner Calvert answered in the negative.

Councilmember Emery asked if the enclosed building would be locked if approved. Ed Barrett answered that it was a possibility.

Councilmember Brooks expressed concern that the Port did not have a plan present to review, regarding non-glare glass or how it will be presented in the building.

Councilmember Brooks asked if security was the main issue. Mr. Barrett answered that security was an element of the application. Mr. Barrett indicated that if the building is used for US Customs and border protection then it must be enclosed. Ms. Brooks asked if another location could be found within the Port. Mr. Barrett responded that in the past the Port breakwater has been used, but now that location would be unacceptable.

Councilmember Rosenfeld asked Zoning Coordinator Jones if the Port used non-glare glass without wood trim around the doors if that would be acceptable to staff. Mr. Jones responded that he felt glass of any type would take away from the beauty of the present building. Mr. Jones suggested the Port provide Customs inspections similar to those performed in Sidney, BC.

Port Commissioner Calvert indicated that Customs requirements are different in Canada.

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Port Commissioner Hertel reiterated that the subject building would remain open to the public except when closed for US Customs inspections and any equipment used by Customs would be enclosed after its use. Mr. Hertel commented that the Port would like to make this building more of a year round facility and would do whatever is required to mitigate view blockage.

Councilmember Brooks questioned if the Port agreed to mitigate the view blockage by using non-glare glass, would staff be agreeable to the project. Zoning Coordinator Jones commented that after reviewing the file for SSDP #61, and the conditions placed on the project by the Council at that time, staff did not think it was appropriate for the Port to come before a new Council and try and change the criteria placed on the permission to build the building within the public's view corridor in the first place.

Port Commissioner Calvert responded that he hoped the present Council would be more agreeable when working with the Port than Councils in the past.

Land Use Administrator Bertrand commented that it seems like the Port is choosing to provide security at a higher level than Washington State Ferries for their Customs clearance.

Ed Barrett indicated that Washington State Ferries has a separate agreement with US Customs, which is different than what they are requiring of the Port.

Attorney Eaton commented that the original shoreline permit did not provide for docking of international vessels, but allowed for UTC ferries and tour boat landings. Mr. Eaton suggested Council, if they were inclined to allow the docking of international vessels, should amend SSDP #61 to permit said use.

Administrator Fitch questioned if the Port applied for changes in use of the subject building. Zoning Coordinator Jones answered in the negative. Discussion followed.

At 6:24 PM, Mayor Boothman closed the public testimony portion of the meeting and opened Council deliberations. Attorney Eaton left the meeting.

Councilmember Brooks commented that security issues take precedence over view corridors. Ms. Brooks indicated that more information about non-glare glass was necessary to make an educated decision.

Councilmember Gillette commented that approval of this application would increase the use of that facility and be good for economic development.

Councilmember Emery expressed concerns with the facility being locked to the public and that allowing Customs to use said facility will limit the public's use of the building.

Councilmember Rosenfeld agreed with enclosing the area for weather protection, but would like to see non-glare glass, no trim, no banners or posters, and suggested the public hearing be continued to allow the Port time to present a "glass plan".

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Councilmember Jones agreed that the public hearing should be continued to allow the Port to present a solid plan, so that Council could make an educated decision.

Councilmember Gillette advocated that aesthetics could be handled during the building permit process. Zoning Coordinator Jones explained that the Building Department does not have the authority to direct aesthetics of a building, that if a building permit meets the requirements of the building codes, then the Building Department must approve it.

Councilmember Rosenfeld moved and Councilmember Jones seconded to continue the public hearing until June 17, 2004 to allow the Port additional time to formulate a glass plan. At 6:37 PM, the public hearing was re-opened to question the applicant about the timeframe for the continued public hearing. The Port requested the public hearing take place on June 3, 2004.

Councilmember Brooks inquired if Customs would be allowed to overtake the Port's building. Port Commissioner Hertel responded that this could not happen without Port approval.

Land Use Administrator Bertrand suggested the timeframe may be too short for the Port to gather the necessary information, staff review of said information, and distribution of the new staff report to Council. The Port felt they could provide the information in a timely manner.

At 6:40 PM, Mayor Boothman again closed the public input portion of the meeting. Attorney Eaton returned to the meeting. The motion to continue the public hearing to June 3, 2004 at 6:30 PM was amended and passed unanimously.

Public Hearing – Adelphia – tape sequence #2661

At 6:42 PM, Mayor Boothman opened the public hearing regarding a franchise agreement with Century Island Associates, d/b/a Adelphia Cable Communications to use the Town's public right of way to operate and maintain a cable television system.

Mayor Boothman explained two handouts. One from the FCC regarding digital television and the other an email from Attorney Eaton in response to a Council proposal to have one channel for public access and another channel for government and educational access. Mayor Boothman indicated that the email indicated only one channel would be available for public access.

Attorney Eaton explained that the cost of bandwidth was too expensive to provide two dedicated public access channels. Mr. Eaton noted that the cable company has suggested providing one public access channel dedicated first to governmental and educational access, and secondary, when not being used by governmental or education, to programs of local origination. Mr. Eaton elaborated that additional language would be added in to the franchise agreement that allowing Adelphia to be responsible to edit local origination programming content within constitutional limits.

Following inquiry, Randy Lindsey, Assistant Manager for Adelphia Cable Communications, explained FCC laws regarding inappropriate language and political programs.

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Councilmember Brooks asked how the definition of "local origination" had changed. Mr. Lindsey explained the appropriate use of public access bandwidth and the censorship that Adelphia will be able to provide under the new franchise agreement.

Councilmember Brooks asked if there is a way to make the public access picture quality clearer. Mr. Lindsey answered that digital technology, which will be available soon, will improve the picture quality.

Councilmember Emery asked if a locally produced "edgy" program would be allowed to play at midnight. Mr. Lindsey answered that if the show is within the appropriate limits it will be allowed to play in the late evening. Mr. Lindsey stated that Adelphia must be careful regarding over censorship as well.

Mayor Boothman inquired if HDTV would be offered by Adelphia in the future. Mr. Lindsey answered that "video on demand" would probably be offered before HDTV. Mr. Lindsey announced that high speed internet service will be active next week. Discussion continued regarding upcoming technology advances and when they could be offered to Friday Harbor customers.

Councilmember Brooks asked for clarification of the franchise agreement's length and different review periods listed. Mr. Lindsey explained the different review periods were put in to the contract to allow the Town the opportunity to make changes during the agreement life if necessary.

Attorney Eaton summarized the various changes suggested by Jim Uebelher, Legal Counsel for Adelphia, regarding removing Skagit Valley College due to lack of infrastructure in this area; technology; contract length; performance bond amounts; and broadcasting live Town Council meetings.

Mayor Boothman noted that the ordinance regarding the franchise agreement will be presented for Council approval at the June 17, 2004 Town Council meeting.

Councilmember Brooks asked that staff designate on the Town Council agenda when a public hearing is quasi-judicial and when it is legislative. Discussion followed.

At 7:04 PM, Mayor Boothman closed the public hearing on the Adelphia franchise agreement and called a brief recess to set up for the joint hearing with the Port of Friday Harbor.

At 7:10 PM, Mayor Boothman reconvened the meeting. Port Commissioners: Brian Calvert and Mike Ahrenius were present, along with Marilyn O'Conner, Port Employee and Kevin Peterson, Port Consultant for the Intermodal Plan.

Intermodal Plan

Marilyn O'Conner introduced Kevin Peterson. Mr. Peterson explained past history regarding the formation of the Intermodal Plan. Mr. Peterson spoke of the traffic needs of the waterfront; the declining growth rate of passenger ferry traffic; updating said Plan to keep it a "living" document; and an overview of the responsibilities of each entity.

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Mayor Boothman noted that since the Intermodal Plan was adopted the individuals involved and circumstances have changed and suggested before implementing the Plan it may be worth while to hold new public hearings and invite the new individuals to see if they have different perceptions or ideas.

Councilmember Brooks asked if the developers of said Plan had investigated alternative methods for offloading vehicles prior to offloading foot passengers. Mr. Peterson noted that all operational issues of WSF were reviewed regarding the expedition of ferry offloading.

Discussion followed regarding ferry passenger unloading; cooperation between WSF, the Port and the Town; connecting pedestrians from the Port stairs with West Street Park; design of future walkways near the Port and Front Street; and adding an additional level to the Port parking area that may provide vehicle access also to First Street. Councilmember Jones left the meeting at 7:32 PM, during the above discussion.

Clean up of Front Street Right of Way

At 7:40 PM, Attorney Eaton distributed and explained a letter from Whatcom Environmental Services, Inc. dated 2/23/04 regarding the Unocal Document Review. Attorney Eaton asked if the Port were interested in jointly sharing the cost of a phase two assessment of the soil contamination in the Port parking lot and the Town right of way. Following discussion the Port seemed to tentatively agree, but indicated they would need to discuss the issue further.

Landscaping Front Street Traffic Circle

At 7:50 PM, Marilyn O'Conner explained the history of the Front Street Turnaround project. Ms. O'Conner noted two areas the Port would like to see landscaped; the traffic circle and the area in front of the steps going up to First Street. Ms. O'Conner indicated that Island Gardens bid the project at approximately \$12,000 and distributed the proposed landscaping plan for the Front Street traffic circle area. Discussion followed regarding the use of plants that are drought resistant, seasonal color, low maintenance, and low profile to protect views and safety. Ms. O'Conner indicated that the Port has installed an irrigation system to help with the project.

Browne Lumber

At 7:57 PM, Mayor Boothman inquired if the Port had any interest in jointly purchasing the Browne Lumber property with the Town. Port Commissioner Ahrenius indicated that further consideration of a joint venture could be discussed understanding that it would not be a profitable venture until further down the road.

Port Commissioner Calvert wondered if a public market could actually generate enough income to pay a reasonable return on the property. Mr. Calvert expressed concerns with obtaining rental fees from an entity that does not have any assets and no way to collect rental fees owed. Mr. Calvert suggested finding an outside funding source so that rents maybe did not have to be paid.

Ms. O'Conner asked what financial commitment the Town was asking from the Port. Mayor Boothman answered \$15,000 for 4 years to help with economic development. Ms. O'Conner asked the Town to present a formal proposal to the Port Commissioners. Following discussion, it was determined that the Town would formulate a proposal for the Port to consider.

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Resolution #1398

Mayor Boothman introduced draft Resolution #1398. A resolution authorizing the Mayor to execute an interlocal agreement between the Town of Friday Harbor and the Port of Friday Harbor for landscaping a portion of the Front Street right of way. Administrator Fitch explained the particulars of said resolution and that passage will result in a \$6,000 budget amendment in 2004. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1398 as stated. The motion passed unanimously.

Resolution #1399 & 1400

Mayor Boothman introduced draft Resolution #1399 and Resolution #1400. Resolution #1399 is a resolution approving an adjustment of the Town's corporate boundaries to include the remaining portion of a parcel of land owned by the Town of Friday Harbor which is presently located partially within the Town. Resolution #1400 is a resolution approving an adjustment of the Town's corporate boundaries to exclude a small portion of a large parcel of land owned by Geraldine Lawson, Trustee of the Gilbert J. Lawson Testamentary Trust, and the J. Lawson Family LLC, which large parcel is otherwise located entirely outside of the Town's corporate boundaries. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolutions #1399 and #1400. Following discussion, the motion passed unanimously.

Claims – tape 2 sequence #2730

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #24643 through #24712 in the amount of \$83,096.62. The motion passed unanimously.

Minutes

Councilmember Rosenfeld moved and Councilmember Brooks seconded to approve the Town Council minutes of May 4, 2004 at noon and May 6, 2004 at noon and 5:30 PM as written. The motion passed unanimously.

Non-agenda

Councilmember Rosenfeld moved and Councilmember Brooks seconded to offer a \$500 reward for information leading to the arrest and conviction of those responsible for the graffiti done on private property during the May 13th, 2004 power outage. The motion passed unanimously.

Councilmember Gillette commended Fire Chief Low and Volunteer Firefighter Cheyenne Mauldin for saving the life of Doug Bison during a sudden cardiac arrest. Council asked staff to draft a letter for Council signature regarding same.

Executive Session

At 8:20 PM, hearing no objection, Mayor Boothman declared the meeting in executive session to discuss pending litigation for approximately 5 minutes with action anticipated.

At 8:25 PM, Mayor Boothman called the meeting back to order. Councilmember Rosenfeld moved and Councilmember Emery seconded to deny the claim dated 5/19/04 from Stellar J. Corporation in regards to the construction performed on the Wastewater Treatment Plant. The motion passed unanimously.

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Following inquiry, Councilmember Brooks stated the Browne family is weary of the discussion regarding the Town purchasing its property, but is still willing to listen to an offer from the Town.

At 8:27 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – June 3, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Treasurer Picinich, Utilities Superintendent Wilks, System Administrator Dubail, Fire Chief Low; and Fire Lieutenant Chaffee

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Department Reports

System Administrator Dubail distributed the System Administration Department Activity Summary for April/May 2004. Mr. Dubail outlined said report highlighting on the electrical power outages in May; off-site storage; hardware firewall protection; and new Council Chamber recording equipment.

Utilities Superintendent Wilks announced that the water line loss that the Town had been experiencing was located and repaired. Mr. Wilks reported the differences between May 2003 versus May 2004 rainfall, lake level, and water production. He indicated that some of these figures were distorted by the said water leak. Mr. Wilks reported that a Bellingham based company was the apparent low bidder on the upcoming 327' zone Town project. Mr. Wilks briefly explained the project. Mr. Wilks reported on various other activities within the Utilities Department.

Fire Chief Low introduced the new part-time Training Officer, Frank Chaffee. Mr. Low described training; recent fire calls; equipment; availability of a hazardous material response team; and read pertinent passages of "The Blue Ribbon Report" regarding preserving and improving the future of the volunteer fire service.

Councilmember Brooks and Rosenfeld expressed appreciation for the volunteer firefighters and the time they put in volunteering for the Town.

Councilmember Rosenfeld asked Chief Low to consider allowing other fire mutual aid departments to respond when they have an engine and two firefighters, rather than waiting for four firefighters to arrive before responding to a Town fire call. Chief Low explained why he prefers having other departments respond with a full crew. Mr. Low stated that he understood Councilmember Rosenfeld's suggestion and did not disagree with it.

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Mayor Boothman noted a discussion with Fire District #3 Commissioner, Bob Jarman regarding joint debriefings between the Town Fire Department and said District following a joint incident.

Biodiesel – tape sequence #1315

Mayor Boothman opened Council discussion regarding the use of biodiesel fuel. Councilmember Brooks began the discussion expressing concerns regarding warranties on the Town's newer vehicles. Utilities Superintendent, Mike Wilks, responded that following research with other jurisdictions using an 80/20 blended biodiesel, apparently it does not cause problems with newer vehicles, but rather older vehicles and the warranties would remain intact on the Town's newer vehicles. Councilmember Brooks questioned if the biodiesel had storage limitations. Charlie Meyer, Island Petroleum Services, indicated that biodiesel could be stored for approximately six months. Mr. Meyer suggested the Town write an incentive to provide biodiesel fuel into its fuel bidding specifications to encourage competition.

Councilmember Jones suggested bidding for all types of fuel available and then formulate a decision based on the bids received.

Mr. Meyer asked Council to recognize and value the benefits provided by biodiesel.

Councilmember Gillette suggested using the #2 diesel in an effort to keep Town fuel expenditures as low as possible and to preserve the equipment the Town currently owns, which is designed for #2 diesel.

Councilmember Emery advocated using biodiesel in an effort to encourage the use of environmentally safe products and find another way to save Town funds.

Councilmember Rosenfeld agreed that biodiesel should be included in the Town's next fuel bid specifications and that the additional cost of said biodiesel use could be saved elsewhere in the Town budget.

Following discussion, it was determined that within these last months of the current fuel contract, Mr. Wilks would conduct comparisons so that Council could have a better understanding of the impacts to the Town and its equipment and the issue would be discussed again before the next bidding specifications were created.

Caines Street Design

Mayor Boothman opened discussion of the sidewalk in front of the Weissinger/Kennedy building on Caines Street. Rachel Dietzman, MPD Engineering representative, produced an updated drawing of the Caines Street area that depicted trees that could be placed in the area between the old sidewalk, newly proposed sidewalk, and the Weissinger/Kennedy building entrance.

Mayor Boothman observed that the issue before Council was whether to remove the old sidewalk that runs parallel to the Weissinger/Kennedy building entrance or to keep the sidewalk.

Bill Weissinger stated their preference for the removal of the old sidewalk.

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Following inquiry, Utilities Superintendent Wilks estimated the cost of removal of the old sidewalk at approximately \$1,000-\$1,500 if completed by the Town crew.

Following discussion, Councilmember Brooks moved and Councilmember Gillette seconded to remove the existing sidewalk on both sides of the entrance to the Weissinger/Kennedy building.

Ms. Dietzman mentioned that most people will take the path of least resistance, and even though the old sidewalk may be removed, and a new sidewalk placed around the foliage, pedestrians may still walk straight through the foliage and make their own pathway.

Following discussion, the motion passed 3 to 2 with Councilmembers Emery and Rosenfeld in the opposition.

Minutes – tape sequence #2400

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of May 18, 2004 as corrected. The motion passed unanimously.

Non-agenda – tape sequence #2597

Mayor Boothman asked if any Councilmember planned to attend the Association of Washington Cities (AWC) annual conference in June. None of the Council planned to attend said event.

Mayor Boothman asked Council to approve the appointment of Claudia Cross to the Town Planning Commission, Position #2. Councilmember Rosenfeld moved and Councilmember Jones seconded to appoint Ms. Cross to said Commission. Councilmember Gillette asked the Mayor to give notice on the Town Council agenda in the future so that Council can have longer to consider a proposed appointee. Mayor Boothman indicated that he would try and accommodate Councilmember Gillette's request. Mayor Boothman gave a short history of his knowledge regarding Ms. Cross. The motion passed unanimously.

Councilmember Rosenfeld suggested offering a standard \$500 reward for the arrest and conviction of those doing any vandalism within the Town limits. Following discussion, it was the consensus of Council that such a reward should be considered on a case-by-case basis and not standard procedure.

At 1:17 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – June 3, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Attorney Eaton, Land Use Administrator Bertrand, & Zoning Coordinator Jones

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Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Nina LeBaron requested the Town put out a request for proposal for improvements to the West Street Park area.

Mayor Boothman presented George Myers with a proclamation declaring June 5, 2004 as George Myers Day for achieving the rank of Eagle Scout with Troup 4090.

Public Hearing – SSDP - Tukang

At 5:37 PM, Mayor Boothman opened the public hearing for revised Shoreline Management Substantial Development Permit (SSDP) Application #75 and SEPA Checklist #237, Applicant: Tukang Enterprises, Project: A request to allow new construction to accommodate a mix of commercial and ancillary residential use.

Council responded in the negative to Mayor Boothman's inquiry if any Councilmember wished to excuse themselves from participating. There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to the inquiries regarding interest in the properties or issues; gain or loss of financial benefit; and communication with opponents or proponents (other than previous public hearings).

Mayor Boothman instructed those present of public hearing procedures.

Land Use Administrator Bertrand explained that this was a continued public hearing from May 6, 2004. Mr. Bertrand presented Exhibit A, Elevation from Front Street and Exhibit B, Site Plan looking straight downward. Mr. Bertrand described the proposed project and how it conforms with Town regulations. Mr. Bertrand outlined staff procedures that were followed regarding said application. Mr. Bertrand explained shoreline view corridors and the view protection overlay district. Mr. Bertrand emphasized that all buildings were within the Town's 27' height limit and the applicant would be taking advantage of the fee in lieu of parking spaces for a portion of the project.

Anna Gunter, BC&J Architects representative, presented Exhibits C, illustrating the required 10' view corridors from Front Street; Exhibit D, a site plan showing the view corridors from a downward view; and Exhibit E, the projects open space and public access areas. Using Exhibit A, Ms. Gunter noted that due to a limited timeframe, the buildings depicted massing elevations only.

Shirley Jones, property owner at the corner of First and West Streets, indicated she like the previous design better, but still supported the present Tukang proposed project.

Arnie Klaus, 8607 Cattle Point Road, supported the Tukang proposed project and the public process.

Bob Carrieri, 15 Malcolm and of Vinny's Restaurant, asked Council to remember that the public comes to his restaurant for the food and the view. He maintained that without a view, his restaurant would not survive. Mr. Carrieri asked Council to protect his view and suggested a tiered project where everyone has a view of the shoreline.

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Paul LeBaron, 256 Saddle Road, noted that the subject property had been on the real estate market and could have been bought to protect views. Mr. LeBaron indicated that the windows on the building housing Vinny's Restaurant were illegal and granted to the previous building owners by Don Todd. Mr. LeBaron emphasized that the Todd's have a right to develop their property and urged Council to approve the SSDP under consideration.

Jack Cory, PO Box 38, gave a brief history of his experience on the Town Planning Commission. Mr. Cory suggested that the minimum allowance for a view corridor was 10 feet, but the property owner could allow for a larger view corridor. Reading from the Friday Harbor Municipal Code Book Title 17.32, Mr. Cory referenced various passages that he felt conflicted with the view protection overlay district requirements. Mr. Cory objected to the Town staff using West Street Park as the point at which view preservation begins instead of the applicant's property. Mr. Cory explained that the windows of Vinny's Restaurant were not illegal, but legal non-conforming windows.

Misty Todd, 470 Friday Avenue, specified that flat roofs are abundant in Friday Harbor. Ms. Todd noted that her project has tried to be sensitive to the views from Vinny's Restaurant. Ms. Todd supported the rights of private property developers.

At 6:20 PM, Mayor Boothman suggested that Council take a moment to view the Exhibits presented.

At 6:24 PM, Greg Hertel, 74 Wold Road, expressed agreement with Ms. Todd's statement regarding flat roofs and supported the project appearance.

Land Use Administrator Bertrand clarified that Vinny's Restaurant may be able to build another level on its building and establish its own views. Mr. Bertrand also clarified that the applicant could develop a portion of their property without obtaining a SSDP, because it was out of the shoreline 200 foot zone, but within the view protection overlay district.

At 6:26 PM, Mayor Boothman opened the hearing for Council questions. Councilmember Jones inquired about the criteria that should be used for the Council's decision process. Attorney Eaton indicated that Council should review the criteria listed in the Town's Shoreline Master Program and consider information presented by staff to see if the project, as proposed, falls within the Town regulations.

Mr. Eaton explained the difference between the view protection overlay district and shoreline view corridors.

Councilmember Gillette expressed concerns with the burden placed on the Town when all parking was not provided by a developer. Attorney Eaton explained that the Town's current regulations do not require a developer within the downtown core to provide any parking on-site if they choose the fee-in-lieu option.

Councilmember Brooks stated she liked the flat roofs of the proposed project, and asked if there would be public access to said roofs. Ms. Gunter answered that the roofs are to be used privately at this time.

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Councilmember Brooks asked Attorney Eaton to explain why some Town developments have been required to allow access to their rooftops. Attorney Eaton indicated that some developers have chosen to provide their open space and public access requirements on their roof tops, but others, such as Tukang, have provided for such space within the development on the floor level. Mr. Eaton indicated that Council could not dictate where the open space and public access occurred; only that it must occur.

Councilmember Rosenfeld questioned if Council could separate the project in to two portions and approve the portion that was governed by the shoreline master program, but wait on approval of the area governed by the view protection overlay district regulations in Title 17. Attorney Eaton explained that the view protection overlay district is administered by the Town Land Use Administrator, and such regulations allow the Land Use Administrator to make administrative adjustments to provide the best view possible. Mr. Eaton observed that apparently the staff felt the best view had been obtained within the project's requirements as presented. Mr. Eaton stated that the applicant will have to abide by drawings submitted or come back before Council to make any changes.

Mayor Boothman asked if the applicant wanted to delay the process in an effort to work with the Historic Preservation Review Board and possibility take advantage of the historic preservation incentives. The applicant declined to delay the project further.

Councilmember Emery asked for clarification of the 20% public access area and the view corridors. Land Use Administrator Bertrand explained.

Councilmember Gillette inquired about the percentage between commercial and residential uses of the proposed building. Ms. Gunter indicated that 100% of the property, other than view and public access requirements, could be used as commercial, but only 49% could be used for ancillary residential uses per Town regulations.

At 6:45 PM, Mayor Boothman closed the public input portion of the hearing and opened the floor for Council deliberations.

Councilmember Jones commented that the because of the location of the proposed development, it would be a defining characteristic for Friday Harbor for many years and felt approving buildings that are seen in "mass" only was unachievable.

Councilmember Brooks stated agreement with the flat roofs and their connection with other downtown core buildings. Ms. Brooks observed that the applicant has met Town development requirements for this site. Ms. Brooks noted the project will allow for new life in this area, as well as, new views and public access.

Councilmember Gillette indicated he approved of the sidewalk access this project would allow between Front Street and West Street, and the possibilities it will offer to enhance the Town's property in this area.

Councilmember Emery expressed difficulty balancing the public testimony received opposing the project with the differing aspects of the Town's rules and regulations.

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Councilmember Rosenfeld expressed concern with the view blockage of other buildings in the vicinity and the esthetics of persons arriving in Friday Harbor. Mr. Rosenfeld commented that because the applicant has complied with Town regulations he felt Council had no choice but to approve of the project.

Councilmember Brooks moved and Councilmember Rosenfeld seconded to approve Shoreline Substantial Development Permit #75 and SEPA Checklist #237 and direct staff to prepare findings of fact and conclusions of law to support said decision. Following discussion, the motion passed unanimously.

At 6:58 PM, Mayor Boothman declared a brief recess.

At 7:04 PM, Mayor Boothman declared the meeting back in session.

Public Hearing – Port of Friday Harbor

Mayor Boothman opened the public hearing for revised Shoreline Management Substantial Development Permit (SSDP) Application #76 and SEPA Checklist #238, Applicant: Port of Friday Harbor. Project: to construct an enclosure to the existing open-air portion of the Spring Street Landing building that is located on the wharf by placing windows and glass doors in the openings on the north and south sides of the building.

Council responded in the negative to Mayor Boothman's inquiry if any Councilmember wished to excuse themselves from participating. There was no audience response to Mayor Boothman's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to the inquiries regarding interest in the properties or issues; gain or loss of financial benefit; and communication with opponents or proponents (other than previous public hearings).

Zoning Coordinator Jones indicated that the original 10-page staff report dated May 14, 2004 was still valid. Mr. Jones noted a new letter received by the Town on June 2, 2004 from Steve Simpson. Mr. Jones distributed a cartoon showing the differences between water-dependent, water-related, and water-enjoyment, along with the corresponding definitions of said water uses (marked Exhibit A). Mr. Jones explained that the building requested to be enclosed falls under the "water-dependent" definition. Mr. Jones asked Council to consider the view blockage that approval of SSDP #76 would create and that enclosing the open waiting area with glass would impair the public view that was mandated by SSDP #61.

Mayor Boothman opened the meeting to comments from the applicant.

Greg Hertel, Port of Friday Harbor Commissioner, indicated that the Port wants to enclose the building to prevent building damage and weather protection for passengers. Mr. Hertel indicated the building would only be closed during US Customs inspections and be open all other times. Mr. Hertel indicated that non-glare glass would be used when possible.

Steve Simpson, Port Director, indicated that the Port wants a working waterfront and stated that water born trade and transportation are essential to the island. Mr. Simpson entered Exhibit B, North Sound Passenger Ferry Opportunities map, depicting some of the routes being studied by the Puget Sound Ferry Coalition and the North Sound Connecting Communities

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Project. Mr. Simpson entered Exhibit C, regarding anti-reflective glass, and reported problems locating non-glare glass as requested by Council at the previous public hearing on SSDP #76 on May 20, 2004. Mr. Simpson noted new security requirements for US Customs and added that the building, if enclosed, would only be closed for approximately 30 minutes during Customs inspections or for public safety during emergencies. Mr. Simpson indicated that the original building was designed for ticket sales for passenger ferries, but the previous Council did not approve of said use, therefore Spring Street Landing is not a profitable venture for the Port.

Arnie Klaus, 8607 Cattle Point Road, observed that many people visit the aquarium located inside said building and advocated enclosing the building because it would attract more persons to visit the site. Mr. Klaus felt the enclosure would be beneficial.

Steve Simpson, Port Director, indicated that the Port has not exhausted its investigation for non-glare glass.

Arnie Klaus, 8607 Cattle Point Road, emphasized that the terrorist attacks of 9/11/02 imposed new rules for international shoreline borders.

David Kinderfather, 370 Spruce Street and Architect of said project, supported the project and indicated it was a risk to leave the building open to weather and vandalism.

Land Use Administrator Bertrand responded that the original SSDP requires the building to remain open for public access. Mr. Bertrand suggested that other than for Customs inspections, the building is required to remain open to the public per said previous permit.

Councilmember Gillette asked for clarification of the SSDP process. Attorney Eaton explained that this was a new application for a shoreline substantial development permit, which if approved, would effectively modify the old SSDP.

Land Use Administrator Bertrand explained that Washington State Ferries is not asking for an enclosed area to perform US Customs inspections during their upcoming renovation project because within one year Washington State Ferries is proposing that individuals traveling on the international ferry will pre-clear Customs in Canada before traveling to Friday Harbor.

Dennis Hazelton, Friday Harbor US Customs, indicated that US Customs security regulations have changed since 9/11. Mr. Hazelton agreed that within one year those traveling from Canada to Friday Harbor would have pre-clearance.

Mayor Boothman asked where Customs occurs for private vessels. Mr. Hazelton explained the procedures for private vessel Customs clearance.

Greg Hertel, Port Commissioner, reiterated that the building at the end of Spring Street Landing would remain open at all times, except during US Customs inspections.

Councilmember Emery suggested the Port use sliding doors for the bottom portion of the building or close the bottom portion with glass, but leave the upper portion open.

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Mr. Kinderfather indicated this was an option, but supported enclosing the entire building to protect it from weather elements.

Councilmember Brooks asked what US Customs would do if the Town did not allow the proposed building to be enclosed. Mr. Hazelton indicated that passenger vessels from Canada would not be allowed to clear Customs in Friday Harbor. Ms. Brooks asked if US Customs could clear said vessels from another location. Mr. Hazelton answered in the negative and indicated the activity would just not be allowed.

Councilmember Emery inquired further in to the future Canadian pre-clearance. Mr. Hazelton estimated that within a year this operation would be functional.

Councilmember Jones asked Mr. Hazelton if the enclosed building was a necessity or if it was just a preference. Mr. Hazelton affirmed that it was a necessity for US Customs.

Councilmember Rosenfeld agreed that the etched type non-glare glass would not be acceptable, but approved of the use of the coated non-glare glass and tempered plate glass for the door. Mr. Simpson offered to change all of the windows in the subject building to the coated non-glare glass to help with view protection.

Mayor Boothman commented that the brochure regarding coated non-glare glass seemed to indicate that it was not compatible with rainwater run-off. Mr. Simpson stated that he felt it would be acceptable for the amount of rains the building will encounter. Following inquiry, Mr. Simpson indicated the glass would be cleaned on a regular basis.

At 7:51 PM, Mayor Boothman closed the public input portion of the meeting and opened Council deliberations.

Councilmember Brooks said that the Port's needs regarding preventing damage, transportation development, and security seem to outweigh the staff's apprehension regarding view blockage and public access.

Councilmember Gillette stated that the Spring Street Landing building is a valuable asset to the Port and enclosing the building will attract more visitors and local residents.

Councilmember Jones maintained that this change was necessary due to 9/11 modifications in US Customs security regulations.

Councilmember Rosenfeld commended staff regarding their work to protect the public's view and access rights, but agreed with the other Councilmembers regarding the commercial value of the building and security concerns.

Councilmember Emery indicated she appreciated the security issue but, according to the Customs official present, it may not be a Customs issue within a year's time. Ms. Emery indicated that her perspective was from the view of the Town residents and not from Town visitors. She suggested that should other Councilmembers allow the building to become enclosed, they should place restrictions that require the building to remain unlocked and open to the public.

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Councilmember Brooks mentioned that allowing the building to be enclosed will be helpful to Friday Harbor's economy in the future.

Councilmember Brooks moved and Councilmember Gillette seconded to approve Shoreline Management Substantial Development Permit #76 and SEPA Checklist #238 to allow the Port of Friday Harbor to construct an enclosure to the existing open-air portion of the Spring Street Landing building that is located on the wharf by placing windows and glass doors in the openings on the north and south sides of the building.

Councilmember Rosenfeld moved and Councilmember Jones seconded to amend the motion to require the Port to use non-glare glass on the Town side of the building exempting the tempered plate glass door and that the doors will remain unlocked except when in use by US Customs when clearing passenger vessels.

Councilmember Gillette supported giving the Port discretion over the building use and security.

Councilmember Brooks supported the building being open for public use, when not being used by US Customs for inspections.

Councilmember Emery moved and Councilmember Jones seconded to amend the motion to also require all glassed areas to remain free of flyers, posters, or anything that would obstruct the public's view. Following discussion, this second amendment to the motion passed 4 to 1 with Councilmember Gillette opposed.

The first amendment to the main motion passed 4 to 1 with Councilmember Gillette opposed.

The amended main motion, which now reads: Councilmember Brooks moved and Councilmember Gillette seconded to approve Shoreline Management Substantial Development Permit #76 and SEPA Checklist #238 to allow the Port to construct an enclosure to the existing open-air portion of the Spring Street Landing building that is located on the wharf by placing non-glare glass on the Town side of the building, but allowing unframed tempered plate glass for the door; and that the doors will remain unlocked except when in use by US Customs in clearing passenger vessels; and that all glassed areas remain free of flyers, posters, or anything that would obstruct the public's view. The motion passed unanimously.

At 8:09 PM, the public hearing was closed.

Land Use Administrator Bertrand asked for the Port's intent regarding ticket sales, as this was not currently a permitted use under SSDP #61. Port Director Simpson indicated he would like this restriction changes, but it was not an immediate necessity. Discussion followed.

Claims & Payroll

At 8:12 PM, Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the payment of claim warrants #24715 through #24765 in the amount of \$73,896.03 and payroll warrants #10119 through #10161 in the amount of \$149,130.76. The motion passed unanimously.

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Hearing no further business before Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – June 17, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Treasurer Picinich, & Land Use Administrator Bertrand

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Land Use Administrator Bertrand introduced newly hired Historic Preservation Coordinator, Sandy Strehlou. Mr. Bertrand indicated that a new building inspector would also begin employment before the end of the month.

Family Resource Center

Mayor Boothman indicated the discussion regarding the Family Resource Center (FRC) would have to be rescheduled because Joyce Sobel, FRC Director, would be unable to attend due to the new FRC building ground breaking ceremony today at noon.

Ordinance #1252 – tape sequence #122

Mayor Boothman introduced draft Ordinance #1252. An ordinance adopting State Building Code regulations and repealing Ordinance No. 1147 and Ordinance No. 1207 in their entirety. Land Use Administrator Bertrand explained that the state adopted the new building regulations last November and has required that the building departments adopt said new regulations by July 1, 2004. Following discussion, Administrator Fitch suggested adding the words "as amended" to various places within said draft ordinance to pre-authorize our ordinance to reflect amendments imposed by the state. Discussion followed regarding process and marina fire codes. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1252 incorporating the changes suggested by Administrator Fitch. The motion passed unanimously.

Late Public Access

Nancy Brickman, 942 Wold Road, asked that the evening Town Council meeting be open to allow public input regarding draft Ordinance #1251.

Resolution #1402 – tape sequence #566

Mayor Boothman introduced draft Resolution #1402. A resolution authorizing the Mayor to execute a contract for improvements to its water distribution system to Award Construction, Inc., for Three hundred nineteen thousand two hundred forty nine dollars and 66/100 (\$319,249.73). Administrator Fitch explained the particulars of said resolution. Councilmember Gillette moved and Councilmember Rosenfeld seconded to adopt Resolution #1402 as stated. The motion passed unanimously.

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Resolution #1403 – tape sequence #675

Mayor Boothman introduced draft Resolution #1403. A resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Wayne Haefele and Associates to provide construction inspection services for improvements to the water distribution system on a time and materials basis not to exceed Fifty seven thousand eight hundred dollars (\$57,800.00). Administrator Fitch explained the particulars of said resolution. Councilmember Gillette suggested the Town contract more with engineering businesses located in Friday Harbor. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1403 as stated. The motion passed 4 to 1 with Councilmember Gillette in the opposition.

Resolution #1401 – tape sequence #875

Mayor Boothman introduced draft Resolution #1401. A resolution authorizing the Mayor to execute Change Order #4 on the contract with Stellar J. Corporation for construction of a public restroom facility for Fourteen thousand seven hundred sixteen dollars and 67/100 (\$14,716.67). Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1401 as stated. Councilmember Gillette spoke against the project and the resulting change order. Following discussion, the motion passed 4 to 1 with Councilmember Gillette opposed.

Administrator's Report – tape sequence #1675

Administrator Fitch noted an email from Lil Hamel, the Clerk of the Board for San Juan County regarding dates for joint meetings between the Town Council and the Board of County Commissioners (BOCC). Following discussion, it was determined that Administrator Fitch and Clerk Wilson would contact Ms. Hamel and set up the meetings for the rest of the year on behalf of Council. Council asked the next meeting to be held on their regular Thursday meeting day for one hour and the following meeting to be held at the BOCC hearing room on the Tuesday prior to their regularly scheduled meeting day.

Administrator Fitch reported that San Juan County has postponed the scheduled laying of oil and rock on Town roads until July 12th.

Administrator Fitch mentioned that the cost estimate for the design of the Town's new public works yard should be forthcoming within 60 days. Councilmember Gillette reiterated that the Town should use the services of local engineers. Administrator Fitch explained the numerous projects throughout Town where local engineering services were being utilized.

Minutes – tape sequence #1997

At 12:57 PM, Councilmember Brooks moved and Councilmember Rosenfeld seconded to adopt the Town Council minutes of May 20, 2004 noon and 5:30 PM and June 3, 2004 noon and 5:30 PM meetings. Following a clerical error pointed out by Councilmember Rosenfeld, the motion passed unanimously.

Non-agenda – tape sequence #2060

Mayor Boothman inquired if Council were amenable to allowing an open public discussion regarding granting a non-exclusive franchise to Adelphia Cable Communications, Inc., to install, operate and maintain a cable television system within the public streets and rights of way of the

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Town of Friday Harbor, also known as draft Ordinance #1251, as requested by Nancy Brickman. Council agreed that an open discussion would be acceptable.

Councilmember Emery asked if street lights would be added along Marguerite Street during the water distribution system project. Administrator Fitch explained that generally street lights were only installed during street improvement projects. Mr. Fitch also explained the difficulty in placing street lights in this area due to lack of electrical power infrastructure.

At 1:06 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – June 17, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch, Attorney Eaton, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Home Rule Proposal

Steve Brandt presented information regarding the home rule charter proposal for San Juan County that will be on the ballot for the November election per San Juan County Resolution No. 60-2004. Mr. Brandt explained the type of government the County is currently administered under; how a home rule charter would change the way the County operated; and past history regarding milestones of self-government. Mr. Brandt asked the Town to help in educating the citizens of Friday Harbor regarding this issue. Inquiry and discussion followed regarding the development of a home rule charter.

Ordinance #1251

Mayor Boothman introduced draft Ordinance #1251. An ordinance granting a non-exclusive franchise to Century Island Associates, Inc., a Delaware Corporation, d/b/a Adelphia Cable Communications, Inc., to install, operate and maintain a cable television system within the public streets and rights of way of the Town of Friday Harbor and repealing Ordinances No. 915, 1243, 1248, and 1249 in their entirety. Mayor Boothman indicated that the opportunity for public input would be allowed, but asked Attorney Eaton to explain the laws regarding public access initially.

Attorney Eaton explained that the laws regarding public access channels and indicated there is no requirement that local government mandate a public access channel. Mr. Eaton explained the differences between the previous franchise ordinance with Adelphia and the current draft ordinance. Mr. Eaton explained some of the requirements of the federal cable act and federal communication commission (FCC) regulations.

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Nancy Brickman, 42 Wold Road, expressed that her main concerns were the preservation of freedom of speech and protecting access to the distribution of information not circulated by mainstream media. She elaborated that mainstream media is sometimes limited in the distribution of information because it is contrary to their commercial sponsor's products or ideology. She asked Council to protect the public's realm to interface with information outside of normal media broadcasting.

Randy Lindsey, 545 Chinook Way and Adelphia Systems Manager, indicated that ordinance as drafted would assist in protecting Adelphia customers from obscene or indecent programs. He indicated that non-locally originated programs could still be shown for a nominal fee.

Breona Gutschmidt, former Orcas Island resident and current Seattle resident, supported maintaining the public access channel in its current form and suggested the Town Council require Adelphia provide a second channel in addition to the current PEG channel in exchange for use of the Town rights of way.

Alison Longley, Box 835 Friday Harbor, indicated that although she does not own a television, she supported the access to independent sources of information for the public.

Jordan Alexander, 507 Tucker Avenue, indicated that he was the biggest advocate for public access television. Mr. Alexander described how corporate media consolidation is affecting the world. He expressed the necessity to maintain diversity; freedom of expression; and freedom from censorship. Mr. Alexander asked Council to safeguard the public access station.

Tom Munsey, 184 Ocean View Drive, suggested a parental lock box could be used to safeguard the viewing of inappropriate programs. Mr. Lindsey indicated that only those Adelphia customers with a "smart" television would have access to the lock box feature and therefore it would not maintain sufficient control of inappropriate programs being shown during the hours regulated by the FCC.

Larry Greene, 172 Lighthouse Lane, supported public access television including programs of local and non-local origination. Mr. Greene noted his appreciation for the public access group's time, efforts, and money used to develop the public access channel.

Kate Stone, 507 Tucker Avenue, gave an overview of her role in the local entertainment programs offered on the public access channel; emphasized that the volunteers are working on fixing the problems with inappropriate music and programming; observed that it is a privilege to have the public access channel; and petitioned to keep access to viewpoints of democracy other than media conglomerates.

Chinmayo, 58 Skottowe, explained how public access made a program of a presentation she was doing in Fairweather Park and advocated retaining the opportunities to provide this type of programming on public access. She suggested that programming inappropriate for children to view could be shown in the late evening.

Paul Chadwick, Halsey Road, observed that what ever type of content is shown, there will always be complaints. Mr. Chadwick suggested that Mr. Lindsey has a perfect excuse when

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unhappy viewers call regarding the content being shown, which is to say that it was mandated by the Town. Mr. Chadwick indicated that public access was worth preserving.

Lisa Norkus, 391 Wild Rose Ranch Road and Adelphia employee, indicated she fields all the calls that come in to Adelphia, both good and bad. She observed that if the community wants public access, then there should be more public participation than just Kate Stone and Jordan Alexander.

Randy Lindsey maintained that 95% of the programs currently shown on the public access channel are programs of local origination and under the drafted ordinance would continue to be shown for free and the other 5%, if important enough to the public access volunteers, could still be shown for a slight fee. Later, Mr. Alexander commented on his disagreement with the percentages given by Mr. Lindsey.

Nancy Brickman inquired why Adelphia was not interested in showing programs outside of local origination. Mr. Lindsey indicated that he was trying to protect Adelphia Cable Company from sanctions from the FCC for showing programs that violate FCC laws.

Jordan Alexander indicated that public access programming is controversial by nature, but it was possible to co-exist. He maintained that any responsibility for violation of the FCC regulations should be placed on the volunteers of the public access programming and not on the cable company. Mr. Alexander asked Council to refrain from passing Ordinance #1251 until new language could be drafted to serve both parties.

Councilmember Rosenfeld inquired about the structure of the public access group. Mr. Alexander responded that the group is currently working to obtain non-profit status.

Councilmember Brooks inquired about who authorized Mr. Alexander to be in charge of public access programming. Mr. Alexander responded that public access is available to anyone who wishes to participate, but only a few people have shown any interest. Ms. Brooks commented that Mr. Alexander was currently receiving funds from Adelphia to help with public access broadcasting.

At 7:32 PM, Councilmember Gillette moved and Councilmember Brooks seconded to adopt Ordinance #1251 as stated.

Councilmember Jones pointed out that on page 8 of said draft ordinance it does not appear to limit free speech. Attorney Eaton answered that programs outside of local origination could still be shown, but instead of allowing them to play for free, as under the current ordinance, such programs would pay to lease bandwidth to be shown.

Attorney Eaton also clarified that although the public access group indicated they would take responsibility for FCC sanctions, it was his understanding that the FCC would sanction Adelphia Cable and not the group, should regulations be broken.

Councilmember Brooks noted that said draft ordinance provided for a performance review within two years. Ms. Brooks expressed that the Town Council was elected to represent and protect the public. Ms. Brooks asked about the 3% allocation of funds from Adelphia to the

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Town. Administrator Fitch explained that Adelphia Cable Co. would still provide 3% of its gross revenues to the Town, but the 1% allocated to public access would be discontinued because Adelphia is providing space for the public access activities. Discussion followed.

Mayor Boothman suggested showing programs of outside origination after 10:00 PM.

Attorney Eaton suggested asking Adelphia to provide two access channels; one for government, education, and programs of local origination and one for programs of outside origination. Following inquiry, Mr. Lindsey indicated that there was not enough outside originated program hours to fill a second channel and the bandwidth would be empty a large portion of the time.

Councilmember Rosenfeld suggested allowing time for the public access group and Adelphia Cable to have discussions and come to a compromise. Mr. Lindsey commented that further discussion probably would not yield any change in position.

Councilmember Emery suggested allowing more time for Councilmembers to speak with the community regarding said issue.

Following discussion, the motion failed 2 to 3 with Councilmembers Emery, Jones and Rosenfeld in the opposition.

Ordinance #1253

Administrator Fitch introduced draft Ordinance #1253. An ordinance granting a franchise extension to Century Island Associates, Inc., dba: Adelphia Cable Communications to operate and maintain a cable communications system through August 31, 2004. Following inquiry, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Ordinance #1253 as stated. The motion passed unanimously.

Tukang Findings of Fact – tape sequence #3109

At 8:15 PM, Councilmember Gillette moved and Councilmember Jones seconded to adopt the Findings of Fact and Conclusions of Law regarding Tukang Enterprises LLC Shoreline Substantial Development Permit #75 and SEPA Checklist #237 to build a commercial/residential complex. The motion passed unanimously.

Accessory Dwelling Units

Mayor Boothman indicated that the discussion regarding accessory dwelling units would be rescheduled to a future Town Council agenda.

Claims

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the payment of claim warrants #24767 through #24827 in the amount of \$117,362.62. The motion passed unanimously.

Non-agenda

Councilmember Emery suggested the letter to Chief Low and Volunteer Firefighter Mauldin be revised. Clerk Wilson indicated she would revised and redistribute said letter for Council signature.

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At 8:21 PM, hearing no further business before Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – July 1, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Jim Nelson, of Martin, Nelson & Company, gave a presentation regarding refinancing the Town's water revenue bonds. Discussion and inquiry followed regarding the refinancing process. Following discussion, Council did not have any objections to an ordinance being presented for approval of said refinancing at the August 2, 2004 Town Council meeting.

Committee Reports – tape sequence #600

At 12:22 PM, Mayor Boothman and Council reported on attendance at the various committees they attend. Committees reported on were the San Juan County (SJC) Disability Board; Island Trails; San Juan Island Chamber of Commerce; High School Gates Grant; Fire Department Local Board of Trustees; Law & Justice Local Emergency Planning; Town Lodging Tax Advisory Committee; and the SJC Solid Waste Advisory. Discussion and inquiry ensued during the above reports.

Resolution #1404 – tape sequence #2200

At 1:02 PM, Mayor Boothman introduced draft Resolution #1404. A resolution authorizing the Mayor to adopt an accident prevention program. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1404 as stated. The motion passed unanimously.

Administrator's Report – tape sequence #2241

Administrator Fitch asked for Council direction regarding the upcoming call for fuel bids in regards to biodiesel. Following discussion, Council asked Mr. Fitch to open the bid to both diesel #2 and biodiesel (B20 mix).

Administrator Fitch asked Council which upcoming Town Council agenda they would like the subsequent cable franchise discussion to occur. Following discussion, Council asked that the item be placed on the July 15, 2004 agenda for further discussion.

Administrator Fitch commented that the public hearing for the Town Six-year Transportation Improvement Plan (TIP) was approaching. Mr. Fitch indicated that the final report of the Transportation Advisory Committee would be presented by the Town Planning Commission on July 15, 2004. Following discussion regarding TIP requirements, past practice, and process,

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Council asked Administrator Fitch to place the TIP public hearing on the July 15, 2004 Town Council agenda and if further discussion were necessary, they would continue the issue to the August 5, 2004 Town Council meeting.

Administrator Fitch reported that the Caines Street design drawings are 90% complete and asked Council to review said drawings and contact him regarding any comments prior to completion of construction drawings and the call for bids, which is scheduled to be in the newspaper in late July.

Administrator Fitch reported on the pre-construction meeting with Award Construction, Inc., for the 327' zone pump project. Mr. Fitch indicated that the timeline for the project has been condensed from 120 days to 60 days. Mr. Fitch indicated that a resolution to authorize Brown and Caldwell to perform engineering services on said project would be forthcoming at the evening Town Council meeting.

Administrator Fitch reported on discussions with Matt Zybas, SJC Solid Waste Manager, for a new lease agreement for a smaller portion of the shelf area at the Town's Sutton Road Facility.

In reference to the evening agenda discussion regarding accessory dwelling units, Administrator Fitch pointed out a letter from Steve Deem of the State Department of Health dated 6/29/04 in regards to water system capacity limits and guest houses.

Administrator Fitch estimated that the public restrooms located in Sunshine Alley may be open by the 4th of July weekend. Discussion and inquiry followed. Mr. Fitch reported on signage and paving for said project.

Non-agenda

Councilmember Emery inquired if Anchor Management Services would have the use of Court Street for ferry traffic staging on both the 4th and 5th of July. Administrator Fitch answered in the affirmative. Councilmember Emery expressed concerns in regards to the use of said street and the lack of parking on the 4th of July.

At 1:42 PM, hearing no further business before Council, and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – July 1, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present:

Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

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There were no public access items forthcoming.

Comprehensive Plan and Land Use Regulations

Mayor Boothman opened discussion of the Planning Commission recommendations for changes to the Comprehensive Plan and Land Use Regulations. Mayor Boothman asked Council to disclose any communication with opponents or proponents of issues regarding said plan and regulations. Councilmember Emery disclosed communication with Robert Greenway in regards to the Board of Equalization. Councilmember Rosenfeld indicated that Greg Zervas had requested to speak with him, but was refused. Councilmember Brooks indicated business dealings with Lynn Danaher, but noted that the Comprehensive Plan revisions were not discussed.

Robert Greenway, who was in the audience, did not object to Councilmember Emery's participation.

Land Use Administrator Bertrand indicated that an ordinance adopting the revisions to the Comprehensive Plan and Land Use regulations, incorporating decisions made by Council tonight, would be forthcoming at a future Town Council meeting.

Mayor Boothman suggested the discussion begin with land use regulation text change requests. Mr. Bertrand explained the five requested text changes to said document along with the recommendations of the Planning Commission and Town staff. Following discussion regarding the various changes, Councilmember Jones moved and Councilmember Brooks seconded to follow Land Use Administrator Bertrand's recommendation to eliminate the restriction in rezoning residential designations. Following further discussion, the motion passed 4 to 1 with Councilmember Emery in the opposition. It was the consensus of Council to follow the remaining Planning Commission text change requests recommendations per the memo to Council dated 6/24/04 from Land Use Administrator Bertrand.

Discussion began regarding the Zervas reclassification request to move from multi-family to commercial zoning. Land Use Administrator Bertrand recommended approval of the Zervas' reclassification request if the Zervas' would agree to conform to the regulations required of commercially zoned areas. Following inquiry, Mr. Bertrand indicated that a bond would be required of the owners to guarantee compliance. Following discussion, Council agreed with Mr. Bertrand's recommendation providing that the property owner agreed to make the required improvements.

By consensus, Council agreed to follow the recommendations of the Planning Commission regarding the Town of Friday Harbor and Danaher reclassification requests. Following extensive discussion regarding the Magnum Investments recommendation; a motion and second; and a withdrawal of the motion and second; Councilmember Brooks moved and Councilmember Rosenfeld seconded to accept the recommendation of the Planning Commission regarding the Magnum Investments reclassification request. The motion passed 4 to 1 with Councilmember Gillette opposed.

Accessory Dwelling Units (ADU) – tape sequence #2900

At 6:46 PM, Mayor Boothman opened Council discussion regarding accessory dwelling units. Mayor Boothman indicated he would be testifying at a State Legislative Committee regarding

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said subject and wanted Council input prior to giving testimony. Discussion followed regarding the Steve Deem, Department of Health, letter dated 6/29/04; affordable housing; density of the island; discussions with San Juan County regarding ADU; the impact ADU would have on the Town's water system and the island; the process for obtaining a water availability certificate; the high percentage of water use by customers who live out of Town versus water customers who live within Town limits; and improving communication with the San Juan County Commissioners regarding said subject. For the purposes of public testimony by the Mayor, Council agreed that their letter of 2/19/04 to the Board of County Commissioners still reflected the Town's position regarding accessory dwelling units.

Resolution #1405 – tape 2 sequence #522

Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1405. A resolution authorizing the Mayor to execute an agreement for janitorial services with CMS to clean the Town public restroom facility located in Sunshine Alley. The motion passed unanimously.

Historic Preservation Members

Administrator Fitch explained that two positions on the Historic Preservation Review Board expired in March. Councilmember Rosenfeld moved and Councilmember Jones seconded to re-appoint Rene Adsley to Position B and Mary Jane Anderson to Position D on said board. The motion passed unanimously.

Claims & Payroll

At 7:16 PM, Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #24831 through #24881 in the amount of \$188,730.71 and payroll warrants #10162 through #10239 in the amount of \$163,359.21. The motion passed unanimously.

Minutes – tape sequence #580

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the Town Council minutes of June 17, 2004 noon and 5:30 PM meetings. Councilmember Emery noted the name Chin Mayo, spelled as two words in the 5:30 PM Town Council minutes, should be one word: Chinmayo. The motion to approve the minutes as corrected passed unanimously.

Non-agenda

Administrator Fitch introduced draft Resolution #1406. A resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Brown & Caldwell, Inc. to provide services during construction for water distribution system improvements on a time and material basis, not to exceed Twenty three thousand three hundred eighty four dollars and 00/cents (\$23,384.00). Following discussion, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1406 as stated. The motion passed unanimously.

Councilmember Brooks inquired about the odor emerging from the Wastewater Treatment Plant. Administrator Fitch indicated he would investigate the problem.

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Councilmember Brooks reminded Council of the ribbon cutting ceremony at noon on July 3rd, 2004 for the new Friday Harbor Center building located at the corner of 1st and Spring Streets.

Councilmember Rosenfeld indicated that the letter to the Washington State Ferries regarding a second ferry slip in Friday Harbor was evidently delayed. Discussion followed.

Councilmember Gillette inquired whether the Wastewater Treatment Plant had been accepted by the Town. Administrator Fitch answered in the negative and explained the process for acceptance of said plant.

At 7:30 PM, hearing no further business before the Town Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – July 15, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld (late)

Others present: Town Administrator Fitch, Treasurer Picinich, & Land Use Administrator Bertrand

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, San Juan County (SJC) Commissioner Nielsen asked Council to review a joint draft letter dated 7/15/04 addressed to Washington State Ferries pertaining to a second permanent ferry slip in Friday Harbor. Ms. Nielsen indicated if Council signed said letter at their evening Town Council meeting, the Board of County Commissioners would sign the letter at their next meeting on Tuesday, July 20, 2004.

Sheriff Report

Sheriff Cumming distributed a map book made up of the San Juan Islands for use during emergency services. Mayor Boothman asked if said book would be available for purchase. Mr. Cumming responded that it could be made available for purchase for a fee. Mr. Cumming distributed the SJC Sheriff May and June Law Reports. Sheriff Cumming reported on new equipment; sheriff department activities; and personnel desires. Discussion and inquiry ensued during Mr. Cumming's report.

Departmental Reports – tape sequence #580

At 12:19 PM, Land Use Administrator Bertrand distributed and outlined reports dated 7/15/04 regarding Community Development Department projects. Mr. Bertrand displayed the non-glare glass that will be used on the Port's Spring Street Landing building. Discussion and inquiry ensued during Mr. Bertrand's report.

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Utilities Superintendent Wilks reported on the comparison of 2003 to 2004 rainfall, Trout Lake level, and water production. Mr. Wilks reported on various activities and planned projects within the Utilities Department; including planned water leak detection, lead and copper sampling, 327' pump zone project, **correcting odor problems at the Wastewater Treatment Plant**, Sunshine Alley paving preparations and those roads recently chip sealed by SJC.

Training Officer Chaffee indicated that a total of 142 calls have been received by the Town Fire Department to date. Mr. Chaffee outlined some of the recent fire calls. Mr. Chaffee reported on changes in the sequence of call order on the dispatcher "run cards". Mr. Chaffee reported on new recruits and equipment donated by Gordy Peterson. Discussion and inquiry ensued during Mr. Chaffee's report.

Resolution #1408 – tape sequence #1481

Mayor Boothman introduced draft Resolution #1408. A resolution authorizing the Mayor to execute a rental agreement with San Juan County for use of a portion of tax parcel #350234001, commonly known as the Town of Friday Harbor Solid Waste Facility. Administrator Fitch explained the particulars of said resolution. Discussion and inquiry followed. Matt Zybas, SJC Solid Waste Manager, answered inquires from Council also. Following discussion, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1408 with a \$300.00 monthly rental fee on a month to month basis. The motion passed unanimously.

Ordinance #1255 – tape sequence #2100

Mayor Boothman introduced draft Ordinance #1255. An ordinance refinancing 1980 and 1994 Town water revenue bonds. Administrator Fitch explained the particulars of said ordinance and the projected savings of approximately \$140,000. Councilmember Brooks moved and Councilmember Gillette seconded to adopt Ordinance #1255. The motion passed unanimously. Mayor Boothman read a letter dated 6/25/04 from the Washington Finance Officer's Association reporting that Treasurer Picinich had earned the "Professional Finance Officer Award".

Administrator's Report – tape sequence #2175

At 1:00 PM, Administrator Fitch reported on the receipt of a lawsuit against the Town in regards to the development on West Street by Tukang Enterprises. Mr. Fitch supported the Town defending its position regarding said lawsuit. Mr. Fitch reported on two "trip and fall" incidents and recommended said incidents be turned over to the Town's insurance carrier for adjustment. Council agreed.

Clerk Wilson asked if Council had any objections to holding the next Town Council/County Commissioner joint meeting on September 2, 2004 at noon in the Town Council Chambers. Council did not object to the date expressed.

Non-agenda

Councilmember Jones asked how to control the distribution of water from impacting King's Market during fire hose washing at the Town Fire Station. Administrator Fitch explained that unfortunately because water runs down hill, the only way to avoid water going into the parking lot of King's Market was for the property owner to re-grade his property.

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Council discussed the joint Town Council/County Commissioner draft letter to Washington State Ferries regarding a permanent second ferry slip as discussed by SJC Commissioner during public access. Following discussion, Council agreed to sign said letter, with modifications, at the evening Town Council meeting. Councilmember Emery suggested placing the discussion regarding ferry traffic mitigation on a future Town Council agenda.

Mayor Boothman presented a draft letter dated 7/15/04 addressed to the Washington State House Committee on Local Government regarding accessory dwelling units (ADU) and their impact on the Town's water system. Mayor Boothman indicated he would be presenting said letter, with Council approval, at the 7/21/04 public meeting regarding ADU. Discussion followed.

Councilmember Rosenfeld informed Council that during the next Town Council meeting where the revisions to the Town Comprehensive Plan would be discussed, he would be requesting the issue regarding text changes to the conversion of residentially zoned property be remitted back to the Planning Commission for further review.

Minutes

Councilmember Brooks moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of July 1, 2004 noon and 5:30 PM meetings as written. Councilmember Gillette asked for the following change in the minutes of July 1, 2004 at 5:30 PM:

Councilmember Gillette inquired about the process for Council acceptance of the Wastewater Treatment Plant whether the Wastewater Treatment Plant had been accepted by the Town. Administrator Fitch explained the process answered in the negative and explained the process for acceptance of said plant.

Council agreed to said revision. The motion to amend the Town Council minutes as revised passed unanimously.

At 1:34 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – July 15, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld (late)

Others present: Town Administrator Fitch & Attorney Eaton

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Six Year Transportation Plan

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Mayor Boothman opened the public hearing on the Six Year Transportation Improvement Plan for the years 2005-2010. Administrator Fitch explained the process for inserting items on said improvement plan. Mr. Fitch noted two written comments from members of the public: John Carrier regarding the intersection at Argyle and Spring Streets and Rick Galer regarding traffic flow in the downtown core.

Hearing no further public input regarding the six year transportation improvement plan, Mayor Boothman indicated he would keep the public hearing open for additional public input if it was forthcoming later in the evening.

Planning Commission TAC Report – tape sequence #260

Mayor Boothman asked Laura Arnold, Planning Commission member, to present the Transportation Advisory Committee (TAC) Final Report.

Ms. Arnold indicated that the TAC had three recommendations: to stripe Marguerite Street, following completion of the 327' pump zone project, this would help to narrow traffic lanes and encourage slower speeds for improved pedestrian use; make shoulder improvements and stripe Guard Street from Tucker Avenue to the Library; and revisit the priority given to the Tucker/Guard Street intersection along with budgeting funds in 2005 to acquire the necessary right of way for sidewalks from Harbor Street to Guard Street. Discussion continued regarding sidewalks along Tucker Avenue and Guard Street.

Jordan Alexander, 507 Tucker Avenue, inquired about the amount of right of way that will be needed along Tucker Avenue. Administrator Fitch volunteered to show Mr. Alexander the Tucker Avenue design plans at Mr. Alexander's convenience during office hours. Mr. Fitch indicated that he did not believe a large portion of land was needed from Mr. Alexander's property.

Councilmember Emery suggested a crosswalk be added from the north side of Guard to Marguerite Street. Administrator Fitch stated that it is not advisable to put a crosswalk in an area that does not have any stop signs. Attorney Eaton recommended that crosswalks be placed within controlled intersections.

Laura Arnold suggested that Council ask the Planning Commission to review how neighborhoods develop and how they relate to transportation and the six year road plan.

Betty Gilson, Planning Commission member, commented that the Planning Commission could give Council the non-engineering social perspective for consideration that is not tied to legal or budgetary limitations.

Administrator Fitch pointed out that when a neighborhood is developed, the funds for sidewalk improvements come from the developers and not from Town funds.

Nancy Brickman, 942 Wold Road, suggested that a crosswalk was needed from Caines Street to Nash Street so that pedestrians could cross to the Mullis Center.

Ordinance #1254

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Hearing no further public input regarding transportation issues, Mayor Boothman introduced draft Ordinance #1254. An ordinance granting a non-exclusive franchise to Century Island Associates, Inc., a Delaware Corporation, d/b/a Adelphia Cable Communications, Inc., to install, operate and maintain a cable television system within the public streets and rights of way of the Town of Friday Harbor and repealing Ordinances No. 915, 1243, 1248, 1249, and 1253 in their entirety. Attorney Eaton detailed recent changes to said draft ordinance, which were that Adelphia would provide return capability for the Town and the Friday Harbor High School within one year; and provided two channels, one channel for government, education, and programs of local origination, and a second channel for public and leased access.

Discussion followed regarding financial support; who is legally responsible for programs shown on the public access channel; whether or not a second channel is necessary in regards to demand for program space; Adelphia's timeline for adding a second channel; and who is responsible for setting up the broadcast times on the public access channel.

Councilmember Jones asked if Adelphia had ever denied anyone access to the public access channel. Randy Lindsey, Adelphia System Manager, answered in the negative, in regards to the last 16 years. Following inquiry, Mr. Lindsey indicated that although the public access non-profit group could receive donations or sponsorships, they could not charge for advertising on the public access channel.

Mayor Boothman announced to the audience that this was not publicized as a public hearing, however he would allow some public input.

Jordan Alexander spoke in support of a public access channel for the community. Mr. Alexander also advocated requiring Adelphia to pay the full 5% fees allowed by law, rather than the 3% requested by the Town. Mayor Boothman asked for clarification if Mr. Alexander wanted the additional funds to be directed to the public access group. Mr. Alexander answered that this was one way the additional funds could be used.

Beth Helstein, Three Corner Lake Road, supported the Town requiring Adelphia to pay the maximum percentage allowed by law for their use of Town right of way.

Jordan Alexander expressed concerns with giving away control of a community access channel to an east coast company.

Attorney Eaton commented that further investigation regarding who has the legal responsibility to follow the FCC laws should be conducted and additionally whether or not Adelphia, who has a contract with the Town to provide a public access channel, can "farm" out the scheduling responsibilities of said channel.

Claudia Cross, 555 Hemlock Court, supported the allowance of two channels, but cautioned Council that if percentages were increased the Adelphia customer would be financially impacted.

Nancy Brickman supported a second channel for public access and indicated that greater community involvement was needed. Ms. Brickman questioned language in said draft ordinance regarding control by Adelphia for showing programs of local origination. Attorney

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Eaton indicated he would change the sentence under Section 4.A.6. to read: "...used for governmental or educational access, Adelphia may shall allow local origination programming to use the channel."

Councilmember Brooks commented that a public access group would be helpful to those who needed copying or editing assistance, but that those persons without that need should have the option of dealing directly with Adelphia to get their programs shown.

Larry Greene, 172 Lighthouse Lane, supported public access and increasing the percentage fees from 3% to 5%.

Attorney Eaton explained why previous Councils made the determination to set the percentage fee at 3%. He indicated said decision was a compromise, because they understood that increasing fees to the cable company would impact the cost of said services to their constituents, while at the same time, a fee was necessary because the cable company was being allowed to place infrastructure within Town right of way.

Lauren Stara, 1027 Harborview Place, stated she was an advocate of free speech, but since the draft ordinance allowed for a second channel for public access, free speech had been addressed. Ms. Stara expressed that the question regarding who was responsible for program scheduling needed to be answered.

Tom Munsey, 184 Ocean View Drive, asked for clarification if there would be any limitations placed on locally produced political programs on the public access channel. Randy Lindsey answered that locally produced political programs have not and will not be limited on the public access channel.

Administrator Fitch asked Randy Lindsey when a separate channel for public access could be established. Mr. Lindsey indicated that a temporary setup could be done within 60 days following ordinance passage.

Attorney Eaton emphasized that additional changes to said draft ordinance were necessary; such as returning the definition of local origination and defining who is legally responsible for program scheduling.

Further input and discussion followed regarding grants; unauthorized use of a Town video; the lack of publication to the public regarding the opportunity to speak at this Council meeting; and how having two channels is a good compromise.

Mayor Boothman indicated that further consideration of draft Ordinance #1254 will be scheduled for August 5th, 2004.

Continued meeting

At 7:32 PM, Councilmember Gillette moved and Councilmember Jones seconded to extend the Town Council meeting by 15 minutes. The motion passed unanimously.

Resolution #1407 – tape 2 sequence #1149

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Mayor Boothman introduced draft Resolution #1407. A resolution authorizing the Mayor to accept a proposal from, and execute a purchase agreement with, Petro San Juan to provide motor fuels to the Town of Friday Harbor from August 1, 2004 through July 31, 2005. Administrator Fitch explained the particulars of said resolution. Following discussion regarding the bidding process and biodiesel usage, Councilmember Gillette moved and Councilmember Jones seconded to adopt Resolution #1407. The motion passed 4 to 1 with Councilmember Rosenfeld opposed.

Claims

Councilmember Jones moved and Councilmember Emery seconded to approve the payment of claim warrants #24883 through #24941 in the amount of \$114,659.72. Following inquiry, the motion passed unanimously.

Non-agenda

Councilmember Emery questioned the advisability of placing an American Flag on a public restroom facility. Ms. Emery suggested flower baskets would help beautification. Administrator Fitch indicated that flower baskets are planned for said area.

Mayor Boothman noted that a letter dated 7/15/04 addressed to the Washington State House Committee on Local Government regarding accessory dwelling units (ADU) and their impact on the Town's water system was available for Council signature.

The joint Town Council/SJC Commissioners letter dated 7/15/04 to Washington State Ferries regarding a permanent second ferry slip was also distributed for Council signature.

Public Input

Regarding transportation issues, Ken Hedin, 540 Hemlock Court, asked Council to consider prohibiting a left hand turn into the Little Store at the intersection of Spring and Arygle Streets.

At 7:50 PM, hearing no further public input, business before Council, or objection, Mayor Boothman continued the public hearing on the six year transportation improvement plan until August 5, 2004 and declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – August 5, 2004, @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Roger Frost and Jim Knapp introduced themselves to the Mayor & Council. Mr. Frost is the new director of Spring Street School and

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Mr. Knapp is the new development director. Mr. Frost extended a invitation to the Mayor & Council to visit the school.

Draft Agreement with the Family Resource Center – tape sequence #126

Administrator Fitch explained that the proposed agreement develops a program to assist those in need to help pay their monthly Town utility bills. Proposed funding for the program would come from a transfer from the Town's Current Expense Fund. Council members Emery and Jones expressed interest in developing a "round up" system similar to OPALCO'S PAL program to provide financial support. Administrator Fitch pointed out that using Current Fund monies would be consistent with other programs that the Town funds, such as animal control and economic development. Council member Rosenfeld reminded the Council that this proposal was a emergency assistance program.

San Juan County Water Resource Management Plan – tape sequence #961

Vicki Heater of San Juan County's Health and Community Services department made a presentation of the San Juan County Water Resource Management Committee's report. This four year study provides an inventory of water resources in San Juan County and makes recommendations on how to manage this limited resource County Health Official Mark Tompkins estimates that it will cost approximately \$140,000 to implement the plan.

Adoption of Findings of Fact and Conclusions of Law – tape sequence #3177

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt the Findings of Fact and Conclusions of Law for the Shoreline Management Substantial Development Permit Application #76 and SEPA Checklist #238. The motion passed unanimously.

Administrator's Report – tape sequence #3295

At 1:25 PM, Administrator Fitch reported that a presentation for the design of the new public works yard will be scheduled for the September 16th meeting. He also reported that the Caines Street sidewalk project will be ready to go out to bid in two weeks and that the Perry Place sidewalk project will be advertised for bid on August 11th. The drawings for Market Street will be completed in late September or early October. Administrator Fitch informed the Council that the 327' zone project is underway and that San Juan County's modulars will be removed from the Town's refuse property next week.

Non-agenda

Councilmember Brooks asked if there will be directional signs to the new public restrooms. Administrator Fitch said that small signs have been placed on several building adjoining Sunshine Alley. Councilmember Brooks also asked if the landscaping at the Port's Front Street Turnaround was complete. Administrator Fitch said that it was. Councilmember Brookes pointed out that there are pot holes in the new paving on Harbor Street at the wastewater treatment plant. Administrator Fitch will investigate.

Minutes

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of July 15, 2004 noon and 5:30 PM meetings. The motion passed unanimously.

At 1:35 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Gary G. Boothman, Mayor

Wendy Picinich, Clerk pro tem

Town Council – August 5, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Attorney Eaton, Land Use Administrator Bertrand and Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Claudia Cross, 555 Hemlock Court, asked Attorney Eaton if he believed that every property owner in the Town had received proper notification of the public hearing when the Council voted to accept the recommendations of the Town Planning Commission and delete section 16 of Ordinance #1172 and FHMC 17.16.30. Attorney Eaton explained that the question would be addressed during discussion of Ordinance #1257.

Six Year Transportation Plan

Mayor Boothman re opened the public hearing on the Six Year Transportation Improvement Plan for the years 2005-2010. Mayor Boothman read a letter received from the residents of Marble Street requesting that their street be chip sealed in 2005. Administrator Fitch explained that the street improvements listed on the Six Year Transportation Plan are major construction projects that require attaining major financing. Smaller projects, such as those recommended by the transportation committee and planning commission, are incorporated in the Street Utility budget as funding becomes available. At 5:45 pm, Mayor Boothman closed the public hearing.

Resolution #1409 – tape sequence #367

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1499, a resolution providing for a Six Year Transportation Improvement Plan for the years 2005-2010. Council discussion followed. Councilmember Emery requested that reference to improving pedestrian and vehicle flow be added to the resolution. Councilmember Rosenfeld requested that all street improvement requests received be reviewed at budget time. Councilmember Brooks asked how developers shared in the cost of street improvements. Attorney Eaton explained that developers are required to make street improvements only if their projects are completed before that Town makes the improvement. If their projects are completed after the Town makes the improvements with its own funds, then the developer enjoys that benefit of the improvements as any other Town citizen. After the insertion of "and for improved pedestrian and vehicle flow", Resolution #1409 was passed unanimously.

Ordinance # 1254 – tape sequence #637

Mayor Boothman asked the Council if they would accept public input on Ordinance #1254, an ordinance granting a non-exclusive franchise to Century Island Associates, Inc., a Delaware Corporation, d/b/a Adelphia Cable Communications, Inc. to install, operate and maintain a cable

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

television system within the public streets and rights of way of the Town of Friday Harbor and repealing Ordinances No. 915,1343,1349, and 1253 in their entirely. The Council agreed to listen to public input. Attorney Eaton outlined the changes to Ordinance #1254. Comments were received from Ben White, Jordan Alexander, Andrew Seltser, Kate Stone, Lee Sturdivant, and Randy Lindsey. At 6:35 pm, Mayor Boothman asked Andrew Seltser to leave the Council Chambers due to a disturbance in the audience. At 6:47pm, Councilmember Brooks moved and Councilmember Emery seconded to adopt Ordinance #1254 as amended. The motion was passed 4 to 1 with Councilmember Gillette opposed.

Resolution # 1410 – tape sequence #2934

Land Use Administrator Bertrand explained the resolution. It was decided by the Council that discussion on Ordinance #1257 should precede the discussion of Resolution #1410.

Ordinance # 1257 – tape sequence #3280

Land Use Administrator Bertrand explained Ordinance #1257, an ordinance amending portions of Ordinance #1172 and Title 17, Friday Harbor Municipal Code, relating to the zoning designation map and text changes. Land Use Administrator Bertrand reviewed the changes. Attorney Eaton asked if any of the Councilmembers had discussed these land use changes since they discussed them at the July 1, 2004 evening meeting. Mayor Boothman informed the Council that he had received an e-mail from Claudia Cross regarding Magnum Investment's request for rezone of their property on Mullis Street. Councilmember Brooks informed the Council that even though she was unable to attend the public hearing that she had watched the video tape of the meeting and felt that she was able to partake in the discussion. Attorney Eaton answered Claudia Cross's earlier question about the public receiving adequate notification of the land use changes. Attorney Eaton felt that the notification given met the requirements of the Friday Harbor Municipal Code 20.20.020.

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1257. Attorney Eaton asked the Council if when they voted on the changes to the zoning designation map that they were accepting the recommendations of the Town Planning Commission and not the recommendations of the Town staff regarding Magnum Investments. The Council agreed that they were voting on the Planning Commission recommendations. After discussion, it was decided that any requests for zoning changes of the Magnum Investment property on Mullis Street should be submitted for consideration in the 2005 Comprehensive Plan Amendments. The motion was passed 4 to 1 with Councilmember Emery opposed.

Resolution # 1410 – tape 2 sequence #1047

Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1410, resolution authorizing the Mayor to execute a Concomitant Agreement between the Town of Friday Harbor and Gregory Zervas and Naoni Zervas, husband and wife, pertaining to a conditional rezone of the Zervas property at 365 Carter Avenue. The motion was unanimously approved.

Ordinance # 1256 – tape 2 sequence #1084

Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1256, an Ordinance amending the 2002 Town of Friday Harbor Comprehensive Plan and Comprehensive Plan Land Use Map and repealing Ordinance #1226 in its entirely. The motion was unanimously approved

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Continued meeting

At 7:35 PM, The Mayor asked that the meeting be extend until 7:45 PM. Council agreed.

Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #24945 through #25025 in the amount of \$340,792.89 and payroll warrants #10240 through #10284 in the amount of \$159,383.67. The motion passed unanimously.

Non-agenda

Mayor Boothman reminded that Council that they have a joined meeting scheduled with the Board of County Commissioners in September and to please e-mail the Town Clerk their agenda suggestions.

Executive Session

At 7:45 PM the Council went into Executive Session to discuss pending litigation. No action is planned. At 7:57 PM, Council came out of Executive Session. No action was taken.

At 7:55 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Wendy Picinich, Town Clerk Pro-tem

Town Council – August 19, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Community Development Report

Land Use Administrator Bertrand distributed the year to date building permit report that compared 2003 to 2004 in number of permits, valuation, and total permit fees collected. Mr. Bertrand indicated that the Town Planning Commission will hold a public hearing on August 26th, 2004 to hear testimony regarding a Planned Residential Development application located on Carter Avenue from the San Juan Home Trust. Mr. Bertrand asked if Council were interested in changing the land use regulations to allow density transfers from one lot to another. Following discussing, Council agreed that staff should investigate the issue further and report back to Council at a future Town Council meeting.

Ferry Advisory Committee – tape sequence #324

At 12:11 PM, Robert DeGavre and Pat McKay, local representatives on the Ferry Advisory Committee, solicited for comments or concerns regarding the proposed 2004 winter ferry

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schedule. They outlined the major changes as no inter-island weekend schedule and no Sidney BC service. Discussion followed regarding allowing service to Sidney on the weekends; using the Hiyu for inter-island travel; lack of food service on the ferries; Orcas Island receiving superior ferry service; how labor agreements impact ferry service; and timeline of ferry arrivals and their impact on Friday Harbor traffic congestion. At 12:28 PM, Mayor Boothman indicated that further discussion regarding the ferries would be put on a future agenda.

Resolution #1411 – tape sequence #922

Mayor Boothman introduced draft Resolution #1411. A resolution authorizing the Mayor to offer for public sale such used vehicles and equipment deemed surplus. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1411. Discussion followed regarding enhanced advertising; and hiring an auctioneer; the items listed, and sale methodology. Following discussion, the motion passed unanimously. Councilmember Gillette asked that surplus sale methodology be placed on a future agenda.

Amended 2004 Budget Public Hearing

At 12:37 PM, Mayor Boothman opened the public hearing on the amendments to the 2004 Town Budget.

Councilmember Brooks inquired about the reduction in personnel costs under the historic preservation coordinator position. Treasurer Picinich explained that the reduction was due to the vacancy in said position from mid-January through mid-June and a reduction of hours from 24 to 20 hours per week.

Councilmember inquired about the increase in costs in regards to the landfill closure 2003 Annual Report. Administrator Fitch explained that the scope of work had increased tremendously from the originally anticipated work product.

Councilmember Gillette asked if the Town had been turned down by the County Sheriff's Department for a portion of its homeland security grant monies to help fund the fence at the Water Treatment Plant. Mayor Boothman indicated that San Juan Island was not likely to be a terrorist target. Councilmember Jones agreed and commented that some people are building second homes on San Juan Island because it is not a population center and therefore not a terrorist target.

Councilmember Gillette commented that excess water and **sewer** revenues should be used to lower water and **sewer** rates instead of being placed in the capital reserve fund for future projects. Treasurer Picinich indicated that the rate increases were explicitly implemented to save money for future capital improvement projects. Following discussion, Mayor Boothman suggested that more discussion could take place regarding water and **sewer** rates during the 2005 budget discussions.

Councilmember Rosenfeld reminded Council that water and **sewer** rates could be supplemented from current expense funds.

Ordinance #1258

At 12:53 PM, hearing no public input forthcoming, Mayor Boothman closed the amended 2004 budget public hearing and introduced draft Ordinance #1258. An ordinance amending the 2004

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Budget for the Town of Friday Harbor. Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt Ordinance #1258 as stated. The motion passed unanimously.

Resolution #1412 – tape sequence #1867

Mayor Boothman introduced draft Resolution #1412. A resolution providing an employee funded deferred compensation program through the State of Washington Department of Retirement Systems Deferred Compensation Program. Following discussion, Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1412 as stated. The motion passed unanimously.

Administrator's Report – tape sequence #1930

At 12:55 PM, Administrator Fitch reported that the Memorial Park renovation project final design by David Waldron would be presented to Council on September 16, 2004. Administrator Fitch explained that following approval of said design, the subsequently action would be to expend funds to remove all of the hard surfaces within the Park this fall to see if the proposed design will work with the elm trees root system.

Councilmember Emery inquired whether or not the state auditors have approved the use of Harbor Improvement Funds for said project. Administrator Fitch indicated that the auditors are hesitant to give pre-approval for the use of said funds. Councilmember Emery cautioned use of said funds without pre-approval.

Mayor Boothman suggested staff research how other communities use their harbor improvement funds.

Councilmember Emery asked that the discussion regarding Memorial Park renovations be open for public input.

Councilmember Rosenfeld inquired about the timeline for said project. Administrator Fitch answered that it would be a winter project with an estimated cost of \$200,000 to \$300,000. Discussion continued regarding project details.

Administrator Fitch reported that David Kinderfather would be presenting the proposal for designing the Town public works yard on Harbor Street at the September 16, 2004 Town Council meeting.

Administrator Fitch explained the three Town projects that are out for bids: Caines Street Sidewalk, Perry Place Sidewalk, and the Storage Yard Grading at the Sutton Road Landfill. Administrator Fitch reported on the upcoming Market Street project and updated Council on the 327' pump zone project currently occurring on Marguerite Street.

Non-Agenda – tape sequence #2660

At 1:12 PM, Councilmember Brooks thanked Administrator Fitch for handling the pothole situation on Harbor Street. Councilmember Brooks asked if fishing were allowed on Trout Lake. Administrator Fitch answered in the negative.

Councilmember Rosenfeld displayed a 1907 Friday Harbor Fire Insurance Map. Councilmember Rosenfeld indicated said map would be available for Council review until the evening Town Council meeting.

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Councilmember Jones asked that copies of the transportation information presented by Laura Arnold and Betty Gilson at July 15, 2004 evening Town Council meeting be re-distributed to Council.

Councilmember Brooks commented on a citizen request for speed bumps on Hunt Street. Following discussion regarding liabilities and alternative traffic calming devices Council asked that further discussion be placed on a future agenda.

Minutes – tape sequence #3435

Councilmember Gillette moved and Councilmember Emery seconded to approve the Town Council minutes of August 5, 2004 noon and 5:30 PM meetings as written. Councilmember Brooks asked for a correction in the spelling of her name at the noon meeting. The motion to approve said minutes with said correction passed unanimously.

At 1:27 PM, hearing no further business before Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – August 19, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Mayor Boothman clarified that the two issues Council requested to be placed on a future Town Council agendas were ferry issues and neighborhood traffic slowing devices. Council concurred.

Buck Public Hearing

At 5:38 PM, Mayor Boothman opened the public hearing on Rezone Application #50, a request to rezone 301/303 Tucker Avenue from Light Manufacturing (LM) to Light Industrial (LI) by Samuel R. and Barbara Buck. No audience objections to any Council participation were forthcoming. Council stated no personal interest in the outcome of said rezone. Council indicated no communications with opponents or proponents regarding this issue.

Mayor Boothman asked Land Use Administrator Bertrand to present the staff report. Land Use Administrator Bertrand presented the six page staff report and outlined zoning of neighboring properties; the differences between light manufacturing and light industrial zones; and recommended approval of said rezone application per said staff report.

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No public input was forthcoming.

Administrator Fitch questioned if the substandard driveway access at the south end of 301 Tucker had been eliminated. Mr. Bertrand indicated that any substantial improvements to the building at 301 Tucker would prompt driveway improvements to be required.

Attorney Eaton clarified that if the use of the 301 Tucker building remained the same, then their current driveway would still be grandfathered.

Administrator Fitch asked if the rezone request prompted the requirement for curb, gutter, and sidewalk improvements. Land Use Administrator Bertrand indicated that a zoning change does not require said improvements.

At 5:52 PM, hearing no public input forthcoming regarding Rezone Application #50, Mayor Boothman closed the public input portion of the hearing and opened Council deliberations.

Councilmembers Jones stated that the change from LM to LI was warranted because of changes in neighboring properties. Councilmember Gillette agreed.

Councilmember Brooks pointed out that LI offered more conditional uses than LM.

Councilmember Rosenfeld suggested rezoning the back lot (303 Tucker Avenue) to light industrial and leaving the front lot (301 Tucker Avenue) light manufacturing. Following discussion, Councilmember Rosenfeld moved and Councilmember Emery seconded to rezone the back lot (tax parcel #351150021) to light industrial and leave the front lot (tax parcel #351150012) as light manufacturing.

Councilmember Jones suggested postponing the decision when the applicant could be present.

Administrator Fitch pointed out that on page 4 of the staff report it indicates that the change in neighboring properties is due to the Wastewater Treatment Plant influent screener located within 14 feet of the boundary of the subject properties. Mr. Fitch observed that said screener technically only impacts the back lot.

Councilmember Emery stated that rezoning the back end of the subject property would help protect the single family and multi-family residential properties in the area.

Attorney Eaton commented that if the Council chose to divide up the applicant's request because they felt it was in the public's best interest, such a decision could be legally defended.

Councilmember Brooks noted that the light manufacturing zone does not allow for cultural, religious, and health care facilities.

Following discussion the motion failed 2 to 3, with Councilmember Emery and Rosenfeld in favor.

Councilmember Gillette moved and Councilmember Brooks seconded to approve Rezone Application #50, allowing property currently zoned as Light Manufacturing at 301/303 Tucker

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Avenue to be rezoned to Light Industrial. The motion passed 4 to 1 with Councilmember Emery in the opposition.

Intergovernmental Agreement for Affordable Housing

At 6:05 PM, Mayor Boothman opened Council discussion of the draft intergovernmental agreement with San Juan County (SJC) for disbursement of affordable housing funds.

Councilmember Brooks questioned the necessity for funding overnight youth shelters as stated under Section 3(D).

Councilmember Rosenfeld suggested that the agreement should focus on rental of apartments, because persons 50% below the median income may not qualify as owners.

John Manning, SJC Director of Public Health and Community Services Department, indicated that the program is required to follow federal rules and "rentals" do not qualify.

Administrator Fitch inquired about the yearly revenues for said housing fund. Mr. Manning answered that the fund receives approximately \$40,000 per year. Mr. Fitch inquired if there was a vacancy on the housing advisory board for a Town representative. Mr. Manning indicated this may be a possibility.

Attorney Eaton commented that the Town was not mentioned in the draft agreement even though the RCW states that funds "shall" be used in the County and in the Town.

Councilmember Emery suggested placing this discussion on the joint meeting agenda with the SJC Commissioners on September 9, 2004. Council concurred.

Discussion continued regarding adding language that would give the Town input into the process; housing for seasonal workers; procedures; and legal review.

Topics for Joint Meeting with BOCC

Mayor Boothman opened Council discussion of agenda topics for the joint meeting with the Board of County Commissioners (BOCC) scheduled for noon on September 2, 2004 in the Town Council Chambers.

Councilmember Rosenfeld suggested cutting the number of meetings from four per year down to two per year. Councilmember Emery disagreed and felt that four meetings were needed.

Mayor Boothman suggested the Town and County discuss the sale or lease of the Town owned Solid Waste Facility on Sutton Road to the County.

Councilmember Gillette advocated renting the County said land at market value for 90 years with a built in yearly cost of living increase. Discussion followed regarding the merits of selling or leasing said property.

A topic from the previous joint meeting was the distribution of Capron Funds between the County and the Town. Treasurer Picinich explained the reason why the County had historically distributed a flat 10% of the Capron Funds to the Town.

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Following discussion it was decided that the issues to be presented to the BOCC for discussion were: Affordable Housing Fund Interlocal Agreement; Solid Waste Facility Lease/Sale; Capron Funds Interlocal Agreement; and Ferry Related Issues. It was also determined that those present could eat a brown bag lunch if they desired.

Claims – tape 2 sequence #317

At 7:08 PM, Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #25027 through 25082 in the amount of \$123,653.90. The motion passed unanimously.

Non-agenda

Discussion began regarding a fog stripe on Marguerite Street for pedestrian safety. Administrator Fitch pointed out that a fog stripe is placed on roads, not for pedestrian safety, but to notify drivers where the side of the road is located under severe driving conditions. Mr. Fitch indicated that portions of Marguerite may not be wide enough for a fog stripe given the Town's adopted Road Standards. He suggested the Town may wish to purchase additional right of way in this area.

Councilmember Jones advocated that narrower roads were in the public's best interest.

Administrator Fitch reminded Council that the Town is the urban center of the island and narrower roads are not beneficial for vehicular traffic, especially large freight vehicles and bikers and that our current road standards recognize that we are the commercial core of the island.

Councilmember Rosenfeld suggested leaving the road standards the same, but still placing a fog stripe on Marguerite Street.

Administrator Fitch maintained that road standards should be applied to everyone equally, including the Town and those that develop property.

Councilmember Gillette stated that narrower roads are not beneficial for either pedestrians or bicyclists.

Following discussion, Councilmember Jones moved and Councilmember Rosenfeld seconded to direct staff to research alternative street standards that would allow for narrower roads and support traffic calming devices. The motion passed 3 to 2 with Councilmember Gillette and Brooks against.

At 7:30 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – September 2, 2004 @ 12:00 PM

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

The Town Council met in regular session with Mayor Boothman presiding. Town Councilmember present: Brooks, Emery, Gillette, Jones, & Rosenfeld
San Juan County Commissioners present: Miller and Nielsen
Others present: Town Treasurer Picinich and San Juan County (SJC) employees: Karen Vedder, Matt Zybas, and John Manning.

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Don Galt, briefly explained an upcoming sports complex project to be located near Carter Street and asked for Council support for said project.

Sharon Spangler, 495 Rose Lane, commented on traffic speeds and volume of traffic in the Rose Lane area. She asked Council to investigate traffic calming devices. Ms. Spangler also asked Council to prohibit parking on both sides of the road during the San Juan County Fair week, due to diminished sight clearance when parking is allowed on both sides of the street. Following discussion, Mayor Boothman indicated that further discussion could occur during the non-agenda portion of the meeting.

Joint Meeting with BOCC

At 12:06 PM, Mayor Boothman opened the joint meeting with the Board of County Commissioners (BOCC). The first item of discussion was the draft affordable housing fund intergovernmental agreement.

Mayor Boothman commented on the necessity for rental assistance. Councilmember Brooks commented that said draft agreement did not seem to give the Town any control over the use of the funds generated pursuant to RCW 36.22.178.

Discussion followed regarding how other counties are distributing the housing program funds; placing a Town representative on the Affordable Housing Fund Commission (AHFC); the need for summer seasonal housing; the desire of the BOCC to use the housing program funds for "bricks and mortar" type projects rather than rental assistance programs; whether or not establishing a local housing authority would be advantageous or too costly; whether bricks and mortar would be more beneficial in satisfying the long term permanent affordable housing need versus using the funds for those who need rental assistance; who could apply for use of said funds; the amount of funds increasing if voters approve an additional tax to support affordable housing; and different components of said draft intergovernmental agreement. Following all discussion on this issue, County employees Vedder and Manning left the meeting.

Solid Waste Facility – tape sequence #878

At 12:28 PM, Mayor Boothman opened discussion of the sale or lease of the Town's Solid Waste Facility on Sutton Road to the County. Following inquiry, Matt Zybas, SJC Solid Waste Manager, indicated that said site did not meet the County's future requirements for their solid waste and recycling programs. Commissioner Nielsen pointed out that the County residents in the area did not want the County to expand its operations at said site. Following inquiry by Councilmember Jones about what the County would like from the Town regarding said site, Commissioner Nielsen asked that the Town allow the County to lease said site until the County can resolve its solid waste issues. Councilmember Emery inquired about any proposed improvements to the Solid Waste Facility site. Matt Zybas answered that he anticipates some structural

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

improvements to the "green" building following an inspection by an engineer. Discussion continued regarding stewardship of the property. Councilmember Gillette asked that the County provide use of the tipping floor for recycling purposes so that the Town can mirror the County's recycling program. Mr. Zybas responded that he would investigate if such a use could be achieved.

Capron Funds

At 12:40 PM, Mayor Boothman described the past history of the distribution of Capron Funds between the County and the Town. Mayor Boothman asked if the Commissioners would be interested in pursuing an interlocal agreement that would preserve the past historical distribution of 10% of said funds to the Town.

Commissioner Nielsen responded that the County road funds are currently in financial jeopardy and therefore the County may not have any funds to spare outside of the requirement of state law. Ms. Nielsen suggested the Town and County combine their road maintenance shops to reduce duplication of services.

Councilmember Miller expressed disappointment that the reduction of Capron funds to the Town was changed without notification to the Board of County Commissioners. Ms. Miller indicated agreement with Commissioner Nielsen regarding the state of the County road fund, but expressed she would still be interested in engaging in conversation regarding an interlocal agreement.

Mayor Boothman indicated that the Town would draft an interlocal agreement for review and consideration by the Board of County Commissioners. Councilmember Rosenfeld reminded the BOCC of the past generosity of the Town in regards to use of the Solid Waste Facility site for only \$10 per year.

Ferry Related Issues – tape sequence #1631

At 12:48 PM, Mayor Boothman opened discussion of ferry related issues. Discussion began regarding Orcas Island receiving better evening ferry service than San Juan Island; the necessity for a second slip in Friday Harbor for later ferry sailings; conversations with ferry crew members who indicate the winter ferry schedule actually costs the ferry system more money while providing reduced service to the islands; not getting in between the negotiations between ferry operations, internal labor and management issues at Washington State Ferries; more priority being given to the Sidney BC route than to the inter-island route; moving traffic faster through Friday Harbor; establishing a sub-committee between the Town/County/Port to discuss the intermodal plan; the necessity for more ferry parking; and placing the intermodal plan discussion on the next joint meeting agenda to see what can be accomplished.

At 1:03 PM, it was determined that the next joint meeting would be in December. The Board of County Commissioners left the meeting.

Affordable Housing Funds – tape sequence #2321

At 1:05 PM, Mayor Boothman opened Council discussion of the draft intergovernmental agreement with SJC for disbursement of affordable housing funds.

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Councilmember Jones suggested that language be added to said draft agreement that would allow the Town to "approve" rather than just "comment" on applications for affordable housing funds.

Councilmember Emery suggested that the Town be notified during the application process for better communication. Councilmember Emery suggested changing the percentage allotments under Section 3(E).

Councilmember Rosenfeld agreed that the majority of the funds should be used for "bricks and mortar" projects. Discussion followed.

Councilmember Brooks suggested changing the first term of the agreement from five to three years and then thereafter renew the agreement for five years. Council concurred.

Following discussion, the Council asked that the following percentages under Section 3(E)1 be changed to say: "At least 80% for acquisition, construction...; Adding new language for Section 3(E)2 be changed to say: "At least 10% to local organizations that have an existing rental assistance program; 3(E)3 to be changed to read: Up to 5% for operating costs for emergency shelters and licensed overnight youth shelters; and...; 3(E)4 to be changed to read: 5% shall be set aside in a reserve fund; and Section 3(E)5 to be added to read: The funds may be distributed in the form of a loan or grant.

Council asked that the following sentences in Section 4 be changed to read: The AHFC will invite obtain written comment from the Town Council to comment on project applications. And: The Board of County Commissioners will approve which projects are funded based on the recommendations of the AHFC after consultation with the Town of Friday Harbor.

Councilmember Gillette moved and Councilmember Jones seconded to designate Councilmember Brooks as the Town representative on the Affordable Housing Fund Commission. The motion passed unanimously.

Minutes – tape sequence #3180

At 1:23 PM, Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of August 19, 2004 noon and 5:30 PM meetings as written. The motion passed unanimously.

Non-agenda

Councilmember Jones agreed with Councilmember Rosenfeld's comments about the generosity of the Town to the County in regards to the Solid Waste Facility site. Mr. Jones asked other Councilmembers not to forget that the Town refuse rate payers have been subsidizing the County Solid Waste operations.

In regards to Sharon Spangler's public access request, Mayor Boothman suggested the Town revive the Town's Transportation Advisory Committee to research traffic calming devices. Mayor Boothman reported how some other communities handle citizen requests involving calming devices. Mayor Boothman suggested that more research may help Council focus on the issue instead of reacting to public passion.

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Councilmember Rosenfeld indicated that now that Councilmember Emery is on the Town Council, new Councilmembers would have to be appointed to any revived transportation committee.

At 1:34 PM, hearing no further business before Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – September 2, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present:

Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Attorney Eaton & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Water & Sewer Rate Study

Mayor Boothman opened discussion of the 2003 adopted water and sewer rate study. Council reviewed pages 10 and 12 of said study regarding the projected water and sewer rate increases necessary to give the Town the ability to cover future planned capital improvement expenses. Discussion followed regarding budget beginning cash balances versus ending cash balances; bonding capacity of the Town; saving money for project design phases; comparisons between private savings versus public savings; lowering water rates to encourage water usage versus water conservation and water as a precious commodity; the fiscal health of the water and sewer reserve funds; the impact water and sewer rates have on residents; other communities having to increase their water and sewer rates because of capital improvement projects; developing a system to catch and reuse stormdrain runoff; funding some of the increases necessary for future infrastructure out of the current fund rather than through increasing water and sewer rates. Mayor Boothman indicated the discussion would continue on a future agenda.

Transportation Advisory Committee

Noting Sharon Spangler in the audience, Mayor Boothman reported that during the noon Town Council meeting, Council discussed reinstituting the Transportation Advisory Committee to research and create a plan to present to Council regarding traffic calming devices and implementation. Discussion followed between the Mayor, Council and Ms. Spanler regarding traffic issues.

Resolution #1413

Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1413. A resolution authorizing the Mayor to execute a contract for improvements to its landfill closure with Richard Lawson Construction in the amount of \$33,300.00. Councilmember Jones asked what portion of said landfill re-closure is directly attributable to the use by San Juan

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

County of the shelf area. Mayor Boothman explained that the Town could not ascertain if the County was a responsible party or not. Following discussion, the motion passed unanimously.

Resolution #1414 – tape sequence #1860

Mayor Boothman introduced draft Resolution #1414. A resolution authorizing the Mayor to execute a contract for improvements to Perry Place with Vast Incorporated in the amount of \$35,265.50. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1414 as stated. Councilmember Rosenfeld asked if the bid received was comparable to the amount previously collected from the developer. Mayor Boothman indicated that the Town was providing approximately \$13,000 of additional funds to the project. The motion passed unanimously.

Buck Findings of Fact – tape sequence #1914

At 6:27 PM, Councilmember Brooks moved and Councilmember Gillette seconded to adopt the Findings of Fact and Conclusions of Law in regards to Rezone Application #50 from Sam and Barbara Buck to rezone property located at 301/303 Tucker Avenue from Light Manufacturing to Light Industrial. The motion passed unanimously.

Claims and Payroll – tape sequence #1956

Councilmember Emery moved and Councilmember Jones seconded to approve the payment of claim warrants #25085 through #25150 in the amount of \$346,428.81 and payroll warrants #10285 through #10330 in the amount of \$157,023.58. The motion passed unanimously.

Non-agenda

Councilmember Brooks mentioned that although some business owners have commented on the lack of sales this year, the Town's sales tax revenue seems to be consistent or better than last year.

Councilmember Jones commented that the Lodging Tax Advisory Committee (LTAC) will hold a meeting in September to review 2004 expenditures and 2005 budget requests. Mayor Boothman asked Councilmember Jones to remind said Committee about the previously proposed brochure called "Lane 4". Councilmember Rosenfeld suggested the Town contact those organizations who produce a map of Friday Harbor to remind them to put the Town's new public restrooms on their map. Councilmember Brooks suggested the LTAC find a way to promote Friday Harbor as a destination before or after the winter Olympics in 2006.

At 6:37 PM, hearing no further business before the Town Council, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – September 16, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Staff present: Town Administrator Fitch, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Harry Kuheim expressed dismay at an offensive political bumper sticker seen on a car at Eagle Cove. Mr. Kuheim presented a petition supporting the banning of obscene language from vehicles traveling on public roads. Following discussion, Mayor Boothman indicated further discussion could ensue during the non-agenda portion of the meeting.

Sharon Spangler, 495 Rose Lane, inquired about the timeline for reforming the Transportation Advisory Committee. Ms. Spangler indicated that she would be interested in serving on said Committee. Mayor Boothman explained that the Council would be discussing the issue on the 1st agenda in October.

Athletic Association Presentation

Don Galt, representative for the Friday Harbor Athletic Association, gave an overview of the history of said Athletic Association and their building efforts. Mr. Galt asked Council to relieve said Association from approximately \$19,212.00 in water and sewer hookup costs and other permitting fees. Mr. Galt asked Council to write a letter endorsing the Athletic Association's development efforts to build sports fields and facilities on the School District's land at the end Carter Avenue. Following inquiry, Mr. Galt indicated that the San Juan Island School District has not completed its discussion regarding this project.

Councilmember Rosenfeld commented that if the project could incorporate walking paths and park type facilities, perhaps the Town could justify participation in the project. Mr. Rosenfeld suggested holding a public meeting to hear from the neighbors in the area and determine if there is community support for the project. Mr. Galt responded that passage of the school bond in 1997, which anticipated the use of this property for sports fields, indicated community support.

Councilmember Emery inquired if a zoning designation change would be necessary in the future for said use. Land Use Administrator Bertrand responded that a community park is allowed within the single family zone with a conditional use permit, but if the property is used as a school facility, it would then require a reclassification to a Public Service zone.

Councilmember Jones expressed concerns with procedures and indicated he would like the School District's input before making a decision.

Bob Mancuso, School Board Member, reported that said School District is still in the research process.

Following further discussion, Mayor Boothman postponed further discussion until a later time.

Memorial Park Renovations

At 12:27 PM, Mayor Boothman introduced David Waldron, Architect for the Memorial Park Renovation Project. Mr. Waldron explained the proposed renovations as: making the circle of said Park more of a circle; moving the circle farther up the street and slightly to the north to

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

give the elm tree more root room; eliminating two parking spaces on Spring Street in front of the Front Street Ale House to allow enhanced unloading of large trucks from the ferry; increasing the size of the shoreline sidewalk; moving benches to the shoreline sidewalk area; addition of new trees and an arbor within the shoreline sidewalk; and addition of paver tiles on the east side of the circle between the Park and the sidewalk.

Mr. Waldron explained that the project was more expensive than originally anticipated and explained various options for reducing said project costs. Councilmember Brooks suggested letting private people purchase paver tiles with their names on them to help lower costs.

Councilmember Emery suggested the Park become a "true" turn around; forcing traffic to go around the Park instead of turning left onto Front Street without traveling the circle.

Following discussion regarding paver tile colors and bidding options, Councilmember Rosenfeld suggested eliminating the paver tiles entirely and leave said area as a street with the addition of standard crosswalks to save costs.

Councilmember Rosenfeld proposed postponing the project until further research could be done regarding whether or not this project will impede the speed of ferry offloading and how it correlates with the Intermodal Plan. Mr. Rosenfeld also suggested that the memorial at said Park could possibly be moved slightly.

Lorraine Larsen, 230 C Street, stated that the Memorial Park Committee is trying to have Memorial Park designated as a Historic Park and moving the memorial could jeopardize this designation. She observed that Memorial Park is beautiful as it currently exists, but if the Town wanted to expend funds to improve it, they could, but asked that the memorial not be moved.

Mona Meeker, 617 Franck Street and member of the Memorial Park Committee, stated that the project should not be postponed and should be beautified in respect for island pioneers and their families.

Carl Mueller, American Legion Representative, indicated support for the project from the local Legion and asked that it not be postponed.

Roger Bennett, 1 Spring Street, expressed support for said project. Mr. Bennett asked that red paver tiles be used to connect the paver tiles placed in front of his building on Front Street with the Park. Mr. Bennett suggested recruiting retired folks to carry paver tiles to save on labor costs.

Administrator Fitch explained how the decision by Council could affect the construction timeline if the anticipated opening date was to be Memorial Day 2005.

Councilmember Emery cautioned that a Council decision to approve Park renovations may impact future discussions regarding ferry traffic circulation. Ms. Emery suggested Council "look at the big picture" and delay the decision until further research could be conducted regarding ferry traffic and the Intermodal Plan. Ms. Emery specified that should Council approve the Park renovations, then it should schedule time to look at alternative traffic flow in the near future.

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Mayor Boothman suggested that the Town may have to find alternative traffic solutions to the ferry offloading issue, that do not involve the Town delaying said project, such as eliminating two-way traffic on Spring Street.

Councilmember Rosenfeld agreed with Councilmember Emery that the project had value, but Council should not put itself at cross purposes with the ferry offloading issue and Intermodal Plan.

Councilmember Brooks moved and Councilmember Jones seconded to approve the construction drawings presented for renovations to Memorial Park. Mayor Boothman asked for further discussion. Councilmember Rosenfeld began discussion.

Councilmember Gillette moved to end debate on the issue. The motion passed 3 to 2, with Councilmember Emery and Councilmember Rosenfeld in the opposition to ending debate.

The motion on the floor passed 3 to 2, with Councilmember Emery and Councilmember Rosenfeld in the opposition.

Public Works Facility

At 1:07 PM, David Kinderfather, Architect and Wayne Haefele, Engineer, presented the design proposal for the Town Public Works Facility to be located on Harbor Street. Mr. Kinderfather and Mr. Haefele explained the site design challenges for said proposed Facility. Discussion and inquiry ensued during the presentation regarding surface water; building materials; costs of the project and how the Town anticipates paying for it; locating said Facility at the Town's Landfill site instead; the Town outgrowing its current location; phasing the project; and ways to cut costs of the project.

At 1:41 PM, Councilmember Emery moved and Councilmember Jones seconded to extend the meeting fifteen minutes. The motion passed 4 to 1 with Councilmember Rosenfeld in the opposition.

Administrator Fitch explained that a decision was not necessary at this time regarding the design proposal of said Facility.

Resolution #1415

At 1:44 PM, Mayor Boothman introduced draft Resolution #1415. A resolution authorizing the Mayor to execute a contract for improvements to Caines Street. Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt Resolution #1415 as stated. Following inquiry, the motion passed unanimously.

Non-agenda

Council began discussion of Mr. Kuheim's request during the public access portion of the meeting regarding offensive bumper stickers. Following discussion regarding several suggestions, Council did not come to a definitive conclusion on this issue.

At 1:51 PM, hearing no objection, Mayor Boothman deferred the remainder of the agenda items to the evening Town Council meeting.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – September 16, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Attorney Eaton, Land Use Administrator Bertrand, & Treasurer Picinich (late)

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Ordinance #1259

Mayor Boothman introduced draft Ordinance #1259. An ordinance approving the preliminary site plan of the Salal Neighborhood Planned Residential Development. Land Use Administrator Bertrand explained the particulars of said ordinance and development. Following discussion regarding aspects of the development, Councilmember Jones moved and Councilmember Emery seconded to adopt Ordinance No. 1259 as presented. The motion passed unanimously, with Councilmember Brooks abstaining because she was involved with the financing of said development via her work.

Salal Neighborhood Findings of Fact

At 5:40 PM, Land Use Administrator Bertrand explained that the Findings of Fact and Conclusions of Law regarding the Salal Neighborhood Planned Residential Development are a combination of recommendations from the Planning Commission and Town staff. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt the Findings of Fact and Conclusions of Law regarding the Salal Neighborhood Planned Residential Development as presented. The motion passed unanimously, with Councilmember Brooks abstaining.

Ordinance #1260

Mayor Boothman introduced draft Ordinance #1260. An ordinance accepting the Final Site Plan of The Salal Neighborhood Planned Residential Development – Phase 1 to the Town of Friday Harbor. Land Use Administrator Bertrand explained the particulars of said ordinance. Councilmember Emery moved and Councilmember Gillette seconded to adopt Ordinance #1260 as stated. Following discussion, the motion passed unanimously with Councilmember Brooks abstaining. Council thanked Lovell Pratt, project leader, for her efforts towards affordable housing.

Ordinance #1261

Mayor Boothman introduced draft Ordinance #1261. An ordinance granting a non-exclusive franchise to Orcas Power and Light Cooperative (OPALCO), a non-profit Washington State Corporation, to operate and maintain an electrical transmission and distribution system within the public streets and rights of way of the Town of Friday Harbor and repealing Ordinance No. 173 in its entirety. Administrator Fitch explained that this was the 1st reading of said draft

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ordinance and that no action was required of Council at this time. Administrator Fitch explained the particulars of said draft ordinance.

Randy Cornelius and Beth Anderson of Opalco, explained the various requested changes from OPALCO.

Discussion followed regarding putting power lines underground; aesthetics; financing; the length of the franchise life; and the request by OPALCO to increase the amount of hours that house movers have to provide notice of a house move from 48 hours to 120 hours. It was determined by Council that because no fee was being charged to OPALCO, a public hearing was not necessary.

Interlocal Agreement for Affordable Housing Funds

At 6:13 PM, Mayor Boothman opened discussion of the draft interlocal agreement with San Juan County for disbursement of affordable housing funds. Councilmember Emery suggested a revision to the letter to the Board of County Commissioners. Council concurred with this change. Council approved the draft interlocal underline strikeout agreement to be sent to said Commissioners.

Water/Sewer Rates

At 6:22 PM, Mayor Boothman opened discussion of the 2003 adopted water and **sewer** rate study. A memo from Tracey Dunlap of Financial Consulting Solutions Group, Inc., dated 9/14/04 was distributed to Council regarding input on the Town's financial evaluation in regards to the projected 2005 water and **sewer** rate increases and their correlation with funds being set aside for future infrastructure projects. Ms. Dunlap's memo indicated that the projected **sewer** rate increase of 4.3% did not appear to be necessary, but the projected 8.5% water rate increase was still warranted.

Councilmember Brooks inquired if Treasurer Picinich agreed with the memo from Ms. Dunlap. Ms. Picinich answered in the affirmative.

Administrator Fitch pointed out that the estimated cost increase to 85% of the Town's water users would be approximately \$3.51 for an 8.5% increase in water rates.

Discussion followed regarding Town finances and increasing the rate for those who buy water from the Town by the tank load by a significant amount.

Councilmember Gillette advocated eliminating the tiered water volume charges, in times of non-drought, to one lower rate for those who want to have a garden. Councilmember Rosenfeld acknowledged that this suggestion has been previously considered and rejected by the Council. Administrator Fitch pointed out that this year our area has received the lowest amount of rainfall since 1994.

Administrator's Report

At 6:41 PM, Administrator Fitch asked if Council were interested in a joint meeting with the Port of Friday Harbor and the Town Planning Commission to hear a presentation by a representative of the Department of Transportation regarding airport compatible zoning. Council agreed to the joint meeting on a night that the Planning Commission is scheduled to meet.

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Administrator Fitch reported on the submittal of a \$500,000 grant application to the Small Cities Grant Program for improvements to Guard Street from Tucker Avenue to Marguerite Street.

Administrator Fitch updated Council on the 327' zone project on Marguerite Street. Councilmember Rosenfeld asked about a fog line on Marguerite Street following the completion of the project. Mr. Fitch answered that following completion it would be determined if enough room was available for a fog stripe.

Administrator Fitch asked if Councilmember Gillette had been successful in finding someone to perform a live auction for the Town's surplus equipment sales. Councilmember Gillette indicated that he was not aware he had been assigned that task. Councilmember Gillette indicated his suggestion had been for more aggressive surplus sales advertising.

Administrator Fitch reported that construction was scheduled to begin on September 22, 2004 on the Perry Place sidewalk project and September 27, 2004 on the Landfill Re-closure project.

For purposes of clarification, because Mr. Galt stated at the noon Town Council meeting that in 1990 the Town Council had waived permitting and connection fees for the Friday Harbor Athletic Association to build a clubhouse and athletic field on Grover Street, Administrator Fitch explained that in 1990 the Town Council did not waive the connection and permitting fees, but funded the cost of said fees out of its Parks budget for an approximate cost of \$1510.00 and so in effect the Association did not have to pay for said fees and therefore Mr. Galt felt they were waived..

Minutes

Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of September 2, 2004 noon and 5:30 PM meetings as written. Councilmember Emery asked that a question she asked Matt Zybas, San Juan County Solid Waste Manager, during the minutes of the noon meeting be added into the minutes. The motion to accept the minutes as amended passed unanimously.

Claims

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #25154 through #25209 in the amount of \$80,015.53. The motion passed unanimously.

Non-agenda

Mayor Boothman apologized for interpreting Robert's Rules of Order incorrectly in regards to the "previous question" at the noon meeting.

Councilmember Brooks expressed dismay at the possible sale of the Lakedale Resort & Campground because the new owners are proposing to eliminate the campground portion of the resort and put in condominiums. Ms. Brooks indicated such a development would impact the Town's sales tax revenues and suggested Council think of a way to save the campground.

In response to the public access request at the noon Town Council meeting to ban offensive language on bumper stickers on public roads, Councilmember Rosenfeld proposed language

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

supporting civility in politics. Following discussion, Council decided that no action was necessary regarding this issue.

If the Transportation Advisory Committee is reformed, and because there can only be two Councilmembers on a committee, Councilmember Rosenfeld volunteered to step down from his position on said Committee. Councilmember Emery and Jones would continue to hold positions on said Committee.

Mayor Boothman announced that he would not be at the October 7, 2004 Town Council meetings and that a Mayor Pro-tem would need to be selected.

Executive Session

At 7:15 PM, hearing no objection, Mayor Boothman declared the meeting in executive session to discuss pending litigation for approximately 20 minutes with no action anticipated.

At 7:34 PM, Mayor Boothman declared the meeting back in regular session with no action taken in executive session.

More Non-agenda

Councilmember Gillette noted that the local newspaper has reported that the Browne Lumber property is going to be placed on the real estate market and suggested the Town ask to be put on an exception list for payment of commissions, etc., should the Town later decide to purchase the property. Council concurred with this suggestion.

At 7:35 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – October 7, 2004 @ 12:00 PM

The Town Council met in regular session.

Town Clerk Wilson called the meeting to order and informed Council that Mayor Boothman would not be present and that a Mayor Pro-tem needed to be selected. Councilmember Gillette moved and Councilmember Brooks seconded to appoint Councilmember Jones as Mayor Pro-tem for both the noon and 5:30 PM Town Council meetings. The motion passed unanimously. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld (late)
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Pro-tem Jones led the meeting in the Pledge of Allegiance. Councilmember Rosenfeld arrived during the Pledge of Allegiance.

During the public access portion of the meeting, Lee Sturdivant, 745 Larsen Street, indicated that a petition regarding the proposed sports complex on Carter Street would be forthcoming.

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Ms. Sturdivant stated that her neighbors are not against the sports complex, but do not support increased traffic on Larsen Street and Carter Avenue.

At 12:06 PM, Sheriff Cumming distributed July, August, and September 2004 San Juan County Law Reports to Council. Mr. Cumming asked Council to help fund the hiring of a new dedicated narcotics officer for 2005. Mr. Cumming described the effects methamphetamine can have on a person and a community. Mr. Cumming reported that three "meth" labs had been found in San Juan County. Mr. Cumming suggested that one of the ways Council could help finance this new detective would be to redirect the \$11,000 budgeted for ferry traffic control to this new position. Mr. Cumming estimated the overall cost of said officer would be approximately \$62,000 and upon inquiry requested the Town fund approximately \$20,000 to \$25,000 of said position.

Councilmember Brooks stated that Sheriff Cumming would not be asking for additional funds from the Town unless it was necessary. Councilmember Brooks inquired where the three meth labs were located. Sheriff Cumming indicated that all three were located outside of the Town limits.

Discussion followed regarding the use of narcotic sniffing dogs; the Town's current percentage of the Sheriff's overall budget; the high percentage of the Town's portion for this position; officer duties; and working with other government agencies for narcotics control.

Councilmember Gillette asked if the Sheriff receives property taxes from Town residents in addition to the monies received from the Town's contract with the Sheriff. Sheriff Cumming answered in the affirmative.

Councilmember Gillette asked if Homeland Security Grant funds were still available to help fund the fence at Trout Lake for security purposes. Sheriff Cumming responded that a multi-agency committee is responsible for the expenditure of said funds. He suggested the Town submit a written proposal to the committee.

Community Development Report – tape sequence #851

At 12:27 PM, Land Use Administrator Bertrand distributed year to date building reports for 2004. Mr. Bertrand observed that no new large building permits have been forthcoming. Mr. Bertrand reported on the possibility of two upcoming public hearings. A substantial shoreline development permit for Memorial Park and a conditional use permit for Carter Avenue sports fields.

Mr. Bertrand commented that the San Juan Island School District has authorized their planner to look at the Carter Street sports fields' proposal to make sure there is still room for a future school at this location. Mr. Bertrand indicated that verbal approval has been issued for the project leaders to investigate the feasibility of a well at said location.

Councilmember Brooks asked Mr. Bertrand to provide a map showing undeveloped Town parcels and their current zoning. Mr. Bertrand agreed to provide said map to the entire Council.

Councilmember Rosenfeld commented on the San Juan Community Theatre's marquee sign and citizen comments that perhaps the Town's current sign ordinance was not comprehensive

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enough. Administrator Fitch indicated that several changes to the sign ordinance could be recommended to bring current sign operations into compliance. Mr. Bertrand assured that the Theatre's sign met the current sign ordinance regulations. Mr. Fitch reported on past reviews of said ordinance.

System Administration – tape sequence #1115

At 12:35 PM, System Administration Dubail distributed and outlined the System Administration Department's October Activity Summary. Discussion followed regarding power outage procedures; mechanical, as well as, personnel backup procedures; developing a detailed procedural manual; and the cost benefit analysis of the computer system. Following all inquires and discussion, Mr. Dubail left the meeting.

FH Athletic Association Discussion

At 12:51 PM, Mayor Pro-tem Jones opened discussion regarding the proposal by the Friday Harbor Athletic Association to develop sports fields at the end of Carter Avenue. Project leader, Don Galt, was not in attendance. Administrator Fitch explained recent developments on the issue. Mr. Fitch estimated that the Town's contribution towards said project permitting fees and connection charges was approximately \$20,000 to \$25,000. Administrator Fitch indicated said amount was not currently in the draft 2005 Budget.

Mayor Pro-tem Jones asked for a preliminary state of principal regarding said project.

Councilmember Emery advised Council to wait and hear from the San Juan Island School Board or their appointed committee before making a decision.

Councilmember Gillette spoke in support of the project and suggested cutting reserves to fund the necessary fees involved with said project.

Councilmember Brooks stated support for the project, but questioned where the money to fund the project could be located. Following inquiry, Treasurer Picinich indicated that approximately \$20,000 is in trust for Cahail Park improvements.

Councilmember Rosenfeld indicated he was supportive with caution. He suggested investigating the impacts to the neighborhood and also requiring the developers to provide an area for picnic tables to benefit others besides "sports minded" individuals.

Councilmember Jones emphasized that more details were needed prior to making a decision regarding this request for the funding of substantial fees from the Town.

Councilmember Brooks stipulated that the entrance of Carter Avenue was too narrow to support the heavier traffic that would come from said sports complex.

It was the consensus of Council to defer further discussion until Mr. Galt and the School District could be present.

Confirmation of Planning Commission Member

Mayor Pro-tem Jones opened discussion regarding the confirmation of Jordan Alexander to Position #6 on the Town Planning Commission. Councilmember Brooks mentioned two citizens

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that had been suggested to serve on said Commission. Following discussion, it was the consensus of Council to wait until the Mayor was present for further discussion.

Administrator's Report – tape sequence 2694

At 1:13 PM, Administrator Fitch corrected his previous statement that only 85% of the Town water customers would be affected by \$3.51 if Council approved an 8.5% increase in water rates. Mr. Fitch clarified that updated water consumer information indicates that 49% of the Town water customers would experience a \$3.51 increase and 31% would experience a \$5.36 a month increase.

Administrator Fitch reported that the Town was still experiencing and investigating water line loss. He maintained that approximately 1 million gallons of water was lost in September. Mr. Fitch reported that recent weather trends predicted a dryer warmer winter.

Administrator Fitch asked for Council permission to continue the normal procedures for surplus sale of Town equipment. Council agreed that normal procedures should be followed, except off-island advertising should be offered as well as local advertising.

Administrator Fitch asked if Council were interested in continuing any discussion regarding the public works yard on Harbor Street. Following discussion, it was determined that further discussion should be placed on a future agenda.

Administrator Fitch reported on the completion of the Sutton Road Landfill re-closure project. Mr. Fitch admitted that a mistake was made in the measurements and now the shelf to be used by the County recycling program is approximately 1000 square feet short. Council agreed that the lease for said shelf should be prorated to accommodate said shortage.

Administrator Fitch asked if Council were available for a joint meeting with the Port of Friday Harbor and the Town Planning Commission to hear a presentation by the Washington State Department of Transportation (WSDOT) regarding airport zoning on November 18th, 2004 at 5:30 PM. Following discussion, it was determined that Wednesday, November 17th, 2004 at 5:30 PM was an acceptable date for Council.

Administrator Fitch reported that John Vanlund, the new San Juan County engineer, has asked that the Town defer to the County in regards to Surface Transportation Program funds. Mr. Fitch acknowledged that Mr. Vanlund has been helpful in communications with the Transportation Improvement Board (TIB) in regards to funding Guard Street improvements. Mr. Vanlund also suggested a joint Town/County public works yard.

Administrator Fitch reported on the State Auditor's exit audit. Mr. Fitch indicated that a management letter was issued in regards to Change Order #10 on the Wastewater Treatment Plant improvement project. Mr. Fitch reported on other suggestions made by the State Auditor's Office.

At 1:37 PM, Mayor Pro-tem Jones asked Council if they wanted to extend the meeting to complete the remaining agenda items. It was the consensus of Council that the remaining items on the agenda be moved to the evening Town Council meeting. Consequently, hearing no objection, Mayor Pro-tem Jones declared the meeting adjourned.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

David F. Jones, Mayor Pro-tem

Kelle Wilson, Town Clerk

Town Council – October 7, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Pro-tem Jones presiding.

Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Ordinance #1262

Mayor Pro-tem Jones opened discussion on draft ordinance #1262. An ordinance creating a Transportation Advisory Committee (TAC). Administrator Fitch explained the particulars of said ordinance. Councilmember Emery suggested the committee be made up of more than five participants. Councilmember Emery expressed frustration that the previous TAC recommendations had not been implemented. Administrator Fitch explained the TAC recommendations that had been implemented. Following discussion regarding the focus of said Committee; the number of members at large, and the procedure for how members are selected. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Ordinance No. 1262 revising Section 2 to read "...and one up to three Town residents at large, all to be appointed by the Town Council nominated by the Mayor and confirmed by the Town Council." The motion passed unanimously.

Ordinance #1261 – tape sequence #443

At 5: 45 PM, Mayor Pro-tem Jones opened discussion of Ordinance #1261. An ordinance granting a non-exclusive franchise to Orcas Power and Light Cooperative, a non-profit Washington State Corporation, to operate and maintain an electrical transmission and distribution system within the public streets and rights of way of the Town of Friday Harbor and repealing Ordinance No. 173 in its entirety. Administrator Fitch explained the particulars of said Ordinance. Following inquires, Councilmember Brooks moved and Councilmember Gillette seconded to adopt Ordinance #1261 as stated. The motion passed unanimously.

Minutes

At 5:54 PM, Mayor Pro-tem Jones asked if there were any changes to the Town Council minutes of September 16, 2004 noon and 5:30 PM meetings. Councilmember Emery asked that a sentence be added to the Memorial Park renovations discussion to help clarify the minutes. Councilmember Emery moved and Councilmember Gillette seconded to approve said minutes as amended. The motion passed unanimously.

Draft 2005 Budget Work Session – tape sequence #842

Mayor Pro-tem Jones opened discussion on the draft 2005 Budget. Administrator Fitch explained the particulars of his memo to Council dated 10/1/04 and the budget timeline.

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Administrator Fitch asked that each Councilmember come to him and discuss any concerns or questions they may have regarding the draft 2005 Budget. Mr. Fitch explained that some of the funds in said budget were not in balance and would require Council to make decisions or cuts to balance those funds. Administrator Fitch explained that the Mayor had suggested that the discussion begin in the Capital Reserves Fund.

Discussion and inquiry began regarding the 2005 draft Budget.

One of the preliminary decisions made by Council regarding said budget was to fund one deferred water/**sewer** connection rather than the two proposed by staff. Councilmember Rosenfeld suggested funding said deferral out of the capital reserve fund rather than the current fund, since eventually the money would be repaid to the Town.

Council discussed adding the Sheriff's request for \$20-25,000 to fund a dedicated narcotics officer and the request from Mr. Galt for permit/connection fee relief. Council reviewed the capital reserve fund and the memo from Administrator Fitch. No other preliminary decisions were forthcoming.

Non-agenda

Administrator Fitch informed Council that once a shoreline substantial development permit application was forthcoming in regards to renovations to Memorial Park they could not discuss the issue further. Discussion followed regarding placing additional discussion on a future agenda; moving the monument; traffic visibility; large trucks; approximate cost of the project (\$275,000); alternative paving options; concerns that a qualified traffic engineer has not looked at the proposed project; the location of the stop sign at the intersection of Spring and Front Street; and the project timeline.

Councilmember Emery moved to rescind the previous decision to go forth with the Memorial Park renovations. The motion died for lack of a second.

Meeting Extension

At 7:48 PM, Councilmember Rosenfeld moved and Councilmember Gillette seconded to extend the meeting for an additional 15 minutes. The motion passed unanimously.

Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the payment of claim warrants #25214 through #25308 in the amount of \$174337.97 and payroll warrants #10331 through #10412 in the amount of \$172,706.18. The motion passed unanimously.

At 7:49 PM, hearing no objection, Mayor Pro-tem Jones declared the meeting in executive session to discussion pending litigation for approximately 15 minutes with action anticipated.

At 7:57 PM, Mayor Pro-tem Jones declared the meeting back in regular session.

Councilmember Rosenfeld moved and Councilmember Gillette seconded to direct staff to deny the claim dated 5/19/04 regarding extended overhead from the Stellar J. Corporation. The motion passed unanimously.

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Administrator Fitch explained that additional meetings may be necessary to allow Council adequate time to review the draft 2005 budget.

At 7:59 PM, hearing no objection, Mayor Pro-tem Jones declared the meeting adjourned.

David F. Jones, Mayor Pro-tem

Kelle Wilson, Town Clerk

Town Council – October 21, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Frank Penwell, 545 Rose Court and Lions Club representative, asked Council to allow one or two recycle collection bins to be located at the Town's Solid Waste Facility on Sutton Road to help as a Lions Club fundraising project. Mr. Penwell also asked the Town to provide used 55-gallon drums for use at small collection sites around Town. Councilmember Rosenfeld suggested that a recycle collection system would be useful during the San Juan County Fair. Councilmember Gillette indicated that the Solid Waste Advisory Committee (SWAC) did not feel this fundraising project would impact the County's contract with Waste Management for recycling services. Discussion continued regarding location of bins and barrels, size of bins, procedures for crushing cans, and traffic flow at the Solid Waste Facility. Administrator Fitch indicated he would rather the barrels not be placed on public sidewalks due to space limitations and the attraction of insects.

Planning Commission Nominee

At 12:12 PM, Mayor Boothman asked Council to confirm Jordan Alexander to Position #6 on the Town Planning Commission. Councilmember Emery moved and Councilmember Jones seconded to appoint Jordan Alexander to said position. Following discussion regarding Mr. Alexander and procedures for appointing someone to the Planning Commission, the motion passed 3 to 2 with Councilmembers Brooks and Gillette opposed.

Transportation Advisory Committee – tape sequence #540

Mayor Boothman asked Council to confirm the appointment of two Council members, two Planning Commission members, and 3 Town citizens at large to the Transportation Advisory Committee. Following discussion, it was determined that two of the suggested citizens at large were ineligible for said committee per the criteria listed in Ordinance #1262. Councilmember Jones moved and Councilmember Rosenfeld seconded to appoint Council members Jones and Emery; Planning Commission members, Betty Gilson and Jeff Iverson; and citizen at large, Sharon Spangle to the Transportation Advisory Committee into Positions A-E. Positions F and G remain vacant. The motion passed unanimously.

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Resolution #1418 – tape sequence #727

At 12:25 PM, Mayor Boothman introduced draft Resolution #1418 for discussion. A resolution authorizing the Mayor to execute an agreement for code compliance services with John E. Jensen, on a time and material basis, for thirty-eight dollars per hour. Councilmember Emery inquired about the proposed hourly rate and the current year-to-date expenditures in regards to said agreement. Administrator Fitch explained the particulars of said resolution. Following discussion regarding contract language; the percentage of the increase in the proposed hourly rate; and office space, Councilmember Brooks moved and Councilmember Gillette seconded to adopt Resolution #1418, incorporating the language corrections to the agreement suggested by Council. The motion passed unanimously. Land Use Administrator Bertrand left the meeting.

Resolution #1416 – tape sequence #986

At 12:32 PM, Mayor Boothman opened discussion regarding draft Resolution #1416. A resolution authorizing the Mayor to execute a contract for improvements to Market Street. Administrator Fitch explained the particulars of said resolution. Following discussion regarding property owner responsibilities, Councilmember Jones moved and Councilmember Gillette seconded to adopt Resolution #1416 as stated. The motion passed unanimously.

2005 Draft Budget – tape sequence #1123

Mayor Boothman opened discussion of the 2005 Draft Budget. Administrator Fitch pointed out several documents for Council review: a memo from Fire Chief Low to Council dated 10/21/04 presenting his proposal and justification for a full-time training officer within the Fire Department; a Fire Department budget comparison by year; and also four new spreadsheets, which indicate the total department costs for departments that are distributed over five funds.

Mr. Fitch and Treasurer Picinich addressed Council questions regarding a weather station; bond redemption refinancing; underground hydrants along the transmission lines for water flushing; increased costs of repairs and maintenance within the Refuse Department; and the actual cost of renting space for the Town Hall Community Development Department (CDD). Mr. Fitch reported that approximately \$75,000 would be saved over a five-year period in moving this department back to the main Town Hall building. Mayor Boothman pointed out that moving the CDD back to the main building would also increase communication within the Town organization. Councilmember Emery questioned the impact a move may have on employee efficiency. Mr. Fitch suggested looking elsewhere to purchase a larger building or remodel Town Hall rather than putting money into rental space. Following discussion regarding using capital reserves; hidden costs of moving personnel; the space needs analysis done several years ago, Council indicated they needed further time to make a decision.

Councilmember Jones suggested increasing the cost of selling water by the tankload by 100 to 150% to fund future capital improvements. Following discussion, Council concurred with this suggestion.

Councilmember Brooks inquired about the tractor mowers being purchased in the public works department. Treasurer Picinich explained how the equipment was being funded.

Administrator's Report – tape sequence #2637

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

At 1:12 PM, Administrator Fitch reported on the 8" water main extension project that would begin on Front Street, on October 25th, as part of the Washington State Ferries renovation project. Mr. Fitch warned that Front Street would be in disorder with no parking allowed for the next few weeks.

Administrator Fitch presented draft Resolution #1419. A resolution authorizing the Mayor to execute Change Order #1 on the contract with Vast, Inc. for certain right of way improvements on Perry Place. Administrator Fitch explained the particulars of said resolution. Following discussion, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1419 as stated. The motion passed unanimously.

Administrator Fitch reported that the Fire Department would be testing its fire siren alarm on Monday, November 1, 2004 at 7:00 PM for approximately 1 minute. Discussion followed in regards to informing the public of what it should do in the case of an actual emergency when the siren alarm is sounded. Mayor Boothman indicated he would speak with the Local Emergency Management Committee regarding said procedures.

Administrator Fitch reported that a presentation from a representative of the Washington State Department of Transportation (WSDOT) has been confirmed for November 17, 2004 at 5:30 PM. Mr. Fitch mentioned that the Town Planning Commission, Port of Friday Harbor, and Board of County Commissioners have all been invited to attend the presentation.

Administrator Fitch reported on monitoring wells to be added to the former Unocal property purchased by the Port on Front Street. Mr. Fitch indicated that Unocal is paying for the expense of said monitoring wells and the project should begin the first part of November.

Administrator Fitch reported that Fred Ellis, an arborist from Lopez, has inspected the Elm Tree roots in Memorial Park and stated they are fine. Councilmember Emery asked Mr. Fitch to clarify for the record how the Town was able to perform demolition work on Memorial Park without a shoreline permit. Administrator Fitch explained that because the Park was built prior to the requirement for a substantial shoreline development permit it could be demolished as long as it did not exceed the Shoreline Master Program's \$5,000 threshold for demolition and that it did not materially interfere with the public's use of the shoreline. Discussion followed regarding the possible dates for a public hearing regarding said Park.

Administrator Fitch reported on planned **sewer** main repairs at the intersection of C and Nichols Streets.

Administrator Fitch reported on the progress of the Caines Street sidewalk project and indicated a change order may be forthcoming due to drainage issues.

Administrator Fitch noted a letter from Susan Eyerly, Griffin Bay Bookstore, requesting the installation of a street tree on First Street near her establishment. Mr. Fitch pointed out a map depicting the street tree for Council review.

At 1:33 PM, following inquiry, Mayor Boothman indicated that the remaining agenda items would be moved to the evening meeting, and declared the meeting adjourned.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – October 21, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present:

Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Resolution #1417

Administrator Fitch pointed out that the Pope Family requested the postponement of Resolution #1417 until the first meeting in November.

Draft 2005 Budget

At 5:33 PM, Mayor Boothman opened discussion of the draft 2005 Budget.

Councilmember Rosenfeld observed that the online newspaper reported that San Juan County (SJC) is facing potential cuts in their budget, which may impact the Town's request for additional Capron Funds and other jointly budgeted items.

Councilmember Rosenfeld asked about Council priorities regarding the new Sheriff Department narcotics deputy position versus a full time Town Fire Department training officer. Following discussion, it was the consensus of Council that they would wait to see if the County budget included a narcotics officer before making their determination regarding funding for said position.

Councilmember Rosenfeld advocated doing a study to determine the exact assessment of whether or not merging the Town Fire Department with SJC Fire District #3 would achieve a significant cost savings for the Town that could then be used to reduce utility rates or for other budget issues. Councilmember Jones responded that an unofficial study had been conducted five years ago that determined the merge would not afford a significant savings for the Town, and that nothing has changed since that time. Councilmember Rosenfeld supported conducting the study to know the official results once and for all. Councilmember Jones advocated that with a merge of Fire Departments the Town would hold a minority position in regards to decision making, and he supported leaving the Town Fire Department decisions within the control of the Mayor and Town Council. Councilmember Emery observed that it is getting more difficult to defend to the Town citizens that it is good practice to maintain two fire departments on one island. Following further discussion, the majority of Council felt the proposed study was not necessary and that a full-time training officer was a good expense of funds.

Council discussed various other items in said draft Budget including traffic calming devices (\$3,000); recording secretary for the Transportation Advisory Committee (\$240); putting aside funds for a water comprehensive plan study (\$21,000); and increasing the parking violation

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

fees. Councilmember Gillette proposed conducting a study to review different parking systems. Following discussion, Council agreed to increase the parking violation fees from \$20 to \$22. Councilmember Gillette asked that a committee be formed to study parking systems and traffic flow. No decision was made regarding the suggested committee. Regarding the proposed sports complex on Carter Street and Mr. Galt's request for the Town to fund approximately \$19,000 of development expenses, Council decided to wait until more information was forthcoming before allocating any funds to the project. Council asked for clarification regarding various proposed budget items within the current expense, water, and **sewer** funds. Administrator Fitch and Treasurer Picinich explained the particulars.

Minutes

At 7:23 PM, Councilmember Gillette moved and Councilmember Jones seconded to adopt the Town Council minutes of October 7, 2004 noon and 5:30 PM meetings as written. Councilmember Brooks asked for the following revision in the noon Town Council meeting minutes: "Councilmember Brooks mentioned two citizens that ~~were interested in serving had been suggested to serve~~ on said Commission." The motion to approve said minutes as amended passed unanimously.

Claims

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the payment of claim warrants #25310 through 25371 in the amount of \$124,201.12. The motion passed unanimously.

Non-agenda

Mayor Boothman indicated that the letter from the Board of County Commissioners dated October 19, 2004 in regards to the Intermodal Committee did not include a representative from the Washington State Ferries. Councilmember Rosenfeld indicated he would contact the Board of County Commissioners regarding said matter.

Clerk Wilson asked Council to select a Tuesday in December for a joint meeting with the Board of County Commissioners. Council agreed to hold said joint meeting on December 7, 2004 at noon in the County hearing room.

Mayor Boothman pointed out a letter from Janet Wilson which expressed concerns regarding the proposed Carter Street athletic fields.

In response to an inquiry from Councilmember Gillette at the noon Town Council meeting during 2005 budget discussion, Administrator Fitch reported that the current usable space of the Community Development Department is approximately 654 feet and the office space available in the upstairs portion of Town Hall is approximately 563 feet.

At 7:30 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Town Council – November 4, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Park Street Right of Way

Jeri Ahrenius, San Juan Island resident and Wolverine Football Fan, asked Council to close one lane of Park Street so that football supporters could park perpendicular to the football field for the high school game tonight between Friday Harbor and Orcas Island. Administrator Fitch explained the particulars of the requested area and traffic flow. Following inquiry, Councilmember Jones moved and Councilmember Rosenfeld seconded to allow the lane closest to the football field to be closed from 5:00 PM to 9:00 PM for the length of the football field. The motion passed unanimously.

Historic Preservation Review Board Nominee

Mayor Boothman opened discussion of Historic Preservation Review Board nominee, Anna Gunter. Councilmember Rosenfeld commented that her specialty in land use planning would be an asset to said Board. Following inquires, Councilmember Emery moved and Councilmember Jones seconded to appoint Anna Gunter to Position B on the Historic Preservation Review Board. The motion passed unanimously.

Transportation Advisory Committee Nominees – tape sequence #222

Mayor Boothman opened discussion of Transportation Advisory Committee nominees. Mayor Boothman indicated that William Eager lived on Warbass Way and was a retired traffic engineer, and that Cheryle Gardiner was the leader of the Emergency Medical Service personnel. Councilmember Jones moved and Councilmember Gillette seconded to appoint William Eager to Position F and Cheryle Gardiner to Position G on the Transportation Advisory Committee. The motion passed unanimously.

Lodging Tax Advisory Committee Nominee – tape sequence #264

Councilmember Jones indicated that Joe Niichel has been hired to replace Mikki Ellis as manager of the Friday Harbor Suites, which is in the process of being converted to a Best Western Hotel. Councilmember Jones reported that Mr. Niichel seemed enthusiastic about serving on the Town's Lodging Tax Advisory Committee and recommended him for said Committee. Councilmember Jones moved and Councilmember Gillette seconded to appoint Joe Niichel to the Lodging Tax Advisory Committee. The motion passed unanimously.

Derelict Vessels – tape sequence #343

At 12:11 PM, Mayor Boothman opened discussion of derelict vessels in the harbor. Mayor Boothman reported on attendance at a meeting with the Department of Natural Resources regarding derelict vessels.

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Jim Slocomb, Marine Resource Committee member, encouraged Council to join together with the Port of Friday Harbor and San Juan County in a partnership agreement for removal of derelict vessels. Mr. Slocomb indicated that 75% of the funds for derelict vessel removal would be subsidized through the Department of Natural Resources. Discussion continued regarding an inconclusive inventory of derelict vessels; the ranking system for derelict vessels; budget implications; providing "in-kind" services for the remaining 25% of the Town's portion rather than actual funds; the Town's territorial involvement; expenditure of legal funds to draft the agreement; and derelict vessel criteria.

Administrator Fitch pointed out that San Juan County would be lead agency and be responsible for the competitive bidding process to secure the services of a private salvage service provider.

Councilmember Rosenfeld asked if having such a program might actually attract individuals to bring their derelict vessels into our jurisdiction to abandon. Mr. Slocomb conceded this might be a possibility.

Following discussion, Council expressed an interest in pursuing an agreement regarding derelict vessels.

Resolution #1420

At 12:35 PM, Mayor Boothman introduced draft Resolution #1420. A resolution amending the rental agreement with San Juan County for use of a portion of tax parcel #350234001, commonly known as the Town of Friday Harbor Solid Waste Facility. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Emery seconded to adopt Resolution #1420 as presented. Councilmember Gillette suggested we allow the County to use more of the re-graded area. Mayor Boothman reminded Councilmember Gillette that the County has indicated they do not want to take on the responsibility for the expense of re-closing the area, should it be needed again. Councilmember Gillette asked why the Town could not agree to pay the necessary funds should the area need to be re-graded again. Councilmember Jones pointed out that the situation could always be re-addressed again at a later date. Council concurred. The motion on the floor passed unanimously.

2005 Draft Budget – tape sequence #1357

At 12:42 PM, Mayor Boothman opened the Council work session of the draft 2005 Budget. Administrator Fitch distributed and explained 5 new budget pages. Mayor Boothman noted a memorandum dated 11/3/04 regarding 2005 wages for officials and non-represented employees. Discussion followed regarding diminished property tax revenues, increased expenses; and the stability of the Town's sales tax revenues.

Mayor Boothman noted a map depicting utilization of Town Hall offices should the Community Development Department move back to the Town Hall main offices. Discussion followed regarding various ways to improve communication; office space; adding an elevator and converting the upstairs Fire Department Hall to a chamber for Council and other meetings; and the savings involved with combining the offices. Following discussion, Administrator Fitch suggested Council wait to hear from the Pickard Family regarding the lease renewal amount before making a final decision.

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Discussion began regarding fire hose testing. Administrator Fitch indicated that the state requires hoses to be tested and certified for use but does not require that an independent vendor perform the testing. Discussion followed regarding the use of firefighter volunteer hours versus using a vendor to do said testing; being consistent from year to year; and asking the volunteers their opinion. Following discussion, Council decided to keep the funding in the budget for a vendor to do the fire hose testing.

Administrator's Report – tape sequence #2870

At 1:15 PM, Administrator Fitch reported that Sheriff Cumming indicated he would not be requesting funding for a narcotic's officer after all. Mr. Cumming did indicate that an increase would be forthcoming regarding jail fees.

Administrator Fitch asked for Council direction regarding Susan Eyerly's request for a street tree in front of her bookstore on 1st Street. Councilmember Rosenfeld observed two problems with said request. Other merchants have expressed an interest in the addition of a street tree at their locations, without receiving it, and the addition of said tree would require the loss of a parking space. Council concurred with Councilmember Rosenfeld and declined the request.

Administrator Fitch reported that the 2005 preliminary cost estimate regarding the Town's liability insurance has been reduced from the 2004 amount of \$104,000 to \$97,000.

Administrator Fitch reported on continued water line loss. Mr. Fitch indicated that although the line loss is extremely troublesome, the Town is still below the national average for line loss.

Administrator Fitch observed that the Halloween festivities throughout Town went well.

Administrator Fitch reported that the fire siren testing went well at Monday night fire drill.

Administrator Fitch indicated that San Juan Island Fire District #3 has requested allowance to place additional fire hydrants out of Town near existing water mains. Administrator Fitch described some of the conditions and specifications that would need to be met to allow said fire hydrants.

In an effort to scale back the landfill monitoring required by the Department of Ecology, Administrator Fitch reported discussions with SCS Engineers and the San Juan County Public Health Department regarding purchasing equipment to test for methane gas monitoring equipment.

Administrator Fitch noted that a **sewer** line hook up for the Rocky Bay Café's floor drains would require cutting into the new Sunshine Alley pavement and paver tiles.

Administrator Fitch distributed draft Resolution #1421. A resolution authorizing the Mayor to execute Change Order #2 on the contract with Vast, Inc. for certain right of way improvements on Perry Place. Administrator Fitch explained the particulars of said resolution. Discussion followed. No motion or decision regarding draft Resolution #1421 was made at this time.

At 1:40 PM, hearing no objection and no additional business before Council, Mayor Boothman declared the meeting adjourned.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – November 4, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch, Attorney Eaton, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

Resolution #1417

Mayor Boothman introduced draft Resolution #1417. A resolution to execute leases for portions of the unopened right-of-way area of A Street. Administrator Fitch and Attorney Eaton explained the particulars of said resolution regarding two leases for right of way on A Street, one for the area in front of the Market Chef Restaurant and the other for the area in front of the Fat Cat Café. Attorney Eaton suggested eliminating language regarding signage in the draft Fat Cat Café lease. Discussion followed regarding vacating the property; ferry traffic, and property value.

Chris Pope, 569 Hidden Meadows Lane, expressed disappointment when he found out the building housing the Market Chef Restaurant was not entirely on their private property. Mr. Pope indicated his family was almost through the process of condominiumizing their property when they found out about this problem. Mr. Pope suggested making A Street one way to accommodate ferry traffic in the future.

Discussion followed regarding being cautious of vacating property that may have a future use for the Town; the nominal rent amount of said right of way; other leases in the area; a quit claim deed offered by the Popes for a sidewalk on Nichols Street; and vacating only the portion where the Market Chef Restaurant building is within Town right of way. Following discussion, Councilmember Jones moved and Councilmember Gillette seconded to adopt Resolution #1417, eliminating the language suggested by Attorney Eaton in regards to the Fat Cat Café lease. The motion passed unanimously. Mr. Pope expressed appreciation to Administrator Fitch and Attorney Eaton for their efforts regarding this lease.

Resolution #1421 – tape sequence #1160

Mayor Boothman re-introduced draft Resolution #1421. A resolution presented for Council review at the noon Town Council meeting regarding Change Order #2 on the contract with Vast, Inc. for certain right of way improvements on Perry Place. Following discussion, Council decided that Perry Place should be patched during the Perry Place sidewalk project as originally planned and rock and oil would be applied in 2005. No action or motion was made regarding Resolution #1421.

2005 Draft Budget – tape sequence #1478

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Mayor Boothman opened the Council work session on the draft 2005 Budget. Discussion began in the street fund. Council inquired about various proposed expenditures in said fund. Administrator Fitch, Treasurer Picinich, and Attorney Eaton responded to said inquiries. In regards to a Harrison Street right of way study budgeted for approximately \$10,000, Council suggested the discussion regarding Warbass Way and Harrison Street be placed on the agenda for the joint meeting with the Board of County Commissioners. Council briefly discussed the cost of street poles and alternative ways to fund them.

Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the payment of claim warrants #25374 through #25428 in the amount of \$145,010.58 and payroll warrants #10413 through #10460 in the amount of \$157,099.48. The motion passed unanimously.

Minutes

Councilmember Gillette moved and Councilmember Jones seconded to approve the Town Council minutes of October 21, 2004 noon and 5:30 PM meetings as written. The motion passed unanimously.

At 6:38 PM, hearing no objection, Mayor Boothman declared the meeting continued to November 17, 2004 at 5:30 PM to hear a presentation from the Washington State Department of Transportation, along with the Town Planning Commission. This meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – November 17, 2004 @ 5:30 PM

The Town Council met in continued regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, & Rosenfeld

Staff present: Town Administrator Fitch, Attorney Eaton, & Land Use Administrator Bertrand

Planning Commissioners present: Claudia Cross and Betty Gilson, (At the time the meeting was called to order, the Planning Commission did not have a quorum, Jordan Alexander arrived at 5:37 PM and Mike Coyne arrived at 5:50 PM, Recording Secretary Zalmanek arrived shortly after the call to order.)

Port Commissioners present: Ahrenius and Hertel

Port Staff: Director Simpson

John Shambaugh, Senior Aviation Planner for the Washington State Department of Transportation (WSDOT), gave a PowerPoint presentation regarding airports, zoning, and development.

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Mr. Shambaugh's presentation consisted of an overview of Washington State Law; suggestions for determining compatible zoning for areas near general aviation airports; encouraging partnerships and cooperative planning practices between towns, counties, and ports; evaluating areas surrounding local airports for height hazards, noise, and safety; developing airport overlays that create development regulations that are compatible with airports; and using proactive land use planning to significantly reduce mitigation costs and provide for co-existence. Mr. Shambaugh emphasized that local jurisdictions have broad discretion to apply the WSDOT guidelines in ways that recognize the operational characteristics of the local airport and the reality of existing development on the ground.

Discussion, clarification, and inquiries ensued during Mr. Shambaugh's presentation.

At 7:00 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – November 18, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, & Rosenfeld

Council excused the absence of Councilmember Jones.

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Lynne Mercer, 808 Argyle Avenue, complained about the low frequency noise emanating from her neighbors' hot tub and asked Council to pass a noise ordinance that would help property owners resolve problems such as these. Ms. Mercer distributed information for Council review regarding same. Following brief discussion, Mayor Boothman indicated that the issue could be addressed during the non-agenda portion of the meeting.

Sheriff Report

At 12:10 PM, Sheriff Cumming briefly discussed options regarding noise issues. Sheriff Cumming distributed the October 2004 Sheriff department activity report. Mr. Cumming commented that draft contracts for the 2005 law enforcement and dispatching services would be delivered to the Town today. Mr. Cumming indicated that jail service fees, for individuals who are incarcerated in the Island County Jail, are increasing, which is causing an increase in the Town's payments to the Sheriff for 2005. Mr. Cumming explained that his request for a full-time narcotics officer is not a "dead" issue. Mr. Cumming explained how he planned on asking the two new incoming County Commissioners to fund the narcotics officer that was cut from the current County 2005 Budget. If approved by the County Commissioners, Mr. Cumming indicated he would be asking the Town to help fund a portion of said position. Following inquiry by Councilmember Emery regarding the amount of funding, Sheriff Cumming estimated

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the amount at \$20,000. Discussion and inquiry followed regarding traffic infractions and false alarms.

Community Development Department

Land Use Administrator Bertrand distributed summaries of building and planning permits issued year to date. Mr. Bertrand distributed a map giving a general idea of undeveloped property within Town limits. Mr. Bertrand reported two upcoming public hearings. Mr. Bertrand indicated that requests for amendments to the 2002 Town's Comprehensive Plan and Land Use Regulations close on 12/31/04. Mr. Bertrand explained that the Planning Commission has requested the Town Council respond to their transportation advisory recommendations. Mayor Boothman suggested Land Use Administrator Bertrand add airport overlay zoning as a proposed amendment to said Comprehensive Plan. Following discussion it was determined that adding such an element was premature until the Port of Friday Harbor had done further analysis of airport functions; flight patterns, etc.

Utilities Department

Utilities Superintendent Wilks started with Water Department activities: rainfall; Trout Lake level; water production; line loss; 327' zone project; and the water main extension project on Front Street. Street/Storm Department activities: pipe laying from Holly to Park Street; and Caines Street and Perry Place sidewalks. Inquiry followed.

Fire

No report

2005 Revenue Resources – tape sequence #2400

At 1:05 PM, Mayor Boothman opened the public hearing on revenue resources for the 2005 Budget. Treasurer Picinich gave a presentation regarding the various revenue resources for the current expense fund.

No public input was forthcoming.

At 1:30 PM, following Ms. Picinich's presentation, Mayor Boothman closed the public hearing on revenue resources.

Ordinance #1263

Mayor Boothman introduced draft Ordinance #1263. An ordinance fixing and levying the amount of Ad Valorem Taxes for the Town of Friday Harbor for the year 2005. Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt Ordinance #1263 as presented. The motion passed unanimously.

Hearing no objection, Mayor Boothman extended the meeting for 10 more minutes.

Resolution #1422

Mayor Boothman introduced draft Resolution #1422. A resolution authorizing the Mayor to execute Change Order #1 for \$3,490.58 on the contract with Award Construction, Inc., for improvements to the water distribution system. Administrator Fitch explained the particulars of

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said resolution. Following inquiries, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1422 as stated. The motion passed unanimously.

Administrator's Report – tape 2 sequence #231

Administrator Fitch reported on the tree lighting festivities scheduled on December 4th. Administrator Fitch reported that the Chamber of Commerce would be hanging new holiday banners on Spring Street from Argyle to Blair Avenue.

Administrator Fitch reported that the State Audit for the Town of Friday Harbor has arrived and is available for review.

Administrator Fitch stated that improvements to Market Street are scheduled to begin on November 22nd and proceed for approximately three weeks.

Administrator Fitch reported that the Washington State renovation project on the Friday Harbor ferry terminal is behind schedule.

Administrator Fitch explained that Brad Musick, wastewater treatment plant consultant, came to Friday Harbor for two days, at no expense to the Town, to help Town crew enhance Wastewater Treatment Plant operations. Administrator Fitch noted a letter from Jon Beer, Wastewater Treatment Plant Project Manager dated 11/4/04 recommending final acceptance of said Plant. Administrator Fitch indicated he would be presenting a resolution for said acceptance at the evening Town Council meeting.

At 1:41 PM, hearing no objection, Mayor Boothman moved the remaining agenda items to the evening Town Council meeting and declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – November 18, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, & Rosenfeld

Council excused the absence of Councilmember Jones

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Planning Commission Nominees

Mayor Boothman asked Council to re-appoint Laura Arnold to Position #3 on the Town Planning Commission. Councilmember Rosenfeld moved and Councilmember Brooks seconded to appoint Laura Arnold to said position on said Commission. The motion passed unanimously.

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Mayor Boothman recommended Dave Flora to fill Position #7 on the Town Planning Commission. Mayor Boothman gave a brief personal history of Mr. Flora. Councilmember Brooks moved and Councilmember Emery seconded to appoint Dave Flora to said position on said Commission. The motion passed unanimously.

2005 Budget Work Session – tape sequence #96

At 5:34 PM, Mayor Boothman opened the Council work session on the draft 2005 Budget. Administrator Fitch gave an overview of recent adjustments to said budget and their corresponding ending cash balances. Administrator Fitch explained the elimination of the Harrison Street right of way study; and the elimination of the utility taxes being charged each enterprise fund. Administrator Fitch reported on the proposed increase in rental fees for the offices currently occupied by the Community Development Department. Discussion and inquiry followed. Council did not request any further changes to the draft budget.

Minutes – tape sequence #1693

Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the Town Council minutes of November 4, 2004 noon and 5:30 PM and November 17, 2004 at 5:30 PM meetings as written. The motion passed unanimously.

Lawsuit Update

Attorney Eaton reported on the verbal unofficial decision from Judge Alan Hancock concerning the lawsuit regarding the Tukang Enterprises LLC Shoreline Substantial Development to build a commercial/residential complex. On future projects, Attorney Eaton encouraged Council to state their analysis for making a decision on the audio record. Attorney Eaton encouraged Council to do their homework prior to a quasi-judicial hearing, ask questions; delay the decision if further research is necessary; and to keep an open mind. Attorney Eaton mentioned that staff would try and do a better job of informing Council of potential issues. Attorney Eaton asked Council not to discuss the Tukang project with anyone, as another quasi-judicial hearing may be forthcoming. Attorney Eaton observed that the Judges decision and transcripts of the Town Council meetings were available for Council review.

Claims

Councilmember Gillette moved and Councilmember Emery seconded to approve the payment of claim warrants #25431 through #25503 in the amount of \$213,041.92. The motion passed unanimously.

Non-agenda

Council discussed future agenda items. It was determined that the noise issue brought up by Lynn Mercer at the noon Town Council meeting and the response from Council to the Town Planning Commission regarding transportation issues would be placed on the next Town Council agenda.

Resolution #1423

Administrator Fitch introduced draft Resolution #1423. A resolution accepting work and release of retainage under contract for the improvements to the Wastewater Treatment Plant. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt Resolution #1423 as stated. Following

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discussion and inquiry regarding process, the motion passed 3 to 1, with Councilmember Gillette opposed.

Executive Session

At 6:52 PM, hearing no objection, Mayor Boothman declared the meeting in executive session to discussion pending litigation per RCW 42.30.110 for approximately 30 minutes with no action anticipated.

At 7:40 PM, Mayor Boothman declared the meeting back in regular session with no action taken in executive session and hearing no objection, declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – December 2, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld (arrived 12:02 PM)
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Economic Development Council (EDC)

Richard Civille, executive director of the Economic Development Council, extended his regrets that EDC president, Steven Robbins was not able to attend the Council meeting.

Mr. Civille reported on various ways the EDC has assisted local economic development as a liaison for communications with off-island businesses and as a facilitator for business retention and expansion loans. Mr. Civille suggested the Town establish an economic development element to the Town's Comprehensive Plan in 2005.

Discussion followed regarding the EDC boardmembers; frequency of meetings; and the future of Lakedale Resort and Campground.

Resolution #1424 – tape sequence #596

At 12:18 PM, Mayor Boothman opened discussion for draft Resolution #1424. A resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 2005 for \$211,804. Administrator Fitch explained the particulars of said resolution. Discussion followed regarding the proposed 10% increase in incarceration fees and language under Section 7 of the draft contract. Following discussion, Council agreed to postpone further discussion of draft Resolution #1424 until questions regarding the incarceration fees could be answered.

Resolution #1425 – tape sequence #1067

At 12:31 PM, Mayor Boothman opened discussion on draft Resolution #1425. A resolution authorizing the Mayor to execute an amendment to the intergovernmental agreement for

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dispatching services with San Juan County for the calendar year 2005. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1425. The motion passed, with Councilmember Brooks abstaining because her son-in-law works in the dispatch department for San Juan County.

Resolution #1426 – tape sequence #1163

At 12:35 PM, because the agenda was ahead of schedule, Mayor Boothman delayed discussion of Ordinance #1265 and opened discussion of draft Resolution #1426. A resolution authorizing the Mayor to execute Change Order #18 on the contract with Stellar J. Corporation for improvements to the Wastewater Treatment Plant. Administrator Fitch explained the particulars of said resolution.

Bob Kinghorn, president of Stellar J. Corp., explained that due to the unanticipated rate increase from the Department of Labor and Industries that happened after the opening of the bids for the improvements to the Wastewater Treatment Plant, he was asking the Town Council to reimburse his company approximately \$14,879.64 for this unanticipated expense.

Following inquiry by Mayor Boothman regarding the labor markup portion of the request, Mr. Kinghorn agreed this portion could be eliminated.

Councilmember Gillette reminded Mr. Kinghorn that the Town provided a "lay down area" for gratis to Stellar J. Corp during the project. Mr. Kinghorn expressed gratitude for his working relationship with the Town.

Councilmember Rosenfeld asked if other cities are paying for this type of unanticipated rate increases on their public work projects. Mr. Kinghorn answered that the City of Lacey/City of Tumwater consortium paid said costs.

Following discussion, Councilmember Jones moved and Councilmember Emery seconded to adopt Resolution #1426, amending the resolution to include an additional \$11,399.90, which amended the final amount of Resolution #1426 to \$64,514.81. The motion passed unanimously.

Ordinance #1265 – tape sequence #2049

At 12:57 PM, Mayor Boothman introduced the 1st reading of Ordinance #1265. An ordinance amending Ordinance No. 1084 and Chapter 13.05 of the Friday Harbor Municipal Code, concerning water rate tables and repealing Ordinance No. 1235 in its entirety. Administrator Fitch explained the particulars of the 8.5% water rate increase and the significant increase in rates for water sold by the tankload.

Councilmember Gillette disagreed philosophically with the Town's tiered water rate schedule. Mr. Gillette indicated that a tiered water rate system does not support gardens and encourages water users to install wells that impact the aquifer.

Mayor Boothman responded that the tiered water rates encourage conservation, which in effect delays the necessity for infrastructure expansion in the water system.

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Discussion followed regarding utility rates and the utility tax.

Wolverine Proclamation – tape sequence #2525

At 1:08 PM, Mayor Boothman asked for Council recommendations regarding a proposed Friday Harbor Wolverine proclamation. Following discussion, Councilmember Emery volunteered to work on draft wording for a proclamation and send her suggestions on to Mayor Boothman. Treasurer Picinich suggested the Town donate a spirit award plaque to the school.

Planning Commission Response – tape sequence

Mayor Boothman opened discussion of the Planning Commission's request regarding responses to their transportation advisory recommendations. Councilmember Rosenfeld commented that he felt Administrator Fitch's memo regarding same to the Planning Commission was pretty thorough, but perhaps a personal appearance by a Council member was necessary.

Administrator Fitch reported that the Town has received a \$500,000 grant from the Transportation Improvement Board (TIB) for improvements to Guard Street from Tucker Avenue to Marguerite Street.

Following discussion, Councilmembers Emery and Rosenfeld volunteered to attend a Planning Commission meeting to discuss the actions Council took in response to the Planning Commission's transportation recommendations.

Administrator's Report – tape sequence #3035

At 1:18 PM, Administrator Fitch explained that following a telephone conversation with Sheriff Cumming regarding incarceration fees in the 2005 Sheriff's Contract under Section 7, the Sheriff agreed that the sentence that reads "Any increases to the County of incarceration fees charged by out of county facilities shall be passed on to the Town and shall be in addition to the fees set out in this paragraph." could be struck from the document. Administrator Fitch again introduced draft Resolution #1424. Councilmember Jones moved and Councilmember Gillette seconded to adopt Resolution #1424, deleting the sentence in the contract under Section 7, as stated. The motion passed unanimously.

Administrator Fitch indicated that the design of the future Guard Street project would incorporate the portion from Tucker Avenue to Park Street, although the project is only budgeted for the portion from Tucker Avenue to Marguerite Street. Councilmember Gillette suggested the Town bid for both sections of the Guard Street project at the same time. The base bid would be Tucker to Marguerite and an option bid to extend the contract to Park. Administrator Fitch responded that although the Town could do that, the funds were not available to complete the second portion of the project at this time.

Administrator Fitch explained how the recent hazardous waste materials incident at the Solid Waste Facility raised issues of "cleanup" liability between the renters, San Juan County, and the owners, the Town.

Administrator Fitch reported on the 2004 Surplus Equipment Sale. Mr. Fitch indicated those items that did not receive bids would be re-bid soon.

Administrator Fitch reported that the level of Trout Lake is currently 39" below the spillway.

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Minutes – tape 2 sequence #22

At 1:26 PM, Councilmember Brooks moved and Councilmember Emery seconded to approve the Town Council minutes of November 18, 2004 noon and 5:30 PM meetings as written. The motion passed unanimously.

Claims & Payroll

Councilmember Brooks moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #25506 through #25538 in the amount of \$59,262.87 and payroll warrants #10467 through #10514 in the amount of \$160,788.68. The motion passed unanimously.

Non-agenda

Councilmember Brooks distributed information showing statistics from the year 1904. Administrator Fitch reminded Council that the Town's 100 year anniversary is forthcoming and that planning for said celebration should begin soon.

Councilmember Jones indicated that he would be presenting the Lodging Tax Advisory Committee's 2005 recommendations to Council at the next meeting.

At 1:29 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

Town Council – December 2, 2004 @ 5:30 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

2005 Town Budget

Mayor Boothman opened the public hearing on the draft 2005 Town Budget.

Sharon Kivisto, PO Box 1118, stated that she felt the Town should lower utility rates by the same percentage it was gaining by eliminating the 3.9% utility tax.

Treasurer Picinich clarified that the utility tax was never an actual tax, but essentially an interfund expenditure based on gross revenues that has been replaced by other needed expenditures.

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Councilmember Brooks commented that at the end of next year the Town would be able to reevaluate its revenues and see if the elimination of the utility tax has benefited the Town enough to eliminate any rate increase.

Administrator Fitch explained how the funds gained from the elimination of the utility tax expenditure were ultimately being used up through new budgeted expenditures and that without the elimination of the utility tax expenditure the rates either would have had to been increased or expenditures eliminated to cover the short fall of funds. Discussion and inquiry followed.

Betty Gilson, 240 Harrison Street, thanked Council and staff for the transportation improvements made in 2004. Ms. Gilson asked that the Town continue to improve pathways on streets when the opportunity arises.

At 6:00 PM, Mayor Boothman recessed the public hearing on the draft 2005 Town Budget.

Eager Shoreline Substantial Development Permit – tape sequence #982

Mayor Boothman opened the public hearing on Shoreline Substantial Development Permit #79. An application by William and Claire Eager to replace an older existing 8' x 36' floating dock with an 8' x 45' floating dock, which includes a full length 4' grating strip to allow for light penetration.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participating in the public hearing process. Mayor Boothman inquired, but did not hear any objection to his or any other Councilmember's participation in the public hearing process. Mayor Boothman inquired if any Councilmembers had any interest in the property or issue; stood to gain or lose any financial benefit as a result of the outcome of this hearing; and if they engaged in communication with opponents or proponents regarding this issue. Council answered in the negative to all these inquiries.

Mayor Boothman instructed those present of the procedures that would be followed and asked Zoning Coordinator Jones to present the staff report.

Mr. Jones summarized the 11-page staff report dated 11/23/04 Revision. Using a larger version of the map on page 11 of said staff report, Mr. Jones pointed out the existing dock; the proposed extended dock area; and the approximate preferential right line and the required setbacks regarding same. Mr. Jones explained public notification procedures regarding this application. Mr. Jones indicated that the staff report did not have a recommendation for Council because approving the dock as proposed would violate the Town's Shoreline Master Program regulations regarding preferential right line setbacks. Mr. Jones asked Council to accept the staff report as presented and that findings of fact and conclusions of law would be written based on Council's decision and comments.

Applicant representative, Donna Gavora, indicated she understood the extension of the floating dock by an additional nine feet put the application out of compliance with current Town regulations. Ms. Gavora specified she did not disagree with Mr. Jones' presentation.

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Zoning Coordinator Jones suggested that if the extended float area could be rotated slightly, it would provide the necessary setback requirements. Exhibit A, depicting said rotation was presented.

Attorney Eaton explained the various options available to Council in regards to approval or disapproval of said application.

Ms. Gavora stated that the applicant has indicated they would not have a problem with rotating the floating dock to come into compliance with Town regulations.

Councilmember Brooks commented that she did not have a problem with allowing the longer dock and access to deeper water as long as they fell within Town regulations. She pointed out that it appeared that the dock was well short of the construction limit line and could even be longer.

Mayor Boothman asked Attorney Eaton if the applicant were not adding additional footage to the existing dock, could the Town require the applicant to bring the dock into compliance with current regulations. Attorney Eaton answered that the current dock is a grandfathered use and without any requested changes, the Town could request, but not require any modifications.

At 6:18 PM, Mayor Boothman closed the public testimony portion of the public hearing and opened Council deliberations. Councilmember Gillette moved and Councilmember Jones seconded to approve Shoreline Substantial Development Permit Application #79 for a floating dock extension from William and Clair Eager with the requirement that they rotate the dock to comply with Town Shoreline Master Program preferential right line setback regulations and to accept the staff report dated 11/23/04 Revision and direct staff to write Findings of Fact and Conclusions of Law to support said conclusion. Following discussion, the motion passed unanimously.

Draft 2005 Budget

Mayor Boothman reopened the draft 2005 Budget public hearing. Administrator Fitch noted a memo from Fire Chief Low dated 12/1/04 requesting the training officer position (approved in the 2005 draft budget to go from part time to full time) be increased in hourly rate compensation. Following discussion regarding procedures; setting a precedent; and morale, the majority of Council agreed that the training officer position should be treated as other Town union employees are treated in regards to wage increases.

Administrator Fitch noted that the draft 2005 budget did not fund the continuation of the Community Development Department offices located on Court Street. Mr. Fitch acknowledged that Council had until March 2005 to make a final decision regarding said offices.

At 6:53 PM, hearing no further public input, Mayor Boothman closed the public hearing on the draft 2005 Town Budget.

Noise Abatement

Mayor Boothman opened Council discussion regarding noise abatement regulations. Discussion began around the San Juan County noise abatement ordinance and if it would apply to the issue brought forth by Lynne Mercer at a previous Town Council meeting regarding a neighbor's noisy hot tub. Councilmember Gillette observed that it is difficult to regulate neighbor disputes.

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Councilmember Rosenfeld advocated passing a noise abatement ordinance similar to the County's to keep enforcement procedures similar for the Sheriff's Department.

Pat McKay, 66 Wally Way, objected to the Town passing regulations that could possibly require everyone in Town to get rid of their hot tubs.

Camilla Woodbury, 812 Argyle Avenue, stated that she is the owner of the "offending" hot tub. Ms. Woodbury gave examples of noise decimal measurements that she took regarding her hot tub. Ms. Woodbury commented on the modifications she has made to shield her neighbor from the noise coming from her hot tub in an effort to be a good neighbor.

Following further discussion, Councilmembers Brooks agreed to notify Councilmember Rosenfeld of those portions of the San Juan County ordinance she disliked, and Councilmember Rosenfeld would then modify the ordinance and present it back to Council at a future date for further review.

Ordinance #1264 – tape 2 sequence #543

Mayor Boothman introduced draft Ordinance #1264. An ordinance repealing a utility tax of 3.9% of the gross receipts for charges for water, sewer, and refuse utility services and repealing Ordinance No. 782 in its entirety. Councilmember Jones moved and Councilmember Gillette seconded to adopt Ordinance #1264 as presented. The motion passed unanimously.

Resolution #1427

Mayor Boothman introduced draft Resolution #1427 for discussion. A resolution authorizing an increase in the mileage allowance for the use of privately owned automobiles for Town business by Town employees and officers in the exercise of their duties and the course of their employment and repealing Resolution #1259 in its entirety. Administrator Fitch explained the particulars of said resolution. Mayor Boothman suggested adding the words "and officers" to the first WHEREAS in said resolution. Councilmember Jones moved and Councilmember Brooks seconded to adopt Resolution #1427 as amended. The motion passed unanimously.

Non-agenda

Councilmember Gillette reported that the Friday Harbor Athletic Association has received approval from the San Juan Island School Board to build a sports complex on the School's property on Carter Avenue. Discussion followed regarding procedures and amending the 2005 Budget next year.

Treasurer Picinich commented that the Transportation Improvement Board received 103 applications for grant funds and 26 of those were in the west part of Washington State and the Town of Friday Harbor was 1 of 5 that were actually funded.

At 7:24 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Town Council – December 16, 2004 @ 12:00 PM

The Town Council met in regular session with Mayor Boothman presiding. Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.
There were no public access items forthcoming.

2004 Budget Amendments

At 12:02 PM, Mayor Boothman opened the public hearing on the amendments to the 2004 Town Budget. Administrator Fitch explained the particulars of the amended budget. Discussion and inquiry followed. No public input was received.

At 12:08 PM, Mayor Boothman closed the public hearing on the 2004 Budget amendments and introduced draft Ordinance #1266. An ordinance amending the 2004 Budget for the Town of Friday Harbor. Councilmember Gillette moved and Councilmember Jones seconded to adopt Ordinance No. 1266 as presented. The motion passed unanimously.

Ordinance #1267 – tape sequence #292

Mayor Boothman introduced draft Ordinance #1267. An ordinance adopting the budget for the Town of Friday Harbor, for the fiscal year ending December 31, 2005. Following discussion and inquiry regarding various aspects and concerns of said proposed budget, Councilmember Brooks moved and Councilmember Jones seconded to adopt Ordinance No. 1267 as presented. Councilmember Gillette stated that he would vote against the 2005 Budget because the budgeted rent of office space (Budgeted Item #3519.90.45) was insufficient for the year and therefore disruption of the Town's Planning Department and in addition probably disruption of the Town's Fire Department would occur. (Clerk's note: Prior sentence added at Councilmember Gillette's request and Council approval during the passage of these minutes on 1/6/05) The motion passed 4 to 1, with Councilmember Gillette in the opposition.

Ordinance #1268

Mayor Boothman introduced draft Ordinance #1268. An ordinance fixing compensation for represented personnel. Administrator Fitch explained the particulars of said ordinance. Councilmember Jones moved and Councilmember Gillette seconded to adopt Ordinance No. 1268 as presented. The motion passed unanimously.

Ordinance #1269

At 12:20 PM, Mayor Boothman introduced draft Ordinance #1269. An ordinance fixing salaries of officials and non-represented personnel. Administrator Fitch explained the particulars of said ordinance. Following discussion, Councilmember Brooks moved and Councilmember Jones seconded to adopt Ordinance No. 1269 as presented. Councilmember Gillette stated that these salaries were in excess of those provided by Towns of similar size. (Clerk's note: Prior sentence added at Councilmember Gillette's request and Council approval during the passage of these minutes on 1/6/05) The motion passed 4 to 1, with Councilmember Gillette in the opposition.

Ordinance #1265 – tape sequence #1547

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At 12:45 PM, Mayor Boothman introduced draft Ordinance #1265. An ordinance amending Ordinance No. 1084 and Chapter 13.05 of the Friday Harbor Municipal Code, concerning water rate tables and repealing Ordinance No. 1235 in its entirety. Administrator Fitch explained the particulars of said ordinance. Following discussion and inquiry, Councilmember Jones moved and Councilmember Brooks seconded to adopt Ordinance No. 1265 as stated. Councilmember Rosenfeld stated he was opposed to raising utility rates, but without locating additional funds, rates had to be raised to offset rising costs and future infrastructure projects. Councilmember Brooks asked that Council discuss the high cost of water hookup fees on a future agenda. Councilmember Gillette distributed tables of water rates charged by other water agencies within Washington to his fellow Councilmembers, the Mayor and the Town Administrator. Mr. Gillette demonstrated that even prior to this proposed rate increase, the Town's water rates were excessive. (Clerk's note: Prior sentence added at Councilmember Gillette's request and Council approval during the passage of these minutes on 1/6/05) Following discussion, the motion passed 4 to 1, with Councilmember Gillette in the opposition.

Lodging Tax Advisory Committee (LTAC) Report – tape sequence #2333

Councilmember, and LTAC Chair, Jones reported on the LTAC recommendations for expenditure of hotel motel tax funds in 2005. Said Committee proposed distributing \$95,000 of said funds to the San Juan Island's Visitor's Bureau and \$6,800 to the San Juan Island Community Theatre. Discussion and inquiry followed. Councilmember Jones indicated that two additional requests for funding might be forthcoming in 2005. Following discussion regarding process, Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the expenditures of hotel motel taxes as proposed by said Committee. The motion passed unanimously.

Administrator's Report – tape sequence #2683

During the Administrator's report, Land Use Administrator Bertrand reported that the Judge ruled in favor of the Town in regards to the Magnum Investments versus the Town of Friday Harbor lawsuit.

Charles Torres, Senior Marine Engineer for Washington State Department of Transportation, reported that the Friday Harbor Ferry Terminal Renovation Project was behind schedule and asked Council to approve an extended hour work schedule in an attempt to complete Phase II of said project before the marine construction deadline imposed by the US Department of Fish and Wildlife in mid-February or mid-March. Mr. Torres and Mr. Roger Wilson, Chief Inspector of said project, answered various questions regarding the 2nd slip; the timeline of the request; the hours of operations; project management; and noise abatement. Council asked Mr. Torres to provide a list of ways noise would be mitigated if construction were allowed during the night time hours. Mr. Torres agreed to provide said information prior to the evening Town Council meeting.

At 1:47 PM, hearing no objection, Mayor Boothman postponed the remaining agenda items to the evening Town Council meeting and declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Town Council – December 16, 2004 @ 5:30 PM

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

Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

Memorial Park Shoreline Substantial Development Permit

At 5:33 PM, Mayor Boothman opened the public hearing for a Shoreline Substantial Development Permit to renovate Memorial Park located at the northerly terminus of Spring Street.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participating in the public hearing process. Mayor Boothman inquired, but did not hear any objection to his or any other Councilmember's participation in the public hearing process. Mayor Boothman inquired if any Councilmembers had any interest in the property or issue; stood to gain or lose any financial benefit as a result of the outcome of this hearing; and if they engaged in communication with opponents or proponents regarding this issue. Council answered in the negative to all these inquiries, except it was noted that previous discussions had taken place at Town Council meetings regarding the design of said Park. Mayor Boothman asked if Council could hear and consider this application in a fair and objective manner. Council answered in the affirmative.

Mayor Boothman instructed those present of the procedures that would be followed and asked Attorney Eaton to explain how the Town could be both the applicant and the judge on a permit. Attorney Eaton explained that state law requires local governments to obtain the same shoreline development permits as private developers and also allows this type of process where the applicant and the organization reviewing the application for approval are the same.

Mayor Boothman asked Land Use Administrator Bertrand to present the staff report regarding Shoreline Substantial Development Permit #78. Before Land Use Administrator Bertrand began, Administrator Fitch pointed out the following exhibits: Email from Robert Distler – Exhibit A; Draft Statement of Significance – Exhibit B; Aerial – Exhibit C; Proposed Park drawing by David Waldron – Exhibit D; Renderings of Completed Park – Exhibit E (2 on 1 board).

Land Use Administrator Bertrand explained the basic premise behind the proposed renovation project; research regarding traffic patterns; how the project interacts with the Intermodal Plan; and analysis of the Town Comprehensive Plan Transportation issues.

At 5:54 PM, Mayor Boothman opened the meeting to input from the audience.

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Pat McKay, Ferry Advisory Committee Member and Owner of a business that has big equipment, encouraged the Town to provide a traffic pattern that allows big trucks to move through Town, protects pedestrians, and minimizes congestion.

Scott Zehner, Bailer Hill Road and Historic Preservation Review Board Chair, supported the proposed project and indicated the World War I Memorial may be nominated for designation of a historic site in Friday Harbor.

Darrel Sorenson, 200 East Street, Cannery Village Condos, asked if steps had been taken to ensure the health of the Elm trees at said Park. Mr. Sorenson encouraged the Town to provide special paving to allow water access to the roots of said trees.

Roger Bennett, owner of Pier 1 building, stated that he felt the project would enhance the Town, but stated concerns with traffic movement in the area of said Park. Mr. Bennett encouraged the Town to do a professional traffic study.

Bruce McKenna asked that the email from Robert Distler be read into the record. Administrator Fitch read said email, which had earlier been designated as Exhibit A, into the record.

Jim Smith, Discovery Inn Owner, stated that although he liked the idea of the project, he felt Council should slow down and study the project at greater length.

Sue Madden, PO Box 1623, stated that the World War I Memorial was a reminder of American freedom and ancestors. She observed that her grandmother was instrumental in the planting of the Elm trees. Ms. Madden supported the Town completing the Memorial Park renovation process.

Mona Meeker, Franck Street and former Historic Review Board Member, urged Council to save and enhance Memorial Park. Ms. Meeker described comments made by those at the 2000 San Juan County Fair regarding said Park.

Administrator Fitch clarified that the crosswalk on the landside of Front Street was removed at the request of the Washington State Ferry System to improve vehicle traffic unloading. Mr. Fitch also mentioned the Town has hired the services of arborist, Fred Ellis, to inspect and care for the Elm trees. Mr. Fitch indicated that said project should help tree health and growth.

Nancy Larsen, 48 Redwing Road and former Historic Preservation Review Board Coordinator, explained the three years worth of discussions regarding Memorial Park renovations that have preceded this public hearing. Ms. Larsen described the importance of Memorial Park to the Town. Ms. Larsen stated her support for said project.

Martha Padve, Historic Preservation Review Board member, described discussions with people at the San Juan County Fair last August regarding Memorial Park.

At 6:22 PM, Mayor Boothman asked if staff had any further comments. None were forthcoming. Mayor Boothman asked if Attorney Eaton had any comments. Attorney Eaton reminded Council that their decision should be based on the relevant sections of the Town's

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Shoreline Master Program. Using the staff report and the Friday Harbor Municipal Code Book, Mr. Eaton pointed out relevant sections of said Program.

At 6:25 PM, Mayor Boothman asked for further audience input. No additional comments were forthcoming. Mayor Boothman asked if Council had any questions.

Councilmember Emery inquired about the dimensions of the gazebo. David Waldron, Project Architect, answered Ms. Emery's inquiry regarding the proposed gazebos.

At 6:27 PM, Mayor Boothman closed the public testimony portion of the public hearing and opened Council deliberations.

Councilmember Brooks commented that this project protected the unique character of Friday Harbor and provided for shoreline use. She stated that testimony was not provided that indicated traffic circulation would be worse because of this project.

Councilmember Rosenfeld explained a comment made at a previous Town Council meeting regarding engineering and how it had been misinterpreted. Councilmember Rosenfeld stated his favor of the project itself, but stated his opposition to the procedures taken in regards to said project. He suggested the Town should have studied the project and how it relates to the Intermodal Transportation Plan prior to making any major renovations.

Councilmember Gillette expressed concern regarding the present location of the World War I Memorial. He suggested said Memorial should be located further towards the water for better viewing purposes.

Councilmember Jones stated that the applicant (the Town) has met the requirements of Town regulations regarding shoreline development permits. Mr. Jones indicated that traffic flows did not seem to be impacted by this project, and if the project was delayed to study the compliance with the Intermodal Transportation Plan, it may not ever be completed.

Councilmember Emery stated respect for the three-year work product that has gone in to the project, but expressed concerns regarding traffic flow and circulation. She stated that although the project may not make the traffic flow any worse, the Council should take the initiative in making traffic flow and circulation better. She expressed concerns with traffic problems when the ferry is unloading.

Councilmember Brooks expressed that this project will allow better viewing of the Memorial and might even improve traffic patterns. She observed that the project should also help the health of the trees and the applicant has met the criteria of the Town's regulations.

Councilmember Gillette asked Attorney Eaton if the monument could be moved even if the Council approved this shoreline development permit. Attorney Eaton answered in the affirmative.

Councilmember Brooks moved and Councilmember Gillette seconded to approve Shoreline Substantial Development Permit #78 and direct staff to prepare findings of fact and conclusions

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of law to support said decision. The motion passed 3 to 2, with Councilmembers Emery and Rosenfeld opposed.

At 6:42 PM, Mayor Boothman declared a brief recess (Land Use Administrator Bertrand left the meeting during the recess).

At 6:45 PM, Mayor Boothman declared the meeting back in regular session.

Conditional Use Permit Application #61

At 6:45 PM, Mayor Boothman opened the public hearing on Conditional Use Permit #61. A request by San Juan LLC, to construct a self-storage building in a commercial zone.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participating in the public hearing process. Mayor Boothman inquired, but did not hear any objection to his or any other Councilmember's participation in the public hearing process. Mayor Boothman inquired if any Councilmembers had any interest in the property or issue; stood to gain or lose any financial benefit as a result of the outcome of this hearing; and if they engaged in communication with opponents or proponents regarding this issue. Council answered in the negative to all these inquiries. Mayor Boothman asked if Council could hear and consider this application in a fair and objective manner. Council answered in the affirmative.

Mayor Boothman instructed those present of the procedures that would be followed and asked Zoning Coordinator Jones to present the staff report.

Zoning Coordinator Jones outlined the 10-page Staff Report dated 12/3/04; apologized for the scale inaccuracy on page 10 of said report; described the request and neighboring property zoning and uses; and explained staff procedures taken in regards to the permitting process and public notices. Mr. Jones indicated that the Community Development Department had not received any negative public comments regarding this project. Mr. Jones recommended approval of said Conditional Use permit as stated in said Staff Report.

Brad Hoover, applicant representative, described the need for climate-controlled storage in Town. Mr. Hoover emphasized how his project fit into the zoning of the proposed neighborhood and explained various features that will be offered at the project.

Lauren Stara, Director of the San Juan Island Library, presented two concerns of said Library Trustees: adequate separation between buildings in case of fire and the placement of a visual buffer between the properties.

Jim Smith, owner of the Discovery Inn, asked that the construction noise be limited from 8 AM to 5 PM so that it would not impact his guests.

Brad Hoover stated that he would gladly plant a nice landscaping buffer to shield the neighbors and would try and limit noise during construction.

Councilmember Gillette asked about the policy of storing burnable materials. Mr. Hoover answered that it is forbidden in their lease.

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Mayor Boothman asked if the staff had any further comments. Attorney Eaton commented that the application is for a conditional use and the issue is the use of the property as a storage facility. He emphasized that Council should base their decision on the criteria (page 3 of Staff Report) for a conditional use.

Councilmember Brooks inquired about the number of units to be built. Mr. Hoover answered preliminary plans anticipated 160 units. Councilmember Brooks asked about the hours of operations of the storage business. Mr. Hoover answered that the hours were to be from 6:00 AM to 10:00 PM, and have a history of quiet use.

Administrator Fitch asked if rental of storage units were subject to sales tax. Mr. Hoover answered in the negative.

At 7:06 PM, Mayor Boothman closed the public input portion of the public hearing.

Councilmember Jones stated that he felt the applicant met the criteria for a conditional use in the area. Councilmember Brooks noted that the project was suitable with other zones in the area. Councilmember Emery and Gillette concurred.

Councilmember Brooks expressed concerns with the early hour the storage units would be open and how it may impact guest of the Discovery Inn and Hillside Bed and Breakfast. Mr. Hoover answered that early uses at the units do not happen very often.

At 7:11 PM, Mayor Boothman reopened the public hearing for public input.

Jim Smith commented that if the noise impacts were once or twice a year it would not be a problem, but if they were more regular, he would ask Council to condition the hours of operations to be later in the morning.

Mr. Hoover stated that he could put up signs asking customers to be quiet in consideration of the guests at said establishments. He stated he wants to be a good neighbor.

Councilmember Rosenfeld pointed out that if houses were built on the property, the occupants of the houses could be inconsiderate and create far more noise than a storage facility. Mr. Rosenfeld also pointed out that even though this developer wants to be a good neighbor, if the units sold, the next person might not be so accommodating.

Following inquiry from Councilmember Gillette, Attorney Eaton explained that the conditional use permit goes with the property and unless Council attaches some conditions to the permit asserting their specific requirements for the issuance of this permit, then a new owner, who might not be so friendly, could operate the property as they wanted.

Zoning Coordinator Jones reminded Council that because the property is zoned commercial, a noisier establishment could be built without having to go through any sort of permitting process.

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Attorney Eaton noted that Council only had the authority to put conditions on a permit if they are necessary to make this use compatible with the uses that are permitted in the zone.

Mr. Hoover emphasized that after 20 years in the self-storage business, noise complaints were not something they have had to deal with very often.

Administrator Fitch asked Zoning Coordinator Jones if the Town had received any noise complaints for Mr. Hoover's storage units located on Mullis Street. Mr. Jones answered that, as far as he was aware, no noise complaints had been received.

At 7:16 PM, Mayor Boothman re-closed the public input portion of the public hearing and re-opened Council deliberations.

Councilmember Jones moved and Councilmember Gillette seconded to approve Conditional Use Permit #61 to construct a self-storage building in a commercial zone located at 1012 Guard Street and direct staff to prepare findings of fact and conclusions of law to support said decision. The motion passed unanimously.

Non-agenda

Administrator Fitch asked Council to consider the request by Washington State Ferries (WSF) to accelerate the work schedule on the Friday Harbor ferry terminal renovation project. Mr. Fitch presented a letter from Charlie Torres, Senior Marine Engineer on said project, which offered ways in that noise and lights would be mitigated during the extended work schedule. Mr. Fitch pointed out that the shoreline substantial development permit issued by the Town to WSF in regards to said project currently limits the hours of construction from 7:30 AM to 7:30 PM. Mr. Fitch noted that an administrative revision could be issued to change this requirement if Council agreed.

Discussion followed regarding the impact to Town residents who live in the area; who should handle the responsibility of polling these residents regarding the extended work schedule; noise standards; publicity, the impacts of phase 2 of said project not being completed this winter on the Town, if any; different work schedules; and the timing of the loss of the main dock.

Darrel Sorenson, Cannery Village Condo President, suggested Council delay making a decision for another week to allow more time for publicity and information gathering.

Roger Bennett, owner of Pier 1 Building, stated that the extended hours of construction would not affect the businesses in his building.

Following further discussion, Council decided to stay with the hours of construction laid out in the shoreline permit, with the allowance that work could occur 7 days per week.

Claims

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #25506 through #25545 in the amount of \$59,262.87. The motion passed unanimously.

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2004

Minutes

Councilmember Gillette asked that the following sentence be added to the December 2, 2004 noon minutes during the discussion of the future Guard Street project: "The base bid would be Tucker to Marguerite and an option bid to extend the contract to Park". Mayor Boothman clarified that although the correction could be added to the minutes, it did not specify Council direction to the staff. The Town Council minutes of December 2, 2004 noon meeting, as amended, and the 5:30 PM meeting, as written, were approved unanimously.

At 7:52 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk