

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – January 6, 2005 @ Noon

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

Members present: Debbie Emery, Wally Gillette, David Jones, & Howard Rosenfeld

Council excused the absence of Councilmember Carrie Brooks.

Others present: Town Administrator, C. King Fitch, & Treasurer, Wendy Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

Reverend Nancy Tiederman, rector of St. David's Episcopal Church, gave the invocation.

Lori Stokes, Building A of the Cannery Village Condos, commented on her discussions with the Washington State Ferries project personnel regarding an emergency that caused construction to continue well into the early morning hours and produced noise and light disturbances.

Charles Torres, Washington State Ferries project manager, indicated he was researching the disturbance and had spoken with Ms. Stokes regarding the complaint.

Councilmember Rosenfeld inquired about the criteria for designating an emergency on the project and the consequences of violating the shoreline substantial development permit (SSDP) restricted hours condition.

Pat Grady, from ACC Herlain, explained the circumstances of the emergency situation. Mr. Grady expressed that his construction company is trying to work well with the public.

Land Use Administrator Bertrand answered that the fee for violating a SSDP is \$250 per day. Mr. Bertrand indicated that the Town was investigating the situation.

Discussion and inquiry followed regarding the particulars of the SSDP issued to Washington State Ferries for the Friday Harbor Ferry Terminal Renovation Project and proper procedures for notifying the Town of an emergency.

#### Second Ferry Slip – tape sequence #453

(An email was distributed in Town in regards to retaining the temporary second ferry slip prior to the meeting. Said email originated from Councilmember Brooks) Noticing many audience members, Mayor Boothman noted that the meeting was not a scheduled public hearing, but the audience members could select a spokesperson to speak to Council.

Councilmember Rosenfeld clarified for the audience that Council has been proactive regarding this issue and has written two letters to Washington State Ferries asking them to retain the temporary second ferry slip. Mr. Rosenfeld pointed out that he asked the San Juan Island Chamber of Commerce (SJICC) to get involved, without luck.

Lynn Danaher, Town business owner, read a letter in support of retaining the second ferry slip.

Paul Hopkins, Town resident and SJICC member, supported the retention of the temporary second slip and indicated that the Chamber is under new direction and will be more involved.

Council encouraged the audience to contact Washington State Ferries.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### Department Reports

Mayor Boothman reported that he had told Chief Low that there would not be time for his report today.

### Resolution #1428

At 12:24 PM, Mayor Boothman introduced draft Resolution #1428. A resolution executing an interlocal agreement between the Town of Friday Harbor, San Juan County, and the Port of Friday Harbor to establish a program to remove and dispose of derelict vessels.

Jim Slocomb, Marine Resource Committee representative, explained the particulars of said Resolution.

Following discussion, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1428 as presented. The motion passed unanimously.

Kevin Ranker, newly elected Board of County Commissioner, introduced himself and announced his support for the derelict vessels program. Following inquiry, Mr. Ranker answered that he was unsure about his position regarding the second ferry slip. Mr. Ranker indicated that he needed further research and discussion before forming an opinion.

### Resolution #1429 – tape sequence #1047

Mayor Boothman introduced draft Resolution #1429. A resolution executing an agreement to promote economic development with the Town for the amount of \$1,500.00. Councilmember Gillette moved and Councilmember Emery seconded to adopt Resolution #1429 as presented. Richard Civile, Economic Development Council (EDC) Executive Director, explained how the EDC had benefited local businesses. The motion passed unanimously.

### Resolution #1430 – tape sequence #1430

Mayor Boothman introduced draft Resolution #1430. A resolution executing an agreement with the Business Association of San Juan County to provide a tourist promotion program for the year 2005 in the amount of \$95,000.00. Councilmember Jones', also Chair of the Lodging Tax Advisory Committee, explained the particulars of said resolution, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1430 as presented. The motion passed unanimously.

### Resolution #1431

At 12:42 PM, Mayor Boothman introduced and explained the particulars of draft Resolution #1431. A resolution executing an agreement for administering a utility reimbursement program with the Family Resource Center in the amount of \$4,000.00.

Discussion followed regarding the feasibility of a round-up program and why it would not work with the Town's current billing procedures and system. Councilmember Emery suggested that the funds only be given out in an emergency financial situation. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1431 adding the word "emergency" to the agreement. Following discussion, the motion passed unanimously.

### Administrator's Report

Administrator Fitch reported and explained the various Town fees for services that have increased due to wages and materials. Councilmember Jones moved and Councilmember Emery seconded to adopt the 2005 Fee Schedule as presented. The motion passed unanimously.

Administrator Fitch reported on two reported accidents in the public way. Mr. Fitch recommended sending the claims to the Town's insurance carrier. Council concurred.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Administrator Fitch mentioned that he was taking Councilmember Emery on a visit of the Town facilities on January 13<sup>th</sup> and inquired if a second Councilmember wished to join them. Councilmember Rosenfeld expressed interest in joining them.

Following Administrator Fitch's inquiry, Councilmember Jones mentioned that he hoped to schedule a Transportation Advisory Committee meeting some time this month.

Administrator Fitch reported that the Planning Commission is scheduled to hold two public hearings regarding 2005 revisions to the 2002 Town Comprehensive Plan. Administrator Fitch asked Council to decide if they wanted to also attend said hearings and report back to him.

### Non-agenda – tape sequence #2247

At 1:02 PM, Councilmember Gillette suggested several changes on Caines Street to help the public recognize the revisions that took place during the Caines Street sidewalk project.

Administrator Fitch mentioned that recognition enhancements are currently planned once the weather becomes better.

Mayor Boothman suggested allowing the Transportation Advisory Committee to review Councilmember Gillette's suggestions.

Councilmember Gillette indicated he wanted a more immediate response and moved that some action be taken on Caines Street. The motion died for lack of a second.

Discussion continued regarding engineering and traffic revision signs. Councilmember Emery suggested the Town make it a policy to post traffic revision signs in these situations.

Lee Sturdivant, Larsen Street, stated that the current design placed seniors nearly out in traffic and suggested the previous sidewalk, which was removed as part of the project, be replaced to keep pedestrians safe.

### Committee Assignments

At 1:11 PM, Mayor Boothman opened Council discussion of committee assignments. Mayor Boothman inquired if any Councilmember had a desire to change or take on a new committee assignment.

Mayor Boothman suggested forming a Budget Committee with two Councilmembers. Councilmember Jones and Emery volunteered to be on said committee.

Councilmember Gillette suggested the Town produce a summary pamphlet for its citizens that illustrate the accomplishments of the Town.

Councilmember Rosenfeld noted that he represents the Town on three committees that are not currently listed on the committee assignments list. These committees were: San Juan Islands Trails Committee, San Juan Island Chamber of Commerce, and the Intermodal Transportation Committee.

Councilmember Emery volunteered to attend Chamber of Commerce meetings also.

Councilmember Gillette mentioned that he also represents the Town on the Farmhouse Gang Committee.

### Minutes

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of December 16, 2004 noon and 5:30 PM minutes as written.

Councilmember Gillette distributed written changes to the minutes that added his opposing comments to several ordinances that passed during the noon Town Council meeting on said date. Councilmember Gillette observed that on several occasions Council has been reminded to put their reasons on the record when they vote on an issue.

Clerk Wilson commented that she spoke previously with the Town Attorney regarding this issue, and his explanation was that comments should be made for the audio record for legal purposes, but do not necessarily need to be placed in the Council minutes. Ms. Wilson also mentioned that in her opinion one councilmember's opposing comments are no more important than favorable comments made by other councilmembers.

Councilmember Jones agreed that minutes are generally about actions taken, but did not object to adding the revisions proposed by Councilmember Gillette. The motion was amended to approve the minutes as modified.

Councilmember Rosenfeld withdrew his second, stating that he felt Council was opening up a can of worms. Councilmember Gillette seconded the revised motion. The motion passed 3 to 1 with Councilmember Rosenfeld in the opposition.

Clerk Wilson mentioned that this Council previous set a policy that if councilmembers wanted their comments to be in the minutes they should say "for the record" to the clerk at the time of making those comments. She clarified that Councilmember Gillette had not followed this policy at the time of his statements.

Mayor Boothman noted that Council minutes are not a personal biography, but a record of the actions of the Town Council and that all comments are available on the audio recordings.

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

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – January 6, 2005 @ 5:30 PM**

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

Members present: Debbie Emery, Wally Gillette, David Jones, & Howard Rosenfeld

Others present: Town Administrator, C. King Fitch, Attorney, Don Eaton, & Treasurer, Wendy Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Dave Dysart, Historic Museum representative, asked Council to consider modifying the sign ordinance to allow sandwich boards to be placed off site to advertise for specific events.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Findings of Fact and Conclusions of Law - Hoover

Councilmember Jones moved and Councilmember Gillette seconded to accept the Findings of Fact and Conclusions of Law in regards to Conditional Use Permit #61 and SEPA Checklist #242 for applicant Brad Hoover. The motion passed unanimously.

### Findings of Fact and Conclusions of Law - Eager

Councilmember Gillette moved and Councilmember Jones seconded to adopt the Findings of Fact and Conclusions of Law in regards to Shoreline Substantial Development Permit #79 and SEPA Checklist #245 for applicants William and Claire Eager. The motion passed unanimously.

### Resolution #1432 – tape sequence #135

Mayor Boothman introduced draft Resolution #1432. A resolution authorizing the Mayor to extinguish a portion of a utility easement in Block E, Plat of Belair. Administrator Fitch explained the particulars of said resolution. Following discussion and inquiry, Councilmember Jones moved and Councilmember Emery seconded to adopt Resolution #1432 as presented. The motion passed unanimously.

### Sign Ordinance – tape sequence #395

At 5:44 PM, Mayor Boothman opened Council discussion of revisions to the sign ordinance. Administrator Fitch explained past history and process in regards to the development of the current sign ordinance.

Councilmember Jones mentioned that he has heard comments regarding unequal treatment in regards to signs and the enforcement of the sign ordinance.

Land Use Administrator Bertrand noted that because some people may not fully understand the Town's regulation, it could be perceived that the Town is imbalanced in its enforcement without real validity.

Councilmember Jones suggested the Town publish a notice in the newspaper showing those who have received sign infractions. Attorney Eaton indicated he would get together with Mr. Bertrand to discuss different ways to notify the public of violations.

Councilmember Emery suggested that the Town put more effort in to educating and communicating with businesses prior to their opening a business. Mr. Bertrand commented that a large majority of businesses open prior to obtaining a Town business license or a sign permit.

David Rand, sign shop owner at 301 Tucker Avenue, indicated that his perception is that existing and new businesses are not enforced in the same way. Attorney Eaton asked Mr. Rand to notify the Town of any signs that are perceived to be illegal. Mr. Eaton emphasized that the Town strives to enforce their regulations equally to all citizens.

Councilmember Rosenfeld inquired about the state of his previous suggestion that the Town encourage and allow public art. Mr. Rosenfeld suggested that the Historic Preservation Review Board (HPRB) could be the reviewing board.

Land Use Administrator Bertrand indicated that murals or public art are considered signs for businesses and the HPRB has stated they do not want to review signs.

Councilmember Rosenfeld expressed concerns that the marquee sign that the San Juan Community Theatre has may proliferate within Town and whether or not the Town wants to encourage this type of signage.

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Discussion followed regarding murals; public art; criteria; who would review and approve; the delay caused by waiting for a committee to review; the process the Town followings regarding sign enforcement; and changing the sign violation from a Class 4 instead of Class 1 to make a larger impact on violator's pocketbooks.

Land Use Administrator Bertrand suggested several ways that the sign ordinance could be changed to allow sandwich boards to be allowed for community events. Following discussion, Council asked Mr. Bertrand to draft his proposed changes to the sign ordinance regarding sandwich boards for future review by Town Council. Further discussion followed regarding the subjectivity of art.

### Tukang Lawsuit Update – tape 2 sequence #140

Attorney Eaton reported on the official final order being issued by Superior Court regarding the lawsuit regarding the Tukang Enterprises project on West Street. Mr. Eaton asked if Council wanted to hold a new public hearing to consider the view protection overlay portion of the Tukang project on West Street. Following discussion, Council decided to hold a new public hearing. Attorney Eaton reminded Council to do their homework and understand the Town's regulations before the public hearing. He also reminded Council that this would be quasi-judicial so they should not speak with opponents or proponents regarding said.

### Non-agenda

Councilmember Emery asked if a joint meeting with the Board of County Commissioners had been scheduled. Following discussion it was determined that the Clerk should try and schedule a joint meeting in April.

### Chamber Seating Order – tape sequence #525

Mayor Boothman opened Council discussion of re-assignment of Chamber seating order. Following discussion, Council indicated they had no desire to switch seating.

### Non-agenda

Councilmember Gillette showed an example of a budget summary pamphlet.

Councilmember Emery indicated she would attend the Board of County Commissioners meeting next Tuesday to hear Bob Distler, Ferry Advisory Committee member, discuss ferry related issues. She clarified that keeping the second ferry slip at this point may be harder than anticipated because Washington State Ferries did not request a permanent slip and therefore the permit issued by the Department of Natural Resources only granted temporary use of said slip. Ms. Emery stated she felt more details, education, and research were necessary regarding this issue.

Administrator Fitch stated that several options were presented during the initial public discussion regarding the project and if the state had not put in a temporary slip then the Town would have been faced with reduced ferry service to the island for the term of the construction.

Councilmember Emery suggested the island look at a different location for a second ferry slip.

### Claims and Payroll

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #25621 through #25697 in the amount of \$171,561.26 and payroll warrants #10517 through #10599 in the amount of \$175,125.41. The motion passed unanimously.

At 7:30 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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Kelle Wilson, Town Clerk

### **Town Council – January 20, 2005 @ 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.

There were no public access items forthcoming.

Mayor Boothman noted that Fire Chief Low had just received a fire response call and therefore would be delayed.

#### System Administration Report

Seeing that the Sheriff also was not yet in attendance, Mayor Boothman asked System Administrator Dubail to give his report. Mr. Dubail distributed an activity summary dated January 2005 for the System Administration Department. Mr. Dubail reported on equipment purchases; new programs; and a link on the Town's website for citizens to email Council. Following Mayor Boothman's inquiry, Mr. Dubail answered that videotaping of Council meetings had been discontinued until the sound quality could be improved. Council discussed whether or not they would rather run videotapes of Town Council meetings on the Cable Channel with poor sound quality or not at all. Following discussion, it was the consensus of Council that said tapes should be shown.

#### Sheriff Report

At 12:22 PM, Sheriff Cumming distributed the San Juan County (SJC) Law Reports for 2004. Mr. Cumming indicated that he would be asking the new Board of County Commissioners to support a Law & Justice levy for voter approval. He observed that he would be asking for Council support of said levy also. Mr. Cumming explained the necessity for a new Sheriff's boat being purchased in 2005 for approximately \$170,000 to \$200,000. Mr. Cumming reported on his department's response when the Washington State Ferry, Sealh, hit Reid Rock on Christmas Eve. Mr. Cumming described discussions regarding the SJC Fire Marshal position.

#### Fire Department Report – tape sequence #1264

Fire Chief Low explained the fire response he just attended at the Sandpiper Apartments. Chief Low reported that the Fire Department received 86 fire calls in 2004 and 8 calls so far in 2005. Mr. Low reported on equipment repairs and maintenance; indicated the draft Airport Response Plan and the Standard Operating Procedure (SOP) manual were available for review. Mr. Low reported on the superior outcome of the recent fire at 450 Spring Street. Mr. Low reported on training; recruit classes; and new fireboat responder training rules. Councilmember Rosenfeld asked for a list of volunteer firefighters so that appreciation could be expressed to them.

Mayor Boothman and Council thanked the Chief for the lovely Fire Association sponsored banquet held on January 7<sup>th</sup>, 2005.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Resolution #1433 – tape sequence #1590

At 12:47 PM, Mayor Boothman introduced draft Resolution #1433. A resolution authorizing the Mayor to execute Change Order #2 on the contract with Award Construction, Inc., for improvements to the water distribution system. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1433 as presented. The motion passed unanimously. Discussion and inquiry followed about the status of the project.

### Administrator's Report

Administrator Fitch explained that a draft false alarm ordinance and a draft noise ordinance would be forthcoming at the next Town Council meeting following Attorney Eaton's review.

Administrator Fitch reported that a series of land use ordinances would be forthcoming to become consistent with current state law.

Administrator Fitch observed that the San Juan Island Chamber of Commerce has requested the use of Court Street for both Saturday and Sunday the weekend of July 16 & 17, 2005 for an Arts Fair. Following discussion about the logistics of the event, Council agreed with the use of Court Street for said days.

Administrator Fitch noted that the Board of County Commissioners is meeting with Doug MacDonald, Secretary, DOT and Mike Anderson, WSF, next Tuesday at 2:30 - 4:00 regarding ferry public involvement.

Administrator Fitch mentioned that the design process for historic landmark designation is almost complete and will be forthcoming for Council review and adoption following legal review.

Administrator Fitch explained flooding troubles within Town limits. Mr. Fitch reminded Council that the Town has an adopted stormwater management plan that lists planned improvements to its stormwater system. Mr. Fitch observed that Council could change said listed priorities. Administrator Fitch explained the particulars of the revenues received from said utility and the high cost of improvements. Discussion and inquiry followed.

Councilmember Brooks inquired about sewage pipes beyond the Trailer Park located on Roche Harbor Road and an offensive odor. Administrator Fitch indicated that the Town did not have sewer lines in the area indicated, but he would investigate the problem.

Councilmember Emery commented on her recent tour of the Town's treatment plants and suggested other Councilmembers take the tour to gain a better appreciation of the Town staff and its operations.

### Minutes

Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt the Town Council minutes of January 6, 2004 noon and 5:30 PM meetings. Councilmember Emery asked that the 5:30 PM minutes of said date be amended to read "Councilmember Emery indicated she would attend the Board of County Commissioners meeting next Tuesday to hear Bob Distler, Ferry Advisory Committee member, discuss ferry related issues ~~discussion regarding retainage of the second ferry slip in Friday Harbor.~~" The motion to approve said minutes as amended passed unanimously, with Councilmember Brooks abstaining, as she was not in attendance at said meetings.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Non-agenda

Administrator Fitch indicated that he would like Council to think about if they want Council emails from constituents distributed to them electronically or via paper.

At 1:30 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – January 20, 2005 @ 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.

During the public access portion of the meeting, Susie Doyle, 810 Larsen Street, asked how the Town planned on solving the water drainage issues in her neighborhood. Mayor Boothman answered that it was a function of funding and priorities for those funds. Ms. Doyle asked that her neighborhood be kept informed of future discussions or planned improvements.

Don Galt, Foxhall Developer, suggested that the Larsen Street neighborhood should be given higher priority over other areas of Town. Mr. Galt asserted that the Foxhall drainage system is working perfectly.

Bob Wilson, representative for 765 Larsen Street, commented that he felt the Town was responsible because the Town has issued upland development permits that ultimately directed water towards his parent's property. He expressed concerns that new permits would be issued that may cause further flooding problems.

Councilmember Emery suggested Council have a discussion to evaluate the stormwater system priorities list.

Administrator Fitch explained the history of the stormwater utility and the eleven projects previously designated as most important. Mr. Fitch observed that the Foxhall engineered drainage system does not function as it was presented during the permitting process. Mr. Fitch explained that single-family residential houses are exempt from the permitting process, but still cause their portion of impervious surface runoff. Mr. Fitch suggested the neighborhood bond for improvements or lobby Council to place their project as a higher priority.

Following further discussion and inquiry, Council agreed to review the list of stormwater projects, as well as, to discuss charging undeveloped property owners a stormwater fee.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Memorial Park Findings of Fact

Mayor Boothman opened discussion of adoption of Findings of Fact and Conclusions of Law regarding a Substantial Shoreline Development Permit (SSDP) to renovate Memorial Park located at the northerly terminus of Spring Street. Mayor Boothman asked Attorney Eaton to explain procedures for passage of said Findings when said permit passed by a vote of 3 to 2. Attorney Eaton explained that generally Findings are approved by the Councilmembers that voted in favor of the motion.

Councilmember Gillette objected to the word "precise" on Page 6(F) under Historic Impacts of said Findings and stated he did not hear testimony that supported this statement.

Historic Preservation Review Board Coordinator, Sandy Strehlou, affirmed that the information was presented to Council through the "Memorial Park Facts Sheet".

Discussion followed regarding process.

Councilmember Brooks moved to adopt the Findings of Fact and Conclusions of Law for Shoreline Substantial Development Permit #78 and SEPA Checklist #244. The motion died for lack of a second.

Attorney Eaton suggested that because Councilmember Jones was not in attendance but was one of the Councilmembers who voted in favor of said SSDP, perhaps it would be better to take the time and review the audio tape of the public hearing to see if there was testimony that either supports or refutes said Findings regarding the location of the monument.

Councilmember Brooks moved and Councilmember Emery seconded to table said Findings of Fact and Conclusions of Law to the next Town Council meeting. The motion passed 3 to 1 with Councilmember Rosenfeld in the opposition. Discussion continued regarding procedures for passage of said Findings.

### Variance of Street Standards – tape sequence #2655

At 6:42 PM, Mayor Boothman introduced Council discussion of a request for variance to the Street Standards regarding number of driveways at the Mullis Center. Administrator Fitch explained the particulars of said variance to the Town's Street Standards. Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the variance request to add an additional driveway at the Mullis Center property.

Councilmember Emery inquired about adequate visibility from Market Street to the Nash Street driveway. Administrator Fitch answered that he felt the visibility was sufficient.

Councilmember Brooks inquired about the ingress/egress of the driveways. Administrator Fitch answered that there is flexibility in the Town standards, but that one driveway was planned as an entrance and one for an exit in this situation.

Councilmember Rosenfeld asked if the adjoining property owners had any dispute with this variance. Administrator Fitch answered in the negative.

The motion passed unanimously.

### Ordinance #1270 – tape sequence #3073

At 6:48 PM, Mayor Boothman introduced draft Ordinance #1270. An ordinance amending portions of Ordinance No. 1055, No. 1058, and No. 1059, concerning procedures for altering boundary line locations for platted properties. Attorney Eaton explained the particulars of said Ordinance.

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Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Ordinance #1270 as stated. The motion passed unanimously.

### Claims

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the payment of claim warrants #25713 through #25742 in the amount of \$97,246.59. The motion passed unanimously.

### Non-agenda – tape sequence #3458

At 6:55 PM, Councilmember Brooks noted information regarding commercial property available for sale on Malcolm Street. Ms. Brooks commented that said property could be used as a public works yard and provide additional parking for ferry staging. Discussion followed.

Councilmember Brooks presented the minutes of the Affordable Housing Fund Commission meeting on 11/11/04. Ms. Brooks urged Council to expedite the process necessary to sign an interlocal agreement with San Juan County so that applications for HB 2060 funding could be processed. Following discussion, Mayor Boothman volunteered to discuss the issue with San Juan County Commissioner Kevin Ranker.

Council briefly discussed how the proposed new electronic card ferry pass will impact citizens and attendance at the Board of County Commissioners meeting with Washington State Ferries on January 25, 2005.

Councilmember Brooks urged Council to support the retainage of the 2<sup>nd</sup> ferry slip for emergency and safety issues. Councilmember Gillette supported a permanent second slip. Councilmember Rosenfeld supported leaving the temporary slip for 3 years, which would allow San Juan County time to locate a barge landing for emergencies. Discussion followed regarding the feasibility of an injunction; the limitation of the temporary permit granted to Washington State Ferries by the Department of Fisheries; and the financial cost of redundancy.

Councilmember Brooks asked Mayor Boothman if the Emergency Management Committee had discussed the action Town residents should take when they hear the Town's alarm system broadcast. Mayor Boothman answered in the negative.

Mayor Boothman notified Council that he would not be present at the February 3<sup>rd</sup> Town Council meetings.

Administrator Fitch notified Council that a pre-bid meeting regarding the Memorial Park renovation project was scheduled for January 31, 2005 and if Council chose to change the design of said Park a change order would be required. Councilmember Gillette suggested the Town put out an addendum to the bid that included moving the monument as an alternative bid amount. Discussion followed.

Councilmember Rosenfeld asked that discussion regarding whether or not to include the Town Planning Commission in the 6-year road plan process be placed on a future agenda.

At 7:38 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – February 3, 2005 @ Noon

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.

George Meyers presented the Town of Friday Harbor with a check for \$500.00 that was awarded as part of the Quest Leadership Challenge for his volunteer service with the Town.

During the public access portion of the meeting, Steve Kennedy, 373 Geneste Street and building owner at 425 Caines Street, thanked Council for the sidewalk improvements on Caines Street. Mr. Kennedy expressed concerns regarding the "bump out" sidewalk on Caines Street in front of his building. Mr. Kennedy expressed regret that he and Mr. Weissinger recommended removal of the previous sidewalk in favor of landscaping during the design process. Mr. Kennedy observed that the addition of a "no right-hand turn" sign located at the egress for his building might impact mail delivery service to his business. Mr. Kennedy indicated he would work with the Town to help improve that corner.

Don Galt, Chair of the Mullis Senior Center, expressed concerns with the radius from the Senior Center exit to the stop sign at the intersection of Nash and Caines Street. Mr. Galt also spoke of cooperating with the Town to solve the problem. Mayor Boothman questioned Mr. Galt about the exact nature of the problem. Mr. Galt questioned the placement of the stop sign at said location.

Bill Weissinger, co-owner of building at 425 Caines Street, commented on how his building access has been impacted by the landscaping blocks, pillar, and no right-hand turn sign.

Rachel Dietzman, MPD representative and Caines Street designer, clarified facts regarding the original road design. Ms. Dietzman indicated the original design was developed prior to the construction of the Senior Center or the Weissinger/Kennedy building. Ms. Dietzman specified that the position of the intersection of Nash and Caines is correctly located at a 90-degree angle. Ms. Dietzman emphasized that one of the objectives of the location of said stop sign was to increase sight distance from Nash to Caines Street and that its location was sufficient for an exit from said Center. Ms. Dietzman noted previous discussion with Weissinger/Kennedy during the design phase that the possibility of making a right-hand turn leaving their property would be constrained. Ms. Dietzman pointed out that she had recommended against the elimination of the old sidewalk in front of the Weissinger/Kennedy building.

Mary Jean Cahail, owner of property across from the Senior Center, expressed concerns with the liability being caused by the "bump out" sidewalk on Caines Street.

Councilmember Jones asked Ms. Dietzman if any part of said project was out of compliance with acceptable road engineering standards. Ms. Dietzman responded that generally a depressed curb is not used in a bump out because vehicles are capable of mounting a depressed curb.

Councilmember Gillette questioned if a 25 MPH speed limit was safe for this area. Ms. Dietzman answered that the 25 MPH speed limit was acceptable, because a 25 MPH speed limit does not mean that vehicles are suppose to maintain this speed around a corner but should slow down to navigate the intersection.

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Administrator Fitch explained discussions with the Friday Harbor Postmaster regarding mail delivery at the Weissinger/Kennedy building.

### Land Use Administrator Report – tape sequence #895

At 12:28 PM, Land Use Administrator Bertrand distributed a report depicting unfinished Community Development Department projects as of 2/3/05. Mr. Bertrand reported that the first joint public hearing with the Town Council and the Town Planning Commission regarding the 2005 amendments to the 2002 Town Comprehensive Plan would be held February 24, 2005 at 7:00 PM. Mr. Bertrand reminded Council that another public hearing regarding the Tukang Enterprises project would be forthcoming in March. Discussion and inquiry followed Mr. Bertrand's report.

### Sign Ordinance – tape sequence #1128

Land Use Administrator Bertrand distributed copies of sign code compliance correspondence beginning from January 2003 to present for Council review. Mr. Bertrand distributed and explained proposed sign ordinance changes regarding community event signs (application process; no fee; first come first serve; size limits; one per intersection; and removal at night).

Mayor Boothman inquired if events outside of Town would be allowed to put signs up within Town. Mr. Bertrand indicated that signage would be limited to community events within Town or at the San Juan County Fairgrounds. Councilmember Emery inquired why signage for events outside of Town would not be allowed. Mr. Bertrand answered that he felt community events within the Town should be given priority over events in the County and that event banners would still be allowed for outside of Town activities. Following discussion regarding the origin of sign complaints; storefront signage versus store display areas; personal sign preferences; various Town and County events; suggested language; and the infraction schedule, Council asked Mr. Bertrand to return with a draft sign ordinance for their review within 30 days.

### Resolution #1434 – tape sequence #2695

At 1:11 PM, Mayor Boothman introduced draft Resolution #1434. A resolution authorizing the Mayor to execute an agreement for janitorial services to clean Town Hall offices with Complete Maintenance Services (CMS) in an amount not to exceed \$75.00 per visit for weekly cleaning and not to exceed \$300.00 per visit for annual cleaning, as described in the 2005/2006 Town Hall Cleaning Specifications. Administrator Fitch explained the particulars of said resolution. Councilmember Gillette moved and Councilmember Brooks seconded to adopt Resolution #1434 as stated. The motion passed unanimously.

### Ordinance #1271 – tape sequence #2769

Mayor Boothman introduced draft Ordinance #1271. An ordinance reducing the speed limit on Perry Place and amending Ordinance No. 945. Administrator Fitch explained the particulars of said ordinance. Councilmember Gillette moved and Councilmember Jones seconded to adopt Ordinance #1271 as stated. Following inquiries, the motion passed unanimously.

### Administrator's Report

Administrator Fitch reported that the Town Clock is not working. Mr. Fitch described steps to be taken to fix said clock and indicated that a total new clock mechanism may be needed in the future.

Administrator Fitch mentioned the April dates for a joint meeting with the Board of County Commissioners. Following discussion it was decided the Town Clerk would contact the County Clerk of the Board to see if an earlier date could be managed. Topics for discussion mentioned were the affordable housing agreement and the second ferry slip issue.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch reported on a letter from the San Juan Island Lions Club that indicates the older Christmas decorations are being retired.

Administrator Fitch reported on receipt of a Certificate of Appreciation from the Town's insurance pool, Association of Washington Cities, to the Town staff and crew for proactive management of its infrastructure and claims. Mr. Fitch reported that less claims has resulted in lower insurance premiums for the Town.

Administrator Fitch stated that Fire Chief Low would like to apply for a FEMA Grant to purchase a new exhaust system in the Fire Station and voice amplifier equipment. Mr. Fitch indicated that if approved, the grant would obligate the Town to approximately \$2,300 in matching funds. Council approved the application for said grant funds.

Administrator Fitch reported that the Town public restrooms have been damaged by graffiti.

Administrator Fitch asked Council permission to have the Mayor sign a corrected Resolution No. 1432. Mr. Fitch explained that Resolution No. 1432 passed by Council on 1/6/05 incorrectly listed the Extinguishment of Easement in Block E, Plat of Belair rather than Block E, First Addition to Belair. Mr. Fitch assured Council that the substance of said resolution remained the same. Council concurred with said change.

### Minutes

Councilmember Emery moved and Councilmember Brooks seconded to approve the Town Council minutes of January 20, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously, with Councilmember Jones abstaining as he was not in attendance at said meetings. Discussion followed regarding putting the approved minutes on the Town website in a more timely manner.

At 1:30 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – February 3, 2005 @ 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.

### Memorial Park Findings of Fact

Mayor Boothman opened discussion of the adoption of Findings of Fact and Conclusions of Law regarding Substantial Shoreline Development Permit #78 to renovate Memorial Park located at the northerly terminus of Spring Street.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Because he was not present at the previous meeting where said Findings were discussed, Councilmember Jones stated that he surmised from the Town Council minutes that Councilmember Gillette had an objection to language on page 6 of in the Findings regarding the location of the World War I Monument. Councilmember Gillette confirmed that his conclusion was correct.

Councilmember Jones asked if the word "exact" was deleted in said draft Findings under "Historic Impacts" 13(F) if Councilmember Gillette would vote in favor of the Findings.

Councilmember Gillette stated that he did not understand the process and he thought passage of said Shoreline Permit was the first step in the process and that the design of said Park would be the second step of the process. He stated that because the request for bids for the Memorial Park renovation project is in the newspaper, with the current location of the monument, he did not feel he could vote in favor of the Findings.

Councilmember Jones noted that his understanding was that the monument could still be moved with a majority vote of the Council. Attorney Eaton confirmed that Councilmember Jones was correct.

Following inquiry about the bid specifications, Administrator Fitch explained that the bid documents currently imply that said Monument will not be moved. Attorney Eaton stated that although the bid documents may imply the location of the monument should remain the same, there is no legal reason that the monument could not be moved after the bids are accepted. He stated that a majority vote of the Council could change its location through the change order process.

Attorney Eaton explained the process involving a quasi-judicial application and indicated that because Councilmember Gillette voted in favor of the Shoreline Permit during the public hearing on December 16, 2004, there is not an option to change his mind at this point. He explained that Council has the right to modify the Findings of Fact until they state the reasons why Council voted in favor of the project, but they could not withdraw approval of the project at this juncture.

Council discussion regarding the merits and demerits of the project followed. Attorney Eaton interrupted and explained that the decision regarding said Permit had been made by Council on December 16, 2004 and that their only decision at this point should be whether or not the Findings of Fact and Conclusions of Law presented for approval reflect the position taken by Council on said date. Attorney Eaton emphasized that even if Council approved said Findings today they could still make design changes or vote to withdraw the project.

Councilmember Brooks again suggested removing the word "exact" under the Historical Impacts portion of said Findings. Councilmember Gillette objected to passing the Findings because the "call for bids" had already gone forth with said monument staying in its present location and therefore it could not be changed.

Mayor Boothman reminded Councilmember Gillette that it had already been stated that the monument could be moved after approval of the Findings with a majority of Council vote.

Councilmember Gillette moved to table the passage of said Findings until the next meeting. The motion died for lack of a second.

Councilmembers Brooks asked Councilmember Gillette for suggestions how to modify the Findings enough to gain his approval of them. Councilmember Gillette did not offer any changes. Councilmember Gillette stated that because the project has already been advertised for bid, the position of the monument could not be changed.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch stated that the monument could be changed following the bid openings with a change order. Councilmember Gillette objected to the economic impact of a change order versus placing an option for the movement of the monument in the bid specifications prior to advertising.

Councilmember Brooks pointed out that the additional cost of a change order is irrelevant to whether or not the Findings of Fact accurately demonstrate the position taken by Council when voting for this project at the public hearing in December.

Attorney Eaton agreed with Councilmember Brooks' statement and again tried to clarify procedures in regards to Shoreline Substantial Development Permit, Findings of Fact, legal obligations of the Council; and Council options regarding the project.

Councilmember Gillette reiterated that he voted in favor of said Permit on the basis that the location of the monument would be changed prior to bids being received by the Town, and now that the bidding process has begun without this change, he would not be voting for the Findings.

Councilmember Jones expressed that the location of the World War I Monument is sacred ground. That the Monument may be the only marker for those men who served and died in World War I who lived on San Juan Island and they deserved to be honored with a fixed Monument.

Councilmember Gillette answered that if the ancestors knew the size of vehicles today, they would not mind if the monument were moved to the middle of the Park.

Councilmember Jones observed that there was a difference in values. That he felt the sacredness of the monument overrode the convenience of large trucks going around the corner of the Park.

Administrator Fitch suggested eliminating the entire sentence under Historic Impacts that read "The exact location of the granite monument within the Park has historic significance for the Town."

Councilmember Gillette answered that because the bidding process had begun he felt the Town was prevented from making any changes to the Monument location.

Administrator Fitch questioned why at the last meeting did Councilmember Gillette object to the word "precise" in this sentence under Historic Impacts and indicated at that time that if this word were removed he would be fine with approving said Findings.

Councilmember Gillette answered that he believed that at the last meeting he suggested an option to move the Monument be included in the bidding package and this was not done.

Attorney Eaton agreed that Councilmember Gillette had made this suggestion, but clarified that because a majority of the Council did not agree with his suggestion it was not implemented.

Councilmember Brooks moved Councilmember Jones seconded to adopt the Findings of Fact and Conclusions of Law for Shoreline Substantial Development Permit #78 and SEPA Checklist #244. The motion failed with Councilmembers Brooks and Jones voting in favor; Councilmember Gillette in the opposition; and Councilmembers Emery and Rosenfeld not voting as they voted against the original proposed project.

Councilmember Jones moved and Councilmember Brooks seconded to adopt the Findings of Fact and Conclusions of Law for Shoreline Substantial Development Permit #78 and SEPA Checklist #244 eliminating the entire sentence listed under Historical Impacts #13(F) on page 6 of said Findings.



## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Councilmember Rosenfeld questioned what Councilmember Gillette hoped to gain by delaying the project. Councilmember Rosenfeld stated that approving the project and then voting to revisit the design and location of the Monument would be more cost effective.

Councilmember Gillette said that a change order would be costly also and that it should be done right the first time.

Councilmember Rosenfeld responded that a delay means going back and starting the application and public hearing process all over again and that would be more expensive than a change order on the project.

Following discussion, the motion failed with Councilmembers Brooks and Jones voting in favor; Councilmember Gillette in the opposition; and Councilmembers Emery and Rosenfeld not voting as they voted against the original proposed project.

Attorney Eaton explained that because of the inability to approve the Findings of Fact and Conclusions of Law the Shoreline Substantial Development Permit has in effect been disapproved.

Attorney Eaton left the meeting due to illness.

### Resolution #1435 – tape sequence #1770

At 6:20 PM, Mayor Boothman introduced draft Resolution #1435. A resolution authorizing the Mayor to execute a contract with the engineering firm of Gray & Osborne, Inc. for preparing plans and specifications for the construction of Guard Street. Administrator Fitch explained the particulars of said project.

Councilmember Emery asked if there was any flexibility in the criteria used by the Transportation Improvement Board (TIB) when building a major arterial as far as design features. Administrator Fitch responded that the road design could be modified, but the design submitted to the TIB for grant funds was based on the Town's current road standards.

Councilmember Emery asked that a Council discussion of the design take place prior to paying an engineer to design a road that may be outside of the Council's wishes.

Following discussion, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution 1435 as stated. The motion passed unanimously.

### Stormwater Issues

At 6:37 PM, Administrator Fitch explained actions taken regarding the stormwater management project list. Mr. Fitch noted that Nancy Lockett, of Gray and Osborne Engineers, would have an updated preliminary cost estimate for improvements to the Larsen Street drainage problem soon. Mr. Fitch suggested that if the Council wanted to change the priorities of the current stormwater capital improvement projects, they should adopt a new Stormwater Capital Improvement Plan. Mr. Fitch indicated he is still investigating how other cities tax/charge undeveloped property owners a stormwater fee.

### Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the payment of claim warrants #25752 through #25830 in the amount of \$286,660.86 and payroll warrants #10600 through #10647 in the amount of \$162,486.50. The motion passed unanimously.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Non-agenda

Regarding the Caines Street discussion during the noon Town Council meeting, Administrator Fitch pointed out he had the crew measure the Kennedy/Weissinger building driveway and it was not reduced by the improvements completed on Caines Street. Mr. Fitch assured Council that the new Friday Harbor Postmaster has stated that delivery to said Building would not be impacted by the addition of a "no right-hand turn" sign at the egress of said Building. Mr. Fitch distributed pictures showing that cars are able to navigate the current design of Caines Street adequately.

Councilmember Brooks suggested painting the bump out sidewalk area with a product that would illuminate it better at night.

Councilmember Rosenfeld suggested putting the original sidewalk back in its previous location.

Administrator Fitch reported that the owners of the Kennedy/Weissinger building are working with their neighbors and may be obtaining a new driveway entrance with an ingress off of the Senior Center property and should this happen, the Town could put a raised curb on the current bump out, since it would no longer be an entrance into their building.

Councilmember Brooks noted that either the old sidewalk needed to be replaced or the bump out area should be painted.

Following discussion, it was the consensus of Council to paint the bump out sidewalk with yellow illuminating paint. Administrator Fitch asked for permission to delay said painting until the decision regarding the new entrance to the Kennedy/Weissinger building was made. Council concurred as long as the decision was not too long in coming forth.

Councilmember Rosenfeld reminded Council that there was still time to make use of the eCivis Grant Locator program before the Town's funded time ran out in March or April.

Councilmember Rosenfeld reported on more graffiti in the Sunshine Alley area. Council agreed to fund a reward for \$500.00 for the arrest and conviction of the person(s) responsible for the recent graffiti in Town.

Mayor Boothman suggested writing a letter to the Board of County Commissioners prior to the next joint meeting offering the Town's Solid Waste Facility to them for sale. Following discussion, Mayor Boothman said he would prepare a draft letter for Council review at the next Town Council meeting.

Mayor Boothman suggested proposing a one-year affordable housing agreement with the Board of County Commissioners so that the initial process could proceed along with allowing time to negotiate for a rental assistance program. Council agreed.

Councilmember Brooks suggested everyone contact the Washington State Ferries Tariff Committee with solutions to the present electronic card situation. Discussion followed regarding the second ferry slip.

At 7:18 PM, hearing no further business before Council, and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – February 17, 2005 @ 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, Utilities Superintendent Wilks, & Treasurer Picinich

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

#### Utility Department Report

Utilities Superintendent Wilks reported on January 2004 rainfall (3.3") compared to January 2005 rainfall (5.5"). Mr. Wilks remarked that Trout Lake began running over the spillway on December 18, 2004. Mr. Wilks indicated that water production was down from January 2004. Mr. Wilks reported on a meeting with Steve Deem from the Washington State Department of Health regarding new requirements for trihalomethanes (THM) and various methods to remove organic substances from the drinking water. Mr. Wilks updated Council on the progress of the 327' Zone Project. Mr. Wilks conveyed that Mike Deegan, Water Department Leadman, had received knee surgery from a non-work related issue in January and would return to work sometime in March. Mr. Wilks commented on equipment purchases and various other activities within the Utilities department. Discussion and inquiry followed.

Mayor Boothman pointed out that federal standards impact Town operations when they change their regulations. Administrator Fitch commented that Mr. Deem affirmed that surface water systems are more expensive to operate than ground water systems.

#### Ordinance #1274 – tape sequence #413

Mayor Boothman introduced draft Ordinance #1274. An ordinance providing for penalties for repeated false fire and burglary alarms and requiring key boxes for certain buildings. Administrator Fitch explained the particulars of said ordinance. Discussion followed regarding key boxes and how the distribution of funds received from this ordinance would be allocated. Following discussion, Treasurer Picinich volunteered to contact San Juan County District Court and inquire about the distribution of funds and report back at the evening Town Council meeting.

#### Ordinance #1273

Mayor Boothman introduced draft Ordinance #1273. 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 for the purposes of holding a joint meeting with the San Juan County Board of County Commissioners (BOCC) on March 8, 2005. Councilmember Jones moved and Councilmember Emery seconded to adopt Ordinance #1273. The motion passed unanimously.

Discussion began regarding topics to discuss at said joint meeting. Councilmember Gillette asked if the sale of the Town's Solid Waste Facility site should be a discussion item. Following discussion, Mayor Boothman volunteered to write background information regarding said site to distribute to the BOCC prior to said joint meeting. Mayor Boothman stated he would distribute this information for Council review at the next Town Council meeting on 3/3/05.

#### Town Planning Commission Nominee – tape sequence #1279

Mayor Boothman reported that the person he was going to propose has withdrawn their name from consideration as a Planning Commission nominee.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### Administrator's Report

At 12:40 PM, Administrator Fitch reminded Council that a public hearing to discuss the Tukang Enterprises view protection issues was forthcoming on March 3, 2005 at 5:35 PM.

Mayor Boothman pointed out a memo to Administrator Fitch from Town Attorney Eaton, which was distributed to Council along with their Council packet information, regarding public hearings, ex parte communications, and the appearance of fairness. Due to said memo, Administrator Fitch asked that Council refrain from speaking with opponents or proponents prior to a quasi-judicial public hearing, and continue this nonparticipation until after the adoption of the findings of fact and conclusions of law have been approved and the 21-day appeal process has expired.

Administrator Fitch reported on a joint planning meeting with the San Juan County Public Works department.

Administrator Fitch distributed information depicting the circumference differences between Memorial Park in its old formation and the design as proposed by the Memorial Park Architect. Discussion followed regarding Town Fire department operating procedures for Brown Island; maintaining the health of the elm tree roots; whether or not it was legally possible for the Town to cancel its withdrawal of its shoreline permit application; ways to improve traffic flow; having a discussion with Washington State Ferries regarding ferry traffic unloading; re-designing the circumference of the Park; participation by the Port of Friday Harbor during the design process; the lack of testimony received from Washington State Ferries during the shoreline permit public process for Memorial Park; future uses for the Spring Street Landing location, such as passenger only transportation to Bellingham and its impact on this area; and direction from Council for staff in regards to said Park. Following discussion, it was determined that input from Attorney Eaton was necessary before making a decision on the re-design of the Park.

At 1:32 PM, hearing no further business before Council and no objection, Mayor Boothman moved the remaining agenda items to the evening Town Council meeting and declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – February 17, 2005 @ 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.

During the public access portion of the meeting, Peter Delorenzi, San Juan Island resident, announced that a motorcycle run to commemorate the 30<sup>th</sup> anniversary of the end of the Vietnam War was proposed for 6/11/05. Mr. Delorenzi presented a letter on behalf of the American Legion, Sons of the American Legion, and American Legion Auxiliary stating their opposition to relocating the World War I Monument in Memorial Park and encouraged Council to either move forward with a design that does not move the Monument from its present location or replace the Park as it was for many years.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### Ordinance #1272 – tape sequence #172

Mayor Boothman introduced draft Ordinance #1272. An ordinance establishing situational noise limitations and creating a cause of action and penalties for violation of those limitations and repealing Ordinance No. 350 in its entirety. Councilmember Rosenfeld explained the changes made since the last appearance of this draft ordinance. Discussion followed regarding maintaining consistency for the San Juan County Sheriff department; exemptions; the necessity for such an ordinance; and the definition of "commercial". Following discussion, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1272 as stated. The motion passed 4 to 1, with Councilmember Emery in the opposition.

### Ordinance #1274 – tape sequence #662

Mayor Boothman introduced draft Ordinance #1274. An ordinance providing for penalties for repeated false fire and burglary alarms and requiring key boxes for certain buildings. Treasurer Picinich explained that monies derived from infractions issued pertaining to this ordinance would be deposited into the Town Current Expense Fund. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1274 as stated. The motion passed unanimously.

### Stormwater Issues – tape sequence #699

Administrator Fitch explained a memo dated 2/11/05 from Nancy Lockett of Gray & Osborne Engineers regarding Larson Street drainage. Administrator Fitch distributed a map depicting the various options to improve storm drainage in the Carter/Larsen Street area and estimated the cost of the entire project at \$900,000. Discussion followed regarding future planning analysis; updating the stormwater management plan; private developers and the continued requirement for retention ponds; alternative ways to handle surplus water; taxing undeveloped properties; new proposed development in the Carter/Larsen Street area; and using local improvement districts (LID) as a means for private property owners to fund necessary improvements.

Administrator Fitch suggested Council would need to take the following steps to change stormwater management priorities: Formalize the cost of proposed improvements; adopt a new Stormwater Management Comprehensive Plan; update the stormwater project priority list; incorporate this new list into the Town Comprehensive Plan.

Discussion began regarding the impact stormwater projects may have on the proposed Tucker Avenue sidewalk project. Because the proposed sidewalk will be at various levels until Tucker Avenue is reconstructed, Administrator Fitch asked Council to consider a temporary fix to Tucker Avenue by widening the road edge and pave and stripe the new road edge area until the complete Tucker Avenue project could be constructed. Councilmember Jones volunteered to ask the Transportation Advisory Committee about said suggestion.

Administrator Fitch indicated he would begin the process to modify the Town's Stormwater Management Comprehensive Plan.

### Non-Agenda – tape sequence #2390

At 6:35 PM, Councilmember Jones inquired of Attorney Eaton if it was legally possible to make a motion to not withdraw the Town's Shoreline permit for Memorial Park. Attorney Eaton advised that it was not in the Town's best interest to follow that procedure, and explained why it would be more advantageous to start the process over.

Discussion followed about the design of Memorial Park. Councilmember Brooks emphasized that said Park should be fixed before Memorial Day 2005. Administrator Fitch estimated the cost to replace Memorial Park to its former boundaries with basic landscaping would be \$5,000. Discussion continued

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

regarding Memorial Park. At 6:52 PM, Councilmember Jones left the meeting to catch a ferry. Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the cost of replacing the former boundaries and basic landscaping of Memorial Park before the upcoming summer season. Councilmember Emery questioned the timeline of the project and appropriateness of spending funds to rebuild the Park only to make changes to it again soon. Councilmember Rosenfeld answered that Fall would be the first time any substantial changes could take place. The motion passed unanimously.

### Claims – tape 2 sequence #639

Councilmember Gillette moved and Councilmember Brooks seconded to approve the payment of claim warrants #25832 through #25896 in the amount of \$68,160.83. The motion passed unanimously.

### Minutes

(Clerk's note: Prior to the meeting Councilmember Jones notified Clerk Wilson of an error in the minutes. Corrected minutes were distributed to Council for review) Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the Town Council minutes of February 3, 2005 noon and 5:30 PM meetings as amended. Councilmember Gillette asked for the following change in the 5:30 PM meeting minutes: "...voted in favor of said Permit on the basis that the location of the monument would be changed prior to bids....". The motion to approve the minutes as amended passed unanimously.

### More Non-Agenda

Councilmember Gillette distributed a discussion item requesting Gray & Osborne, the Town's Street Engineers, provide conceptual alternatives to the proposed Guard Street design. Administrator Fitch offered to have a representative from the Transportation Improvement Board (TIB) or from Gray & Osborne Engineering come before Council to discuss the design of Guard Street and how it correlates to the TIB grant the Town is receiving. Council did not express interest in this presentation.

Councilmember Rosenfeld mentioned that Minnie Kynch has coordinated a San Juan Youth Ambassador Program for Friday Harbor.

Councilmember Gillette distributed another discussion item regarding the renewal of the Community Development office leased space. Mayor Boothman responded that if the Council wished this item could be addressed at a future time.

At 7:32 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – March 3, 2005 @ Noon**

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.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

During the public access portion of the meeting, Angelica "River" Ashley, 855 Guard Street, asked that Council compel the cleanup of a graffiti swastika on the garage of a building in Sunshine Alley.

### Ambassador Program

Jim Carroll introduced Minnie Knych of the San Juan Island Northwest Workforce. Ms. Knych gave a demonstration regarding the San Juan Islands Ambassador Program and how it will improve visitor relations and help relieve travel trauma. Mr. Carroll introduced two volunteer student ambassadors, Ron Groseclose and Heaven Delazerda, who spoke on what they will gain from the program while assisting visitors at the same time.

Councilmember Jones commented that the Lodging Tax Advisory Committee has heard Ms. Knych's presentation and is in favor of the Ambassador Program. Mr. Jones indicated that said Committee would determine the amount it would like to recommend for funding at its next meeting on March 17, 2005 at 9:00 AM.

Mayor Boothman asked Ms. Knych if the San Juan County Lodging Tax Committee had been approached for funding. Ms. Knych responded that the County was her next funding stop.

### Memorial Park Design

At 12:24 PM, Councilmember Rosenfeld explained the newest Memorial Park design option. Mr. Rosenfeld observed the advantages of this new design as no loss of roadway width (6" possible gain); 2 to 4' of area in front of the Memorial; more tree and roots protection; lower promenade area unchanged; and the cost of pavers reduced by \$30,000.

Councilmember Jones asked to hear the opinion of staff. Sandy Strehlou, Historic Preservation Coordinator, reported that the Historic Preservation Review Board was thrilled with the new design.

At Mayor Boothman's request, Nancy Larsen, Memorial Park Steering Committee representative, echoed Ms. Strehlou's comments regarding the new design.

Administrator Fitch commented that Fred Ellis, the arborist for the elm trees at said Park, has been complimentary of the new design also. Mr. Fitch indicated that Mr. Ellis suggested that only temporary repairs of the Park take place this summer to allow the trees and their roots to receive fertilizer treatments.

Councilmember Gillette suggested the Town study its traffic patterns further before going forward with any design.

Councilmember Emery suggested investigating if it were possible to make the Park into a "true" roundabout. Councilmember Gillette responded that he did not feel an 80' long truck could negotiate a roundabout.

Discussion continued regarding an alternate design submitted by Albert Hall; how the Park is a small element in the ferry unloading traffic dilemma; reviving the Intermodal Plan Committee; and the lack of flexibility to make significant changes to said Park design once the permitting process begins again. Following discussion, it was determined to continue the architectural services of Mr. Waldron in regards to the design process.

### Resolution #1436

At 12:45 PM, Mayor Boothman introduced draft Resolution #1436. A resolution accepting the bill of sale from the Port of Friday Harbor and Friday Harbor Executive Hangers for certain improvements to

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

the Town water system. Administrator Fitch explained the particulars of said Resolution. Councilmember Jones moved and Councilmember Gillette seconded to adopt Resolution #1436 as stated. The motion passed unanimously.

### Resolution #1437

At 12:48 PM, Mayor Boothman introduced and explained draft Resolution #1437. A resolution authorizing the Mayor to execute an agreement with Orcas Power and Light Cooperative d/b/a Island Network for connection to a broadband fiber optic communication network for an initial contribution in aid of construction in the amount not to exceed \$1,516.80 for providing network access services from April 1, 2005 through March 31, 2008. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1437 as stated.

Councilmember Emery inquired about the services the Town will be receiving for said funds.

Steve Dubail, Systems Administrator, explained that the fiber optic system will help the Town extend its internal network to include the Wastewater Treatment Plant and provide disaster preparedness, but would not supplant the Town's current internet access.

Following discussion regarding the benefits to the business community and Town operations, the motion passed unanimously.

### Administrator's Report

At 1:04 PM, Administrator Fitch reported that the Planning Commission public hearing to consider the Magnum Investments request for re-designation has been postponed indefinitely and therefore the scheduled meeting on 3/10/05 was not necessary.

Administrator Fitch reported on a repair to the sewer main located near the Washington State Ferries Terminal. Mr. Fitch suggested that the age of the pipe along with ferry dock construction might have been contributing factors in said malfunction. Mr. Fitch indicated that the proper authorities had been notified of said spillage. Discussion followed regarding the construction project and its impacts on the sewer pipe.

Administrator Fitch reported on the Carter Street Hillside House sidewalk project.

### Non-agenda

At 1:10 PM, Councilmember Gillette commented on the memo from Administrator Fitch to Council dated 2/25/05. Mayor Boothman explained that there was insufficient time to discuss the matter further at this moment.

### Minutes

Councilmember Rosenfeld moved and Councilmember Brooks seconded to approve the Town Council minutes of February 17, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

### More non-agenda

At 1:15 PM, Mayor Boothman asked for Council approval of the draft letter to the Board of County Commissioners for the joint meeting scheduled on 3/8/05 at noon. Following discussion, it was the consensus of Council to include language under the Affordable Housing Agreement portion of said letter requesting that 5% of the affordable housing funds to be used for rental assistance. Mayor Boothman indicated he would make said change and have the letter ready for Council signature at the evening Town Council meeting.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Jones asked that the Transportation Advisory Committee be given an extension through July 2005 to complete its assigned tasks, because it did not actually begin meeting until February 2005. Administrator Fitch indicated that said extension should be granted through an amended ordinance and he would draft said ordinance for Council approval at the next Town Council meeting.

Councilmember Jones asked Council to confirm the appointment of Janeen Jennings as a new member to the Lodging Tax Advisory Committee (LTAC). Councilmember Jones moved and Councilmember Brooks seconded to appoint Ms. Jennings to said Committee. The motion passed unanimously.

Councilmember Jones indicated that the LTAC supports giving financial assistance in the amount of \$6,800.00 to the San Juan Community Theatre to promote four local productions to off-island audiences. Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the \$6,800 expenditure of Lodging Tax funds for said purposes. Following discussion, the motion passed unanimously.

Councilmember Gillette suggested the design of Guard Street be placed on a future agenda for discussion. Councilmember Jones agreed that a discussion would be worthwhile. Administrator Fitch pointed out that the Town does not currently have any bicyclist data and suggested that Council needed to follow procedure and gather the data and if necessary change the Town Street Standards to incorporate bike paths.

At 1:27 PM, hearing no objection, Mayor Boothman declared the meeting in executive session for approximately 10 minutes to discuss property acquisition with no action anticipated.

At 1:33 PM, Mayor Boothman declared the meeting back in regular session and hearing no objection, declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – March 3, 2005 @ 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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

#### Tukang Enterprises Public Hearing

Mayor Boothman opened the public hearing for consideration of compliance with the View Protection Overlay District regulations regarding the Tukang Enterprises development proposal located at 151 West Street.

Mayor Boothman asked if any Councilmember wished to excuse themselves from participating. Council answered in the negative. There was no response to Mayor Boothman's inquiry if anyone objected to

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

his or any Councilmember's participation in the public hearing process. Council responded in the negative to inquiries regarding interest in the properties or issues; and gain or loss of financial benefit. When Mayor Boothman asked about communication with opponents or proponents, Councilmember Brooks disclosed that Jack Cory delivered information from RW Thorpe regarding this project to her office but that no conversation about the project took place. Councilmember Emery disclosed that she also received said information, but did not see or speak with Mr. Cory. Attorney Eaton clarified that the information received by the Councilmember Brooks and Councilmember Emery will be entered as an exhibit and was received by all the Council. 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.

Attorney Eaton entered into the record Exhibits 1–8. (Exhibit 1. Site map with view corridor and shoreline denoted; Exhibit 2. Panoramic photo view of shoreline view corridor; Exhibit 3. A-C New letters from public; Exhibit 4. A-E Staff analysis of applicant's exhibits; Exhibit 5. Starr survey with shoreline boundary; Exhibit 6. RW Thorpe comments for staff report, Exhibit 7. Tukang analysis of sideyard setback requirement; Exhibit 8. Attorney Eaton memo dated 3/1/05 to Council). Mr. Eaton explained that the Town has agreed to expand the time of each person's input from 5 minutes to 15 minutes per person. Attorney Eaton explained that a request was also made to allow "cross examination," type testimony.

Attorney Eaton reminded Council that the scope of the public hearing was to do further analysis of the view protection overlay district requirements. Mr. Eaton stated that this proposal also includes a request by the applicant to build some structures in the 10' sideyard setbacks that are required for some portions of this property. Attorney Eaton explained the provisions in the Friday Harbor Municipal Code (FHMC) to allow an administrative decision regarding setbacks if certain standards are met. Attorney Eaton explained why staff was requesting Council to make the final decision regarding the sideyard setbacks for this project. Mr. Eaton explained that staff was recommending approval of the sideyard setbacks as proposed, but it was a Council decision. Attorney Eaton highlighted the FHMC applicable view protection overlay district regulations as depicted on page 3 of the staff report. Mr. Eaton explained how view protection relates to public views.

Following explanation, Council determined to continue with its normal policy where those giving testimony speak to Council and not allow cross-examination of each other or staff.

At 5:50 PM, Land Use Administrator Bertrand explained that Council should have received the 10-page staff report with 50 attachments for a total of 60 pages. Mr. Bertrand described the proposed project. Mr. Bertrand pointed out the view protection overlay district map and shoreline designated environments map on the Council Chamber walls (these maps are also in the FHMC). Mr. Bertrand noted that the applicant has provided a survey to establish the shoreline jurisdiction line shown on Exhibit 1. Mr. Bertrand explained how staff analyzed the elevations presented in Exhibit 4 A-E. Mr. Bertrand stated that he felt the elevations submitted by the applicant were accurate. Mr. Bertrand described the difference between public and private views and their order of importance in relation to view protection regulations. Mr. Bertrand described the various views depicted in the staff report and the project's view advantages and disadvantages. Mr. Bertrand commented that the elevation of West Street Park is 109 feet. Mr. Bertrand concluded by recommending Council find that the proposal is in compliance with the view protection overlay district regulations and authorize staff to issue a view mitigation permit for the project as conditioned by staff and the memo from Attorney Eaton dated 3/1/05.

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At 6:23 PM, Misty Todd, Tukang Enterprises LLC Managing Partner, described the project and the new public views that will be available due to the project.

Jeff Weber, Attorney for the applicant, addressed the legal standards for analysis of the view protection overlay district and the sideyards being proposed.

Mayor Boothman opened the hearing to public input. All input is on an audio record. The following is a summary of those who spoke at said public hearing:

Jan Osborne, island resident, commented on her concerns regarding American Disability Act (ADA) accessibility to the public views.

Peter Brachvogel, project architect, responded that there would be ADA accessibility for the project.

Don Gonzalas, owner of the building located at 30 First Street, currently housing the bookstore and the jewelry, asked Council to consider how the loss of view will impact his building site. Mr. Gonzalas suggested the project be re-designed so that 2<sup>nd</sup> level views from upland properties are protected.

Jane Kiker, lawyer representing Jack Cory and others, expressed concern that the staff report did not mention the view impact analysis provided by RW Thorpe and that the public hearing notice did not mention that Council would be discussing the sideyard setback requirement. Ms. Kiker introduced Exhibit 20, a copy of FHMC 17.32.060 and Exhibit 21, Pictures from West Street Park. Ms. Kiker indicated that there were flaws in the applicant's analysis. Ms. Kiker expressed opposition to the project as designed.

Don McKay, architect, expressed support for the project and explained the technical nature of several exhibits. Exhibit 11, West Street before and after development projections; Exhibit 12, photos from various locations projecting before development and after development views; Exhibit 13, photos from different locations depicting before/after views; and Exhibit 14, photos showing before after views and new public shoreline views; Exhibit 15 photos from different locations showing new public shoreline views.

Bryan Fish, Seattle resident, explained the tools used to prepare and confirm the accuracy of the photo simulations used in the exhibits presented by Tukang Enterprises. Mr. Fish disagreed with the project depictions done by RW Thorpe and Associates in Exhibit 18.

Brian Wellman, Bellingham contractor, spoke of the prohibitive cost impact to the project to lower the development deeper into the rock.

Peter Kilpatrick, Local builder and developer, stated appreciation for the project and encouraged Council to approve the staff recommendations and issue the permit requested.

Jane Kiker entered Exhibit 22, photos depicting before and after building development and the view impacts; Exhibit 23, photos depicting before and after development ferry views; Exhibit 24, closer photos showing ferry views; and Exhibit 25, photos from West Street Park sidewalk with before and after views.

Steve Speidel, Vice President of RW Thorpe and Associates and landscape architect, explained the analysis information given to Council from his company and how it relates to the view protection overlay district. Mr. Spiedel entered Exhibit 26, Site plan; Exhibit 27, photo view from inside of Vinny's Restaurant; Exhibit 28, View Protection Overlay District 10' minimum sideyard setbacks; Exhibit 29,

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average building elevations; Exhibit 30, photos depicting view impact analysis; Exhibit 31, photos from West Street sidewalk; and Exhibit 32, more photos from inside Vinny's Restaurant.

Donald Todd, owner of subject property, explained past history in regards to discussions with Attorney John Linde and Vern Howard; real estate dealings; and agreements with Bonnie Morrow (Mr. Todd indicated Council had a copy of this agreement). Mr. Todd asked Council to consider the views from Vinny's Restaurant be given low priority because of said agreements.

Following Attorney Eaton's inquiry about a copy of the Todd/Morrow agreement mentioned by Mr. Todd, Mr. Weber stated that prior to the beginning of this meeting, Exhibits 9 through 19 were entered into the record by staff. Mr. Eaton explained that these were pre-marked for ease of the staff, but that it was still necessary for Mr. Weber to officially enter these exhibits into the record. Mr. Weber entered Exhibits 9 – 19 into the record. Exhibit 19 being the exhibit that included said agreement. (Exhibit 9, site plan / photo depicting buildings 100-700; Exhibit 10, aerial photo of project site; Exhibits 11-15 officially entered earlier; Exhibit 16, photo of depicting preserved view corridor; Exhibit 17, perspective view; Exhibit 18, marked up exhibits prepared by RW Thorpe; Exhibit 19, binder with TABS A-X, total number of pages 131)

Arnie Klaus, 8607 Cattle Point Road, stated that shorelines are for the public's benefit. Mr. Klaus expressed benefits of the Washington State shoreline laws. Mr. Klaus spoke in support of the proposed project and the public benefits that will be gained.

Joe Cooper, 160 Macginitie Road, spoke in support of the project and the net benefit for the Town.

Linda Hershey, General Manager for the Friday Harbor House, spoke in support of the project and the right for Ms. Todd to develop her property within the guidelines set forth.

Paul LeBaron, 778 Blazing Tree and local realtor, entered in Exhibit 33, depicting an architectural concept for a mixed-use development for real estate marketing; and Exhibit 34, a site map of the Tukang property. Mr. LeBaron stated that the project was within the law and should be approved.

Jack Cory, Friday Harbor resident, spoke that the view protection overlay district was enacted to give greater protection for views in the shoreline. Mr. Cory stated he did not feel the project fell within the regulations of the Town. Mr. Cory suggested that with rock removal, the project could be built at a lower elevation and protect the upland views. Mr. Cory disagreed that the stairs to be provided by the project will create increased public views. Mr. Cory suggested Council protect the Town views, follow its regulations, and keep Friday Harbor attractive.

Roger Bennett, owner of waterfront building on Spring Street, using Exhibit 26, Mr. Bennett indicated that the public views improved as the public moved towards the water. Mr. Bennett stated that Vinny's Restaurant could retain their views by renting space in the new development. Mr. Bennett questioned the structure of the current building housing said restaurant and its conformity to today's building standards.

Kay Kammerzell, 8607 Cattle Point Road, stated that Vinny's should have understood their view was temporary. Ms. Kammerzell opinioned that the food of a restaurant is more important than the view, and that the development's pedestrian walkway will cause more traffic for this area and might enhance said restaurant's business.

Jane Kiker responded to public input regarding shoreline development. Ms. Kiker disagreed with the views from Vinny's Restaurant being discounted as insignificant in regards to view protection. Ms.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Kiker indicated that she could not find anything in the materials that designated a portion of the project as a public access corridor. Ms. Kiker pointed out the inaccessibility of the public stairs to those with disabilities. Ms. Kiker observed that unknown future items placed on the building rooftops might impact public views.

Jeff Weber asked Council to balance the differing views they have heard tonight. Mr. Weber described the various viewpoints regarding views and sideyard setback requirements.

Don Gonzales described another project he is familiar with that will have rock removed for development. Mr. Gonzales discussed profits and view protection. Mr. Gonzales suggested Council determine the location of the sewer pipes through the Tukang property. Mr. Gonzales questioned the analysis done standing at the public benches in West Street Park rather than sitting at the public benches. Mr. Gonzales asked Council to deny this request.

Misty Todd stressed that the development of the stairs from West Street Park to Front Street will be an opportunity for the Town to expand its right of way and create more park area. Ms. Todd observed that her development is discussing opening up the area between her development and Amigos Restaurant located at 40 Spring Street and the former San Juan Inn area to create more open area and pedestrian access.

Paul LeBaron asked if the windows of Vinny's Restaurant are legal.

Steve Speidel addressed confusing testimony regarding number of lots; open space requirements; and the distinction between cost and value. Mr. Speidel asked Council to protect future public views. Mr. Speidel asked Council to require a fee simple title to guarantee a pedestrian easement through the project.

At 8:51 PM, Hearing no additional public input, Mayor Boothman declared a brief recess. At 8:56 PM, the meeting reconvened.

Mayor Boothman asked if staff had any further comments.

Land Use Administrator Bertrand clarified that the exterior walls of Vinny's Restaurant would not be allowed under present construction standards, but are considered a part of a non-conforming structure at this time. Mr. Bertrand explained that Exhibit #6, RW Thorpe Comments for staff report, was included in the staff report because it was not received during the advertised comment period. Mr. Bertrand pointed out handicap lifts in the interior corridor of the proposed design. Mr. Bertrand pointed out discrepancies in some of the exhibits presented by the proponents. Mr. Bertrand asked Council to balance their decision between what views are allowed, what views can be taken away along with the right of the property owner to develop their property.

Attorney Eaton asked Council to read and understand the definition of public shoreline views. He explained that the staff report concluded that the property owned by Mr. Gonzales was determined not to have an established public shoreline view. Mr. Eaton clarified that some view loss was allowed and asked Council to read the development requirements starting on page 3 of the staff report regarding acceptable view loss and the ranking and importance of views. Mr. Eaton clarified issues regarding the center courtyard of the project and sideyard setback requirements.

Administrator Fitch reminded those present that all exhibits are to remain with the Town at this time. Attorney Eaton noted that 34 exhibits have been received in regards to this public hearing.

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Mayor Boothman asked for additional comments.

Misty Todd commented that the buildings upland had the right to build higher and then would retain a view of the harbor.

At 9:12 PM, hearing no additional public input, Mayor Boothman opened the public hearing to Council questions.

Councilmember Rosenfeld inquired about the allowance of the Town Square building that blocked the building housing Amigo's Restaurant and others. Attorney Eaton explained that the Town Square building was built before the establishment of the view protection overlay district regulations. Councilmember Rosenfeld asked what would happen to Vinny's Restaurant's non-conforming windows during a re-model project, should the applicant decide to lower their project and protect the view from Vinny's Restaurant. Land Use Administrator Bertrand answered that it would depend on the extent of the remodel. Councilmember Rosenfeld commented that hypothetically the Town could be trying to save a private view that could not be there in the future. Attorney Eaton commented that this is why public views from private property are given the lowest ranking in the regulations, because they are areas that the Town does not have as much control over, versus public views from public streets and sidewalks.

Councilmember Emery inquired about the lighting on the new stairs to be built on the north side of this project. Land Use Administrator Bertrand answered that this would be discussed during the construction phase and that mostly likely the Town would be responsible for lighting of the stairway.

Attorney Eaton reminded Council that his memo of 3/1/05 suggests a requirement that the applicant maintain its open space corridor and the stairway according to Town standards as a condition for issuance of a view mitigation permit.

Councilmember Brooks asked for clarification of the mitigated view process. Attorney Eaton explained the process the Town can take in mitigating measures by gaining something it would not otherwise have gained because it was not a requirement. Councilmember Brooks inquired about the rooftops and their access for the public. Misty Todd indicated that the rooftops would be private, but up to the private owners to determine the use of said area. Attorney Eaton explained that the applicant is complying with its open space requirements by providing open space within the project and the new stairway.

Councilmember Rosenfeld asked if the open space areas would be required to be there forevermore. Attorney Eaton explained that the open space would be required as a condition of the permit. Councilmember Rosenfeld questioned if the Town has liability to provide handicap access to the new stairway. Attorney Eaton answered that he unsure of the ADA requirements. Discussion followed regarding the projects access availability.

Mayor Boothman inquired if the applicant could have built their project from lot line to lot line since it is commercial zoned. Land Use Administrator Bertrand answered that this was correct, except in the view protection overlay district.

At 9:34 PM, Mayor Boothman closed the public input portion of the hearing and opened Council deliberations. Council each stated for the record their position regarding the testimony and the view protection overlay district requirements. Following deliberations, Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the design as being in compliance with the view protection overlay district and to issue the accompanying view mitigation permit as conditioned by the

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

staff report and Attorney Eaton's memo addressed to the Mayor, Councilmembers, and Land Use Administrator Bertrand dated 3/1/05 and also direct staff to prepare Findings of Fact and Conclusions of Law to support said decision. The motion passed unanimously.

Attorney Eaton cautioned Council to continue their silence with opponents or proponents until after the Findings of Fact and Conclusions of Law are approved and through the 21-day appeal period.

### Claims & Payroll

Councilmember Gillette moved and Councilmember Brooks seconded to approve the payment of claim warrants #25903 through #25959 in the amount of \$95,331.77 and payroll warrants #10648 through #10695 in the amount of \$154,905.70. The motion passed unanimously.

At 9:56 PM, hearing no objection, Mayor Boothman continued this meeting until March 8, 2005 at noon for the purpose of holding a joint meeting with the San Juan County Board of County Commissioners. The meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – March 8, 2005 @ Noon**

The Town Council met in continued regular session with Mayor Boothman presiding for the purpose of a joint meeting with the San Juan County (SJC) Commissioners in the Commissioner hearing room at 350 Court Street.

Councilmembers present: Brooks, Emery, Gillette, & Rosenfeld

Not present: Councilmember Jones, Attorney Eaton, & Treasurer Picinich

Town Staff present: Administrator Fitch

County Commissioners present: Lichter, Miller, and Ranker

County Staff present: John Manning, Public Health Director and Matt Zybas, Solid Waste Manager

Commissioner Miller reconvened the Board meeting. Mayor Boothman called the continued meeting for the Town Council to order and noted the absence of Councilmember Jones.

Commissioner Miller chaired the meeting.

### Affordable Housing Agreement

Commissioner Miller asked John Manning, the SJC Board liaison to the Affordable Housing Fund Commission, to explain the process of previous draft affordable housing interlocal agreements. Mr. Manning explained discussions with the SJC Prosecuting Attorney's Office regarding rental assistance programs; the funding mechanism for affordable housing; defined affordable housing and the allowable use of affordable housing funds per the Revised Code of Washington.

Commissioner Miller stated that the Board has determined that up to 90% of the affordable housing fund should be designated for "bricks and mortar" and the remaining funds were more discretionary.

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Mayor Boothman commented on discussions with the Department of Community, Trade, and Economic Development (CTED) and Whatcom County regarding the use of affordable housing funds for rental assistance.

Mr. Manning commented that, according to the SJC Prosecuting Attorney's Office, a Section 8 housing program would have to be established in order to use said funds for a rental assistance program. Mr. Manning suggested the County give 5% of the affordable housing funds to the Town and allow them to pursue a rental assistance program independently from the County.

Mayor Boothman commented that although the Town was hopeful the County would want to provide a county-wide rental assistance program, the Town would willing accept the 5% from the County and pursue the matter independently.

Commissioner Lichter asked about the projected amount of funds. Mr. Manning answered that said fund currently is at \$160,000 and generates approximately \$40-\$60,000 per year.

Councilmember Brooks pointed out that 5% of said funds would only generate approximately \$2-3,000 per year.

Following inquiry, Scott Boyd, Executive Director of the San Juan Community Home Trust, commented that the preferential use of said funds would be for use building affordable housing infrastructure funding.

Councilmember Brooks noted that 5% was not a substantial amount and would not deter from infrastructure.

Councilmember Emery clarified that because the Town might enter into an interlocal agreement with Whatcom County to handle the rental assistance program, the funds would only be used to give rental assistance to people within the Town limits. Commissioner Miller expressed understanding of this fact. Commissioner Ranker indicated that the Commissioners are for rental assistance, but wanted to designate the funds mostly for affordable housing infrastructure at this time. Mr. Ranker suggested that the County may want to review its policy in years to come.

Councilmember Brooks asked for clarification that if the Town receives 5% of the affordable housing funds generated per RCW 36.22.178 to use for rental assistance, it would not be precluded from receiving other affordable housing funds for infrastructure projects within the Town. Commissioner Ranker and Mr. Manning assured Ms. Brooks that the distribution of these funds would not hinder the Town from obtaining funds for "bricks and mortar" type projects.

Mr. Manning indicated the current draft Interlocal Agreement would need to be modified and approved by the Prosecuting Attorney's Office again.

### Washington State Ferry Issues

Commissioner Miller began discussion with the revival of the Intermodal Transportation Plan. Commissioner Ranker described discussions with the new Director of the Washington State Ferries regarding ferry fares and the costs associated with ferry delays in Friday Harbor.

Councilmember Brooks pointed out that the new ferry dock, which is 80' longer, will not expedite pedestrians off the ferry and will cause further delays not associated with traffic in the Town.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Commissioner Ranker emphasized that he was not blaming the Town for the traffic problem, but was suggesting all parties work together to solve this community issue.

Robert Distler, former Ferry Advisory Committee member, commented that unloading/loading took longer in Friday Harbor when using comparable statistics. Mr. Distler advised the Town to find a way to use two lanes to expedite ferry loading. Mr. Distler estimated that if 15 minutes could be shaved off each sailing, another ferry sailing could be added to the schedule. Mr. Distler suggested that the Town, Port, County, and Washington State Ferries revise the Intermodal Transportation Plan.

Lee Sturdivant, Island resident, indicated that in prior years the ferry did load using two lanes of traffic in Friday Harbor, but the ferry system prohibited it.

Commissioner Ranker observed that any traffic revisions to enhance ferry unloading might impact the businesses in the commercial center of Town.

Mr. Distler suggested asking Washington State Ferries to provide technical traffic analysis to help solve the situation.

Discussion followed about the necessity to revive the Intermodal Transportation Plan Committee to review the wharfside issues and requesting Washington State Ferries to be a part of said Committee.

Councilmember Emery asked if the County was willing to support the construction of new connecting roads from the Town to the County to help with traffic flow. Commissioners Miller and Ranker agreed this may be necessary and indicated their support for said roads.

Councilmember Rosenfeld commented that it would be helpful to retain the temporary 2<sup>nd</sup> slip at the Friday Harbor Ferry Terminal for the summer season to experiment if a 2<sup>nd</sup> slip expedited the offloading time.

Commissioner Miller commented that the County was supportive of the 2<sup>nd</sup> slip also, but they have been told that due to permitting issues, the slip could not remain; and a 2<sup>nd</sup> slip also did not prevent the bottleneck at the intersection of 1<sup>st</sup> and Spring Streets.

Mr. Distler indicated that the ferry schedule is based on a single slip and therefore it may not help the schedule to have two slips.

Commissioner Ranker stated that the 2<sup>nd</sup> slip would be available to use through the summer season because the construction crew will not have time to tear it out before the busy summer season.

Councilmember Brooks advocated keeping the 2<sup>nd</sup> slip for emergency purposes for the health and safety of island residents. Commissioner Ranker recommended fighting the tariff issue rather than the 2<sup>nd</sup> slip issue.

Councilmember Rosenfeld suggested that any future barge landing built by the County should be compatible with ferry use for emergencies. Mr. Distler responded that making a barge landing compatible with the ferries would be very expensive due to different vessel requirements.

Regarding the tariff issue, Commissioner Miller reported that it looks as if the island will retain its 90-day commuter allowance and severability for passengers, but not for car and drivers. Ms. Miller encouraged everyone to attend the Transportation meeting on March 23<sup>rd</sup>, 2005 in Seattle.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Commissioner Ranker said that he was impressed with the new director of the Washington State Ferries and the way he listened to public testimony during the recent public tariff meetings.

Mr. Distler cautioned the County and Town legislative bodies to be careful what and who they ask for assistance, because the San Juan Islands would most likely lose in a battle against the larger metropolitan areas of Seattle.

### Solid Waste Facility

At 1:00 PM, due to time constraints, Commissioner Miller asked if the letter dated 3/3/05 from the Council to the Commissioners basically summed up the Town's position regarding the Solid Waste Facility. Mayor Boothman answered in the affirmative.

At 1:04 PM, Commissioner Miller and Mayor Boothman declared their respective meetings adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – March 17, 2005 @ Noon**

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

Members present: Brooks, Emery, Gillette, & Jones

Council excused the absence of Councilmember 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.

### Sheriff Report

Sheriff Cumming distributed January and February law reports. Mr. Cumming reported on "spring like behavior" in regards to an accident call on Cattle Point Road. Mr. Cumming said he would be asking the newly elected members of the Board of County Commissioners to support hiring a full-time narcotics officer. If approved, Mr. Cumming indicated he would be asking the Town Council to fund a portion of this position also. Discussion followed about drug and alcohol education and the limitations of law enforcement.

### Fire Department Report

At 12:14 PM, Frank Chaffee, Fire Training Officer, reported on hazardous material training in regards to structure fires. Mr. Chaffee stated that the Fire Department has responded to 30 calls so far in 2005. Mr. Chaffee reported on the application for a FEMA grant for approximately \$72,000 for new equipment. Mr. Chaffee explained some of the training activities that volunteer firefighters have undergone. Mr. Chaffee described an upcoming "mass casualty drill" that is being sponsored by the Port of Friday Harbor. Mr. Chaffee asked Council to think of a new storage location for the 1923 Cadillac Fire Engine to protect it from corrosion and deterioration, as well as, open it for public viewing.

### Walking Tour Brochure

At 12:22 PM, Sandy Strehlou, Historic Preservation Coordinator, distributed copies of the draft Friday Harbor San Juan County Historic Landmark Tour brochure. Ms. Strehlou described the process taken

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to draft said brochure. Ms. Strehlou advocated launching the brochure in May during Historic Preservation Month. Ms. Strehlou indicated that more brochures would be forthcoming that would feature other attributes of Friday Harbor.

Councilmember Emery inquired about the funding for said project. Ms. Strehlou responded that she was unsure of the long term funding mechanism for the brochures, but the initial funding was paid from hotel/motel tax funds.

Discussion followed regarding the brochure, possible distribution locations, future projects, and the value of history.

### Memorial Park Design

At 12:36 PM, Mayor Boothman opened Council discussion of the design for Memorial Park. Mayor Boothman explained that he wanted Council to formalize their plans regarding the most recent Memorial Park design presented by Councilmember Rosenfeld at a previous Town Council meeting. Councilmembers Jones and Brooks spoke in support of said new design. Councilmember Gillette maintained that more traffic analysis was necessary before moving forward with this project. Councilmember Emery observed that the new Park design was an improvement over the previous design because it would not make the traffic situation any worse, and therefore supported said design. Councilmember Emery encouraged her fellow Council members to look at the traffic patterns in this area and discuss possible solutions in the future. Councilmember Jones moved and Councilmember Brooks seconded to proceed with the revised proposed Memorial Park design and direct staff to apply for a shoreline permit. Following discussion, the motion passed 3 to 1 with Councilmember Gillette opposed.

### Draft Ordinance #1275

At 12:47 PM, Mayor Boothman introduced the first reading of draft Ordinance #1275. An ordinance amending Ordinance No. 1218 and FHMC Chapter 14.04 concerning the regulation of signage. Land Use Administrator Bertrand explained the particulars of said draft ordinance. Discussion followed regarding the proposed allowable number of community events per year per organization and the duration that such signs would be allowed to stay in the public right of way and the definition of a community event. Councilmember Emery suggested that the proposed 4 events per year was restrictive and should be increased to 6 events per year.

Liz Illg, 625 Harrison Street, maintained that the Farmers Market that happens each weekend during the spring/summer season should be considered a community event.

Dave Dysart, 2575 Bailer Hill Road, Historical Museum representative, asked to be allowed to place a "sandwich board" type sign at the corner of Spring and Price Streets during the summer season to direct visitors to the Historical Museum.

Land Use Administrator Bertrand reminded Council that the purpose of this change in the sign ordinance was to make directional signs that are currently being positioned illegally on Town right of way during community events such as the San Juan County Fair legal. Discussion followed regarding the difference between a community event directional sign and an off-premise sign.

Administrator Fitch suggested adding the words "in the Town's opinion" under Section 7(K4c) of said draft ordinance, to give the Town flexibility to decide when a community even sign is positioned incorrectly.

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Following further discussion regarding various components of said draft ordinance, it was the consensus of Council that the number of allowed events per year per organization be increased from 4 to 6 per year.

### Minutes

The Town Council minutes of March 3, 2005 noon and 5:30 PM and March 8, 2005 noon meetings were presented for approval. Councilmember Gillette asked for the following change to the 3/3/05 noon meeting: "Councilmember Gillette responded that he did not feel an 80' long truck could negotiate a roundabout ~~due to the elm trees.~~" Councilmember Gillette also reminded the Clerk that the 3/3/05 5:30 PM meeting was continued until the 3/8/05 meeting and the minutes did not reflect said continuance. Councilmember Emery suggested a grammatical change in the 3/8/05 noon minutes.

Councilmember Jones moved and Councilmember Emery seconded to approve the Town Council minutes of March 3, 2005 noon and 5:30 PM meetings as corrected. The motion passed unanimously.

Councilmember Gillette moved and Councilmember Emery seconded to approve the Town Council minutes of March 8, 2005 noon meeting as corrected. The motion passed unanimously, with Councilmember Jones abstaining as he was not in attendance at said meeting.

At 1:30 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – March 17, 2005 @ 5:30 PM**

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

Members present: Brooks, Emery, Gillette & Jones

Council excused the absence of Councilmember 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.

### Planning Commission Nominees

Mayor Boothman proposed appointing two new members to the Town Planning Commission: Brendan Cowan to Position 7 and Karina Serna to Position 6. Mayor Boothman explained his personal knowledge of the nominees. Councilmember Jones moved and Councilmember Brooks seconded to support said appointments. The motion carried 3 to 0, with Councilmember Gillette abstaining.

### Administrator's Report

Administrator Fitch introduced draft Ordinance #1276. An ordinance amending Ordinance No. 1262, granting a time extension through July 2005 for the Transportation Advisory Committee to perform its duties. Councilmember Jones explained the particulars of said ordinance. Councilmember Jones moved and Councilmember Emery seconded to adopt Ordinance #1276 as stated. The motion passed unanimously.

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Administrator Fitch asked for Council approval to bid for shoulder improvements on Tucker Avenue. Administrator Fitch explained the particulars of said improvements and the estimate \$30,000 to \$40,000 cost of said project. Following discussion, it was the consensus of Council to proceed with said improvements.

Administrator Fitch asked Council to review the draft franchise agreement for Orcas Power and Light Cooperative (d/b/a Island Network), which was distributed with a memo to the Mayor and Council dated 3/17/05, and included questions for Council consideration. Mr. Fitch indicated said agreement would be placed on a future agenda for Council discussion.

Administrator Fitch pointed out correspondence from Ingrid Fabianson regarding water runoff on the southwest end of Linder Street and traffic patterns on Linder Street. Administrator Fitch also pointed out correspondence from David Hoopes regarding trash and a campaign to encourage residents and shopkeepers to keep the Town clean. Discussion followed.

Administrator Fitch reported that Steve Deem, of the Washington State Department of Health, stated that the Town's Water Conservation Plan and the Town's Cross Connection Control Plan are among the best in the state.

Administrator Fitch also reported on an announcement that will be mailed to Town water customers informing them that the Town is unable to meet the new Washington State Standards for trihalomethanes (THM) in its drinking water. Council, Administrator Fitch, Utilities Superintendent Wilks and Water Department Leadman Deegan discussed state requirements for notifying water customers; what causes THM and the different variables that contribute to a high THM level; ways the Town has tried to fix the THM problem; different treatment options; commissioning a private/public joint pilot study to address the best way to deal with organic materials; how the state changes the criteria but does not contribute funds towards the cost of the solution; other private surface water purveyors who will have to follow the same new criteria; the forthcoming compliance schedule that will assure the Washington State Department of Health the Town is taking pro-active steps to come into compliance, and suggested revisions to the draft public announcement.

At 6:37 PM, Councilmember Brooks left during the above discussion.

Following discussion, it was the consensus of Council that Administrator Fitch should contact Brown and Caldwell Engineering regarding the cost of a pilot study to explore treatment options.

### Claims

Councilmember Jones moved and Councilmember Emery seconded to approve the payment of claim warrants #25963 through #26033 in the amount of \$90,359.90. The motion passed unanimously.

### Non-agenda

At 6:48 PM, Councilmember Gillette asked Council to consider a change order with Gray & Osborne Engineering for providing design options to the bid documents for the construction of Guard Street for approximately \$5,000. Mr. Gillette suggested that the Town provide a bid option to delete one side of the street parking to allow space for an all-purpose path on Guard Street.

Councilmember Emery asked if the current 5' sidewalks on the west side of Guard Street would join up with new sidewalks in the proposed Guard Street design. Administrator Fitch answered that as far as he knew the current sidewalks would reside in the same place.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Councilmember Jones asked for the staff opinion. Administrator Fitch advised that the Council discuss and adopt a bike path plan and add it to the Town's Street Standards prior to implementing any changes. Mr. Fitch also stated that according to the Transportation Improvement Board (TIB) the Town could make design changes, but any improvements would have to be paid from local funds rather than from TIB grant funds.

Councilmember Emery commented that there seems to be more pedestrian traffic than bicycle traffic in this area and the wider roadway should help this situation. Ms. Emery did not support the design options because it would expend funds that should be saved for future improvements to Tucker Avenue.

Administrator Fitch observed that, according to the Town Zoning Map, Guard Street is zoned mostly non-residential and parking amenities may be more necessary in future years.

Following discussion, it was the consensus of Council to leave the design of Guard Street as it is was proposed during the TIB grant process.

At 7:02 PM, Councilmember Gillette proposed that the Town renew the Community Development Department office lease. Mayor Boothman and Council discussed the merits and demerits of the Town Hall Administrative Offices being accommodated in one building. Administrator Fitch reported that in anticipation of said department moving back into the Town Hall building and the loss of the parking spaces at said offices, he requested eight additional parking spaces located at the Key Bank Building on Second Street.

Following discussion, it was the consensus of Council to defer to the wishes of management to combine the Administrative Offices into one building. Following this decision, Administrator Fitch noted that he would be notifying the property owners that the Town would not be renewing its lease. Councilmember Gillette stated that he was extremely opposed to the cancellation of the lease.

At 7:15 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – April 7, 2005 @ Noon**

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, Water Department Lead Deegan, Land Use Administrator Bertrand, & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Lee Sturdivant, 745 Larsen Street, read a statement asking Council to consider several neighborhood issues when discussing the sports facility proposed to be built near Carter Avenue.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Proclamation

Mayor Boothman presented Joyce Sobel, Family Resource Center, with a proclamation declaring April 3 through 9, 2005 as Week of the Young Child.

### Historic Preservation Review Board Nominees

Mayor Boothman noted three positions on the Historic Preservation Review Board expired as of 3/31/05 and the individuals in said positions were willing to continue to serve said Board. Councilmember Brooks moved and Councilmember Emery seconded to re-appoint David Waldron to Position A, Scott Zehner to Position C, and Martha Padve to Position E on the Historic Preservation Review Board. The motion passed unanimously.

### FH Athletic Association

At 12:12 PM, Mayor Boothman opened discussion of the request by the Friday Harbor Athletic Association for financial support in the amount of \$20,653.00 out of the Town Parks fund to build a sports facility. Don Galt Sr. explained that the project has support from the San Juan Island School District and a commitment from San Juan Island Park and Recreation District to undertake the maintenance of said facility after it is completed. Mr. Galt indicated he would be sensitive to the concerns expressed by Ms. Sturdivant during the public access portion of the meeting.

Councilmember Emery questioned the procedure for showing support for a funding request prior to the quasi-judicial conditional use permit (CUP) process. Administrator Fitch explained that a conditional use permit application has not been received for said facility and therefore the Council could consider this request for financial support without upsetting the process. Administrator Fitch suggested Council initially only grant the \$1,500 needed for the CUP application and wait to see if the project was ultimately approved before deciding on the remaining financial support request.

Councilmember Gillette observed that facilities such as this are usually provided for with public funds, but in this case a private group was developing this facility and therefore it was valuable to the community and worthy of funding the requested portion out of the Town Parks budget.

Councilmember Rosenfeld expressed that he did not feel granting the financial support requested was relinquishing the Council's right to deny the CUP.

Councilmember Jones expressed concern with setting a precedent that the Town may feel obliged to help fund other non-profit projects in the future. Councilmember Jones commented that it would be better if this request came at the end of the process rather than at the beginning.

Councilmember Rosenfeld observed that the Town has already set a precedent by funding the water hookup for the Elementary School playing fields out of the Parks fund.

Discussion followed regarding whether or not to fund the entire requested amount (\$20,653.00) or only the conditional use permit and SEPA application (\$1,650.00).

Mr. Galt stated that if the Town funded the full request and the conditional use permit was ultimately not approved, he personally would refund the Town its money and the other funding would not be necessary.

Following discussion, Councilmember Rosenfeld moved and Councilmember Gillette seconded to fund the requested \$20,653.00 as illustrated in the letter from Friday Harbor Athletic Association President, Don Galt, dated 3/31/05, with the addition of the cost of a SEPA checklist, and the understanding that

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

should the conditional use permit be denied, the remaining funding would be withdrawn. The motion passed 4 to 1, with Councilmember Emery in the opposition.

### Resolution #1438

At 12:43 PM, Mayor Boothman introduced draft Resolution #1438. A resolution authorizing the Mayor to offer for public sale such used equipment deemed surplus. Administrator Fitch explained the particulars of said resolution. Councilmember Gillette moved and Councilmember Jones seconded to adopt Resolution #1438 as stated. The motion passed unanimously.

### Ordinance #1275

At 12:46 PM, Mayor Boothman introduced the 2<sup>nd</sup> reading of draft Ordinance #1275. An ordinance amending Ordinance No. 1218 and FHMC Chapter 14.04 concerning the regulation of signage. Following discussion, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1275. The motion passed unanimously.

### Administrator's Report

At 12:52 PM, Administrator Fitch advised Council of some houses that are to be moved through Town.

Administrator Fitch noted a letter from Peter DeLorenzi dated 3/30/05 regarding a motorcycle rally to be held on June 11<sup>th</sup> and 12<sup>th</sup> that will commemorate the 30<sup>th</sup> anniversary of the end of the Vietnam War.

Administrator Fitch asked Councilmembers to visit him to discuss the process in regards to a new public works yard.

Administrator Fitch introduced Steve Deem, State of Washington Department of Health representative. Following inquiry, Mr. Deem explained how the acceptable levels of trihalomethanes (THM) in drinking water lowered in 2004 for small purveyors such as the Town, but the Town had to have a year's worth of monitoring to determine whether or not its system could meet these new levels. Discussion followed regarding various ways to remove the organics causing trihalomethanes from drinking water; what may cause a high level of organics; how the solution the Town chooses will need to accommodate even lower levels of trihalomethanes because future regulations will require even lower levels; central treatment versus point of use treatment; whether point of use treatments would be allowed due to monitoring issues; other filtering methods and whether they would be allowed; and the state revolving funds availability for a low-interest loan for infrastructure improvements. Mayor Boothman thanked Mr. Deem for speaking with Council.

At 1:25 PM, Mayor Boothman asked Council to review and decide at the evening Town Council meeting between two proposed letters to be mailed jointly with the Board of County Commissioners to Washington State Ferries regarding ferry dwell time in Friday Harbor.

### Minutes

Councilmember Gillette moved and Councilmember Brooks seconded to approve the Town Council minutes of March 17, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

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

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – April 7, 2005 @ 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

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Minnie Kynch, Island Ambassador Program representative distributed "Ask me, I live here" buttons.

#### Lodging Tax Advisory Committee Recommendations

Councilmember Jones explained the funding request from the Island Ambassador Program for \$40,000 and Westcott Bay Art Institute for \$10,300 and the recommendation for approval of said hotel motel tax expenditures from the Lodging Tax Advisory Committee. Councilmember Jones moved and Councilmember Rosenfeld seconded to approve said expenditures as stated.

Councilmember Emery questioned the validity of using hotel motel funds for some of the items requested from the Island Ambassador Program. Minnie Kynch explained the logic behind some of the requested items and how it will benefit tourism. Ms. Emery suggested said program redistribute a portion of its funding request to other supporters and allow the Town to fund the sections that fall within the definition of tourism. Discussion followed about the definition of tourism.

Administrator Fitch asked Ms. Kynch if she had obtained funding from other sources. Ms. Kynch responded that she was still investigating other sources of funding and that if she did not receive other funding she would cut the program budget.

Following discussion regarding the hotel motel tax budget, Councilmember Emery asked if said request was a one-year funding commitment only. Councilmember Jones answered in the affirmative.

The motion passed unanimously.

#### Tukang Findings of Fact & Conclusions of Law

Mayor Boothman opened discussion regarding the adoption of Findings of Fact and Conclusions of Law regarding compliance with regulations concerning the View Protection Overlay District and View Mitigation Permit for the Tukang Enterprises proposal to construct six buildings located at 151 West Street.

Councilmember Gillette moved and Councilmember Brooks seconded to adopt said Findings as presented.

Councilmember Emery asked for clarification of several items within said Findings. Ms. Emery proposed wording changes for clarification and properness. The motion was amended to include the suggestions proposed by Ms. Emery. The motion passed unanimously.

#### Island Network Franchise

Mayor Boothman opened discussion of a proposed right of way franchise for OPALCO d/b/a Island Network for installation of a fiber optic communication system. Administrator Fitch explained the particulars of said franchise and the questions he wanted Council to reflect upon regarding a new franchise agreement.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Beth Anderson, OPALCO employee, explained the history of how Island Network came into existence.

Discussion and inquiry followed regarding the definition of fiber optic; security; how Island Network will use the fiber optic cable within the Town's right of way; improvement costs; how Island Network will be a wholesale and retail service provider; and how it is unclear which federal regulations will oversee the use of fiber optic.

Administrator Fitch asked Council to remember the impact franchise agreements have on the Town's utilities and the logistics of line placement and right of way availability within the Town streets.

Councilmember Jones suggested the Town grant a one-year franchise agreement to allow future changes to be accommodated. Attorney Eaton commented that a one-year agreement might not be sufficient for OPALCO funding requirements.

Following further discussion, Administrator Fitch asked Ms. Anderson to take said draft document to OPALCO for their review. Ms. Anderson agreed to do this as well as research fiber optic franchises with other cities.

### Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the payment of claim warrants #26037 through #26116 in the amount of \$120,408.09 and payroll warrants #10696 through #10780 in the amount of \$181,036.98. The motion passed unanimously.

### Non-agenda

At 6:37 PM, Mayor Boothman asked if Council had made a decision between the two different versions of a letter to be sent jointly with the Board of County Commissioners (BOCC) to Washington State Ferries regarding ferry dwell time and traffic circulation in Friday Harbor. Following discussion, it was the consensus of Council to sign the original letter, with slight modifications, and forward to the BOCC for their signatures.

Councilmember Rosenfeld inquired about the absence of a legislative agenda this year. Mayor Boothman answered that he ultimately did not find it effective, but was willing to institute it again if the Council desired. Councilmember Rosenfeld stated that he thought the process had value. Mayor Boothman commented that he felt it was ineffective because Council lost sight of the legislative agenda and reacted to demands as they arose during the year.

Councilmember Rosenfeld expressed that it was good to discuss goals as part of the budget discussions. Councilmember Jones supported the legislative agenda because it could help to set priorities.

Administrator Fitch asked if Council held focus groups to listen to their constituents' priorities as well.

Council discussed obtaining a facilitator to lead them in a policy setting session.

At 7:12 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – April 21, 2005 @ Noon

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.

#### Fire Department Report

Fire Chief Low reported on the Disaster Drill held on April 9, 2005 at the Port of Friday Harbor. Chief Low reported on volunteer firefighter and recruit training, number of fire calls year to date (41), progress of a FEMA grant application for a new Fire Station exhaust system; mutual aid agreements; and other various fire department activities. Following inquiries about fire service to the Friday Harbor Ferry Terminal, Mayor Boothman thanked Chief Low for his report.

#### System Administration

At 12:12 PM, System Administrator Dubail reported that the Town website has received 68,000 hits since April 2000. Mr. Dubail summarized the various system administration computer support activities for April 2005. Following inquiries, Mayor Boothman thanked Mr. Dubail for his report.

#### Council Facilitation

Tony Vivenzio gave an overview of the services that he could offer Council in regards to facilitation. Mr. Vivenzio commented on different facilitator styles and diverse ways to build consensus within a group.

Discussion followed regarding the legislative agenda and whether or not a facilitator could assist Council in formulating short term and long term reachable objectives.

At 12:48 PM, Mayor Boothman thanked Mr. Vivenzio for his presentation and indicated that further discussion would take place during the non-agenda portion of the meeting.

#### Resolution #1439

Mayor Boothman introduced draft Resolution #1439. A resolution authorizing the Mayor to execute a contract for improvements to Tucker Avenue with Mike Carlson Enterprises in the amount of \$44,650.00, which excludes state sales. Administrator Fitch explained that said contract may increase or decrease based on the quantities of materials. Following inquiries regarding the parameters of the project, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1439 as stated. The motion passed unanimously.

#### Resolution #1440

At 12:52 PM, Mayor Boothman introduced draft Resolution #1440. A resolution specifying the reasons why maintenance of a public records index per RCW 42.17 would be unduly burdensome; and directing that all indexes maintained for internal Town use be made available for public inspection and copying. Following inquiry, Councilmember Emery moved and Councilmember Rosenfeld seconded to adopt Resolution #1440. The motion passed unanimously.

#### Administrator's Report

Administrator Fitch informed Council of the upcoming use of Court Street on May 21, 2005 to hold the "Taste of Friday Harbor" during the International Orca Fest of the San Juan Islands occurring the

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

weekend of May 20 – May 23, 2005. Following discussion regarding business licenses, Clerk Wilson volunteered to contact other cities and see how they handle special events.

Administrator Fitch indicated that Brown and Caldwell Engineers are pursuing information in regards to obtaining a ozone generator from the City of Everett for use in a pilot study to investigate if ozone treatment will help lower trihalomethane (THM) levels in the Town's drinking water. Administrator Fitch reported that the Town's THM levels for the 1<sup>st</sup> quarter monitoring were below state standards.

Councilmember Rosenfeld suggested Council discuss the future process for appointing a new Town Administrator. Discussion followed regarding control of the budget and process.

### Minutes

Councilmember Jones moved and Councilmember Emery seconded to approve the Town Council minutes of April 7, 2005 noon and 5:30 PM meetings. Councilmember Brooks asked for the following sentence change during said 5:30 PM meeting: "Administrator Fitch ~~suggested~~ asked if Council ~~held~~ ~~held-citizen~~ focus groups to listen to their constituents' priorities as well." The minutes as amended were approved unanimously.

### Non-agenda

At 1:16 PM, Councilmember Brooks mentioned that she will not be in attendance at the 1<sup>st</sup> regularly scheduled Council meetings in May and will notify the Clerk if she is unable to attend the 2<sup>nd</sup> regularly scheduled meetings as well.

Mayor Boothman inquired if Council wanted to hire Mr. Vivenzio to facilitate a discussion regarding the legislative agenda. Following discussion, Councilmembers Brooks, Emery, and Jones were in favor of said facilitation services, but asked that Mayor Boothman inquire about the expense involved before proceeding.

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

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – April 21, 2005 @ 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 #1441

Mayor Boothman opened discussion on Resolution #1441. A resolution authorizing the Mayor to execute an interlocal agreement with San Juan County for the allocation of recording fees collected for the Affordable Housing Fund. Councilmember Brooks, the Town's Housing Board representative,

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

expressed satisfaction with said interlocal agreement. Councilmember Brooks moved and Councilmember Emery seconded to adopt Resolution #1441 as stated. The motion passed unanimously.

### Ordinance #1277

Mayor Boothman opened discussion on Ordinance #1277. An ordinance establishing a program to allow deferred payment of water and sewer connection charges for qualified entities that provide home ownership opportunities for low income and moderate income persons and families. Councilmember Rosenfeld and Attorney Eaton explained the particulars of said draft Ordinance. Following discussion regarding the parameters of the criteria to defer connection charges payment, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Ordinance #1277 as stated. The motion passed unanimously.

### Claims

Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #26119 through #26181 in the amount of \$96,186.03. The motion passed unanimously.

### Non-agenda

Councilmember Jones distributed draft Criteria and Guidelines for Award Recommendation from the Lodging Tax Advisory Committee (LTAC). Discussion followed regarding the allocation of the funds received; the timeline of the grant process; former Town hotel motel grant programs and the difficulty in establishing and following criteria for grant approval.

Councilmember Jones also distributed a memo from the San Juan Island Chamber of Commerce requesting \$6,000 in hotel motel funds to enhance the off-island promotion of summer Chamber events and subsidize the attendance of a Chamber employee at the annual Tourism Conference. Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the appropriation of said funds. Following discussion regarding the timeliness of the request, and the philosophy of promoting the summer season versus the shoulder season, the motion passed unanimously.

Councilmember Rosenfeld indicated that he felt the process for appointing a future Town Administrator was worthy of a discussion by the Council. Discussion followed regarding the balance of power between the Executive and Legislative branches of Town government; the lack of requirement that a Town Administrator live within the Town limits; managerial contracts; state law regarding fourth class Towns; situations where Council may not be happy with a Mayoral Town Administrator appointee and what recourse they could take.

At 6:25 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – May 5, 2005 @ Noon**

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

Members present: Emery, Gillette, Jones, & Rosenfeld

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Council excused the absence of Councilmember Brooks.

Others present: Treasurer Picinich, Utilities Superintendent Wilks, Land Use Administrator Bertrand, and Historic Preservation Coordinator Strehlou

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Arnie Klaus, 8667 Cattle Point Road, thanked Council for their endorsement of hotel motel funds to support the Westcott Bay Institute and its Island Museum of Art.

### BOCC Update

San Juan County Commissioner, Kevin Ranker, reported that the state legislature has earmarked \$250,000 for a Department of Transportation (DOT) study to develop a plan for traffic and flow issues in Friday Harbor. Mr. Ranker indicated that he hoped the Intermodal Transportation Committee could take a leadership roll in guiding the DOT study.

Councilmember Emery emphasized that once the study is completed, she hoped the solution would be jointly funded between all parties. Commissioner Ranker expressed that he felt the Town would be in a good position for some sort of state assistance to make any suggested improvements.

### Community Development Report

At 12:13 PM, Land Use Administrator, Mike Bertrand, distributed reports depicting development and building projects throughout Town.

Mr. Bertrand reported that an appeal has not been filed in regards to the Tukang Enterprises view protection overlay and view mitigation permit approved by Council on 3/3/05 for development at 151 West Street.

Mr. Bertrand pointed out that a joint Town Council and Planning Commission public hearing would be held on May 26, 2005 at 7:00 PM to hear public testimony regarding a request for property redesignation from Magnum Investments.

Mr. Bertrand indicated that the Chamber of Commerce has taken advantage of the Town's new event sign regulations for two upcoming summer events. Mr. Bertrand explained that he has been working with Steven Robbins regarding signage for the Farmers Market and local museums.

Mr. Bertrand announced that an incomplete application has been submitted for a conditional use permit for the development of sports fields near Larsen and Carter Streets. Following inquiry it was determined that the Clerk would notify Council when the Town received a completed application.

Councilmember Rosenfeld inquired whether or not a person "wearing" a sandwich board type of sign would fall legally within the Town's sign regulations. Mr. Bertrand answered that as long as the person wearing such a sign continued to move along the public ways, it would be considered the same as wearing an advertisement t-shirt.

Councilmember Gillette asked Mr. Bertrand's advice regarding procedure for replacing the previously removed sidewalk on Caines Street in front of the Weissinger/Kennedy building. Mr. Bertrand answered that issues, of this type, did not fall within his department and suggested Council speak with Administrator Fitch upon his return. Councilmember Rosenfeld noted that the bump out sidewalk was still necessary, but that replacement of the old sidewalk would be beneficial to pedestrians.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### Historic Preservation Report

At 12:24 PM, Historic Preservation Coordinator, Sandy Strehlou, reported that the new Friday Harbor Center building owners would be given a historic award for Outstanding Achievement in Historically Compatible New Construction on May 28, 2005. Ms. Strehlou spoke of various other historic outreach campaigns, including a historic fact-finding questionnaire; walking tour brochure; and landmark registry. Ms. Strehlou reported on the Historic Board retreat held on April 23, 2005 and their discussion regarding various ways to encourage the preservation of historic buildings.

Councilmember Rosenfeld suggested the Town expand its historic district to include other areas in Town to encourage developments to design their projects around Friday Harbor's historic architecture. Ms. Strehlou answered that historic principals could be expanded to encourage historic architecture in other areas of Town, but the boundaries of a historic district should be based on actual historic significance. Councilmember Emery observed that encouraging historic preservation via parking and height incentives made sense within the downtown core area, but may not be advisable outside of said current district.

### Utilities Department Report

Utilities Superintendent, Mike Wilks, reported on April rainfall (1.37"), Trout Lake level (full), and water production (8,688,000 gallons). Mr. Wilks described a trip to the Everett Water Treatment Plant to see an ozone generator the City of Everett is willing to surplus to the Town of Friday Harbor to use in a pilot study to determine if ozone treatment would help lower trihalomethanes (THM) levels in the Town drinking water. Mr. Wilks reported on other methods the Town is currently experimenting with to lower THM levels. Mr. Wilks stated that the Tucker Avenue shoulder project is scheduled to begin either May 9<sup>th</sup> or 10<sup>th</sup>. Mr. Wilks reported on the timeline for this summer's street and crosswalk stripping projects. Mr. Wilks stated that the summer hanging baskets would be hung by May 23<sup>rd</sup>. Mr. Wilks commented that the Town is currently recruiting for a new refuse truck driver.

Councilmember Emery inquired if traffic would be re-routed during the Tucker Avenue shoulder improvement project. Mr. Wilks answered that there was a possibility of some re-routing, but he felt the contractor would keep one lane open and direct traffic with flaggers.

### Student Action Center Presentation

Chimmayo, Emily Bayuk-Johnson, and Priscilla Hawkins asked Council to support the placement of 6' X 3' cement and rebar chess tables within Town. Ms. Bayuk-Johnson and Ms. Hawkins described the particulars of the possible designs and themes of said tables. They indicated that the Port of Friday Harbor has already agreed to the placement of a chess table at the airport and marina. They asked Council to pledge areas within the Town for said chess tables. They explained that a walking path leading pedestrians to the different chess tables throughout the Town and County might be developed in the future.

Mayor Boothman indicated that discussions with Town Administrator Fitch regarding liability would be necessary before a final decision could be obtained.

### Planning Commission Nominee

Mayor Boothman indicated that the individual who he asked to consider being on the Town Planning Commission has not yet accepted or denied the request.

### Minutes

Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the Town Council minutes of April 21, 2005 noon and 5:30 PM meetings as written. Councilmember Gillette asked that some of the specifics of the Fire Chief's report be added to the minutes. Following discussion, the

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

motion to approve the minutes as drafted passed 3 to 1, with Councilmember Gillette opposed because of the omission of minutes regarding the fatal plane crash near Orcas Island.

At 1:13 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – May 5, 2005 @ 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: Attorney Eaton & Treasurer Picinich

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

#### Resolution #1442

Mayor Boothman introduced draft Resolution #1422. A resolution authorizing the Mayor to execute an intergovernmental agreement with all San Juan County emergency responders for fire protection services. Fire Chief Low explained the particulars of said resolution.

Councilmember Emery noted that Section 17 and Section 19 of said agreement had different termination timeframes. Council agreed that both sections should reference the same timeframe for agreement termination.

Mayor Boothman inquired about Section 10 and the procedure for providing consumable supplies. Attorney Eaton indicated that the intent of the section was to indicate that the parties would be reimbursed for consumable supplies, etc., which were consumed during the firefighting effort.

Mayor Boothman inquired about Section 6 regarding reimbursable incidents. Chief Low explained that reimbursements would only occur when the incident was under a fee contract and/or was going to be reimbursed by an outside party.

Following discussion regarding procedures and logistics for mutual aid, Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1442 as stated. Mayor Boothman noted that the draft agreement might receive minor revisions before final signatures are affixed to it. Councilmember Emery asked if said agreement would return to Council for their review. Mayor Boothman answered that if significant changes were made it would be brought back before Council. The motion passed unanimously.

#### Administration Report

At 5:42 PM, Mayor Boothman noted that Utilities Superintendent Wilks had already reported on several issues during his Utilities Report at the noon meeting. Mayor Boothman reported that the Washington State Ferries Terminal Project is anticipated to cut over to the new slip on May 6, 2005. Mayor



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Boothman reported that the upstairs and downstairs of Town Hall is scheduled to receive new vinyl entry way flooring over the weekend of May 7<sup>th</sup>.

### Claims & Payroll

Councilmember Jones moved and Councilmember Emery seconded to approve the payment of claim warrants #26184 through #26250 in the amount of \$127,619.33 and payroll warrants #10781 through #10828 in the amount of \$160,068.86. Following inquiries, the motion passed unanimously.

### Non-agenda

At 5:50 PM, Councilmember Rosenfeld expressed appreciation for the \$256,000 earmarked by the state legislature to study traffic flow in Friday Harbor. Discussion followed regarding future implications. Mayor Boothman suggested that Councilmember Emery attend the Intermodal Transportation Committee meetings along with Councilmember Rosenfeld. Councilmember Emery indicated she would be agreeable to attend said meetings, if other Intermodal Committee members were agreeable to two Councilmembers being in attendance. Discussion continued regarding ferry schedules and capacity needs; and ferry traffic control options.

At 5:58 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – May 19, 2005 @ Noon**

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: Treasurer Picinich

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

Because a representative from the American Legion Auxiliary was not present, Mayor Boothman delayed the reading of the Poppy Days Proclamation until they arrived.

### Sheriff Report

Sheriff Cumming reported on department activities and ongoing drug education campaigns. Mr. Cumming commented on the mass casualty incident (MCI) held in April 9<sup>th</sup>, and communication limitations. Mr. Cumming reported changing cellular phone companies to attain the walkie/talkie feature and improve communications. Mr. Cumming noted other local emergency responding organizations who have switched to Nextel cellular services to acquire the walkie/talkie feature. Mr. Cumming endorsed the Town Fire Department changing their cellular phones to Nextel Communications, if they were inclined. Discussion followed regarding other communication systems that can be used during a catastrophe.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### San Juan Island Chamber of Commerce 2010 Olympics Presentation

Debbie Pigman, Chamber Director, and Liz Illg, Chamber President, gave a presentation regarding the Winter Olympics that will be held in Vancouver and Whistler BC on February 12-28, 2010 and their possible economic impact on the San Juan Islands and the northern Washington region.

### Planning Commission Nominee

At 12:45 PM, Mayor Boothman asked Council to appoint Liz Illg to Position #7 on the Town Planning Commission. Councilmember Rosenfeld moved and Councilmember Jones seconded to appoint Liz Illg to said position. The motion passed unanimously.

### Minutes

Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the Town Council minutes of May 5, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

### Administration Report

At 12:47 PM, Mayor Boothman reported that weather difficulties that have delayed several scheduled Town maintenance projects. Mayor Boothman noted that the hanging flower baskets were hung May 11, 2005. Mayor Boothman updated Council on the Islanders Subdivision Phase 2 improvements being installed by Richard Lawson Construction for the developers. Mayor Boothman reported that the Town Malcolm Street sewer main construction drawings would be finalized soon with construction beginning this summer.

Mayor Boothman noted that the staff report for the upcoming joint public hearing with the Town Planning Commission regarding a request from Magnum Investments to amend the 2002 Comprehensive Plan had been distributed. Mayor Boothman reminded Council to bring said report with them to the public hearing to be held on May 26, 2005 at 7:00 PM in the Council Chambers.

At 12:52 PM, hearing no further business before Council and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

(Clerk Note: American Legion Auxiliary Representative did not arrive during the meeting.)

## **Town Council – May 19, 2005 @ 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: Attorney Eaton & Treasurer Picinich

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

### Hotel Motel Funding Guidelines

Mayor Boothman opened discussion of hotel motel funding guidelines. Mayor Boothman indicated that standards should be established so that the Town has a basis for granting future hotel motel funds and

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

so that the granting of hotel motel funds remained within the boundaries of the state law concerning said funds.

Councilmember and Lodging Tax Advisory Committee Chair, David Jones, distributed recently developed draft criteria and guidelines for grant award recommendations formulated by the Lodging Tax Advisory Committee (LTAC). Councilmember Jones commented that prior to these proposed criteria, the LTAC was using the definition of tourism promotion (as given by the Washington State Auditor's Office during a July 28, 2004 powerpoint presentation) to gauge whether or not the requests for hotel motel funds were suitable for acceptance.

Mayor Boothman described past history in regards to the establishment of hotel motel criteria adopted under Resolution #1161. Mayor Boothman challenged Council to review said criteria to see if they still agreed with its ideology.

Councilmember Jones inquired if Resolution #1161 was established to distribute the initial 2% of hotel motel excise taxes collected by the Town or only the additional special 2% added later. Attorney Eaton answered that he thought it was for the special 2% added later. Discussion followed regarding dates and it was unclear exactly when the original 2% tax and additional 2% were implemented.

Councilmember Emery inquired why the LTAC was not currently using the guidelines established under Resolution #1161. Mr. Jones indicated he was unaware that a previous Town Council had established a hotel motel grant program with recognized guidelines. Clerk Wilson acknowledged that said guidelines had not been distributed to the present LTAC.

Councilmember Emery asked why the membership requirements of LTAC established by the Town was different than the membership requirements established by the State. Mayor Boothman answered that because the Town's population was under 5000, and therefore was not required to have a LTAC, it could follow rules established by the Town Council.

Discussion followed regarding forecasting expected hotel motel revenues; establishing a timeline for advertising and acceptance of hotel motel grant applications; budget; how to give all applicants equal consideration; how to handle a shortfall of revenue when forecasted revenues did not materialize and grant funds had been committed to applicants; and determining the size of reserves to be kept in the hotel motel fund.

Attorney Eaton explained that once Council establishes new criteria and guidelines for the distribution of hotel motel funds, a new resolution should be passed adopting said guidelines and repealing the previous resolution.

Following discussion, it was the consensus of Council to ask the LTAC to formulate draft criteria and guidelines for Council discussion.

### Claims

Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #26252 through #26277 in the amount of \$65,294.64. The motion passed unanimously.

### Non-agenda

Councilmember Gillette announced that the "Farmhouse Gang" has issued a report that indicates a passenger only ferry between Friday Harbor and Bellingham is feasible. Mr. Gillette indicated said report could be downloaded online.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

At 6:35 PM, hearing no further business before Council and no objection, Mayor Boothman adjourned the meeting until May 26, 2005 at 7:00 PM for the purpose of meeting jointly with the Town Planning Commission to hear public testimony in regards to proposed amendments to the 2002 Comprehensive Plan.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – May 26, 2005 @ 7:00 PM**

The Town Council met in continued regular session for the purpose of meeting jointly with the Town Planning Commission to hear public testimony in regards to proposed amendments to the 2002 Comprehensive Plan.

Councilmembers present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Planning members present: Chair, Mike Coyne, Laura Arnold, Betty Gilson,

Liz Illg, and Karina Serna

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

Planning Commission Chair Coyne called the Planning Commission meeting to order. Mayor Boothman called the Town Council meeting to order.

The Planning Commission approved minutes from a previous meeting as written.

Chair Coyne opened the public hearing regarding a request from Magnum Investment Inc., to amend the Town's Comprehensive Plan Land Use Map by reclassifying property located off of Mullis Street from Single Family Residential (SFR) to Light Manufacturing or Light Industrial.

Chair Coyne asked if any Councilmember or Commissioner wished to excuse him or herself from participating. No one requested to be excused. In response to Chair Coyne's inquiry if anyone in the audience objected to any Councilmember or Commissioner's participation in the public hearing process, Stephanie O'Day, lawyer for Magnum Investments, asked Chair Coyne to recuse himself because his residence was in close proximity to the subject property and Mr. Coyne's mother had opposed previous reclassification requests for the subject property. Chair Coyne indicated he felt he could be fair and objective regarding the issue and declined to recuse himself. Commissioners and 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. Commissioners and Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

Chair Coyne instructed those present of public hearing procedures and asked Land Use Administrator Bertrand to present the staff report.

Mr. Bertrand submitted Exhibit A – F into the record. Exhibit A, a letter from David Moorhouse dated 5/19/05; Exhibit B, a 10-page letter from Bill Weissinger dated 5/24/05 with attachments; Exhibit C, a letter from Stephanie O'Day dated 3/21/05 with attachments; Exhibit D, another letter from Bill Weissinger dated 5/26/05; Exhibit E, an area map depicting subject property; and Exhibit F, a proposed

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Washington State Department of Transportation (WSDOT) airport overlay district map, which included the subject property's approximate location within said proposed district.

Land Use Administrator Bertrand explained the redesignation procedure and how it relates to a property rezone. Mr. Bertrand indicated that a change to the Town's Land Use Map does not automatically change the Town's Zoning Designation map. Mr. Bertrand indicated that an applicant would have to apply and receive Council approval to change the Town's Zoning Designation map. Mr. Bertrand described the subject property and corresponding property zoning. Mr. Bertrand explained that per WSDOT guidelines, SFR zoning should be discouraged within zone 5 of the proposed airport overlay district, which a portion of the subject property falls within.

Councilmember Emery clarified that the airport overlay district map was not a formally adopted map of the Town. Mr. Bertrand agreed and indicated that the proposed airport overlay district map was basically a map given to the Town by the State to be used for planning, and would later be customized by the Town and adopted.

Commissioner Arnold stated that said map basically depicted safety zones around airports recommended by the State. Land Use Administrator Bertrand agreed with this statement.

Commissioner Arnold asked Mr. Bertrand to describe future text changes that will be proposed in regards to the airport overlay area. Mr. Bertrand described various restrictions and text that may be proposed for said area.

Commissioner Gilson asked the consequences of ignoring the State guidelines in regards to airport zoning. Attorney Eaton explained that there were not specific rules on what a Town can and cannot do, but that the Town should work towards compliance with the State guidelines and make reasonable decisions based in logic.

Land Use Administrator Bertrand recommended that the Commissioners approve the reclassification of the subject four lots from SFR to Industrial based on changing conditions in the neighborhood; primary use of other lots facing Mullis; and WSDOT guidelines.

(For a more comprehensive description of public input, please see the Planning Commission minutes of this meeting.)

At 7:27 PM, Stephanie O'Day, Attorney for Robert Greenway, Magnum Investments, described the development history regarding this property starting in 1978. Ms. O'Day introduced Exhibit G, a letter dated 5/24/05 from the Islands Veterinary Clinic on Mullis Street in support of the redesignation of Mr. Greenway's property. Ms. O'Day asked the Commissioners to approve the redesignation of said property.

Francine Shaw, also representing Robert Greenway, explained her experience as a former Spokane area planner that dealt with airport overlay districts. Ms. Shaw encouraged the Council and Commissioners to look to the future and follow the WSDOT safety guidelines for this property.

Greg Davis, 550 Hemlock Court, asked Council to carefully consider Mr. Weissinger's letter that proposed Mr. Greenway's lots be split zoned with 2 SFR lots and 2 Industrial lots. Mr. Davis expressed disappointment with how the Town has allowed the surrounding area to development. Mr. Davis opposed the redesignation.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Ken Hedin, 540 Hemlock Court, indicated he would support the compromise proposed by Mr. Weissinger if it was the preference of the neighborhood.

Land Use Administrator Bertrand commented that if the lots were split zoned, there would be less space for a buffer between SFR and Industrial properties and instead suggested that a larger buffer area be required during the rezone application process.

Attorney Eaton reiterated to those present that conditions could not be looked at during this phase of the redesignation and it could only be considered during the rezone process.

Ms. O'Day agreed that if Council approved a rezone application at a later date, conditions could be added, such as buffer areas, to mitigate sights and sounds at that time. Ms. O'Day opposed the division of the lots into two different zones and urged Council and the Commissioners to reclassify said property to Industrial zoning.

Chair Coyne opened the public hearing to questions from the Council or Commissioners.

Councilmember Brooks asked Mr. Davis about his personal preference regarding a solution. Mr. Davis answered that his preference was that the lots immediately abutting his lot remained SFR.

Robert Greenway, Magnum Investments, Inc., stated that the property owners in the Evergreen Subdivision have known about his preferences for the subject property for numerous years.

Ms. O'Day indicated that there was a need for industrial property within the Town and that conditions and set backs could be placed on the property during the rezone process to protect the single-family residential neighbors.

Chair Coyne asked if Mr. Davis were still willing to purchase the SFR lots, as stated in Mr. Weissinger's letter, if the lots were split-zoned. Mr. Davis responded that if the SFR lots were of adequate size he would still be willing to purchase them.

Attorney Eaton reminded the Council and a Planning Commission that their assignment was to approve or disapprove the request regarding redesignation and that only Mr. Greenway could apply to modify the lines of his property or reconfigure plot lines.

Robert Greenway clarified easements of record on the subject properties, and commented on the amount of land that is not available for construction due to those easements.

Chair Coyne inquired about the inventory of SFR and Industrial property within Town. Mr. Bertrand indicated that there did seem to be a need for industrial zoned property. Mr. Bertrand elaborated that with the possible loss of single family residential property on Carter Avenue, which is owned by the school and may become a sport field complex, the Town may need to explore expanding the urban growth area to obtain additional single family zoned property.

Commissioner Illg inquired about the neighborhood covenants regarding rezone applications. Following an objection, by Ms. O'Day, Mr. Davis answered that said covenants require approval of 100% of the property owners for a rezone to be allowed.

Ms. Illg inquired about the consequences of voting against the redesignation request. Attorney Eaton explained that the Town Council would make the final decision and that the Planning Commission is

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

only advising the Council of their recommendation. Mr. Eaton explained that should the Council vote against said request then the Town Comprehensive Plan Land Use Map would remain the same.

At 8:25 PM following further inquiries regarding process, Chair Coyne closed the public input portion of the meeting.

Hearing no objection, Mayor Boothman declared the Town Council portion of the meeting adjourned. The Council left the building during the recess called by Planning Commission Chair Coyne.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – June 2, 2005 @ Noon**

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 & Treasurer Picinich

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

#### Washington State Ferry Terminal Project

Charlie Torres, Project Manager for the Washington State Ferry (WSF) Friday Harbor Terminal Project, reported that the present contractor for said project will complete Phase 2 this Spring and a new contractor will be hired to complete Phase 3 beginning in the Fall. Mr. Torres explained the over water and upland work components that will be completed this Spring and next Fall. Discussion and inquiry followed regarding the project.

Following inquiry regarding retaining the second slip, Susan Harris, Washington State Ferry representative, indicated that the second slip might remain longer than anticipated because of possible work at the Anacortes ferry terminal.

Councilmember Gillette inquired if the crew quarters located in Lot A of the WSF parking facilities were scheduled to be renovated as part of the overall project. Mr. Torres indicated he was not aware of any plans, but would make inquiries and report back to Administrator Fitch.

Councilmember Rosenfeld inquired if the sign identifying Friday Harbor, San Juan Island, which was removed during construction, would be replaced. Administrator Fitch answered that the Town had said sign and it would be replaced shortly.

Mayor Boothman inquired if the area that accommodates pedestrian ferry travelers on the north side of the terminal building would be completed as part of Phase 2. Mr. Torres answered that he anticipates said area will be completed adequately to oblige a larger pedestrian assembly than was previously accommodated in this area.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch inquired if curb, gutter, sidewalk, disability parking space, and area lighting would be completed prior to the present contractor leaving the project. Mr. Torres confirmed that this work would be completed this Spring.

### Resolution #1444

At 12:12 PM, Mayor Boothman introduced draft Resolution #1444. A resolution accepting the bill of sale from the Washington State Department of Transportation, Washington State Ferries for certain improvements to the Town water and stormwater systems. Administrator Fitch explained the particulars. Councilmember Jones and Councilmember Rosenfeld moved to adopt Resolution #1444 as stated. The motion passed unanimously.

### Resolution #1443

Mayor Boothman introduced draft Resolution #1443. A resolution authorizing conditional private use of a portion of Front Street by the Rotary Club of San Juan Island. Mike Close, Rotary Club representative, explained the 4<sup>th</sup> annual benefit street dance. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1443. The motion passed unanimously.

### Resolution #1445

At 12:15 PM, Mayor Boothman introduced draft Resolution #1445. A resolution authorizing the Mayor to execute an agreement for summer traffic control for 2005 for \$17,850.00. Mike Akin, Anchor Management Inc., president, explained that the increased contract over 2004 due to cost of living and a request by the Ferry Advisory Committee to extend traffic control services to the intersection of Spring and Second Streets. Mr. Akin explained that although Washington State Ferries and the Town are paying their portion of the additional funding for said request, San Juan County's additional portion would be paid by the San Juan Island Visitor's Bureau.

Discussion and inquiries followed regarding the timeline of the contract versus ferry arrival times; the need to gather documentation that substantiates the validity of the traffic control program; and using some of the State's \$250,000 intermodal study monies to fund the gathering of measurement data regarding the traffic control program.

Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1445 as stated. Council agreed that pursuing intermodal study funds for data collection would be advantageous in future years. Councilmember Rosenfeld agreed to contact the necessary parties to find out if this could be arranged. The motion passed unanimously.

### Resolution #1446

Mayor Boothman introduced draft Resolution #1446. A resolution authorizing conditional private use of a portion of Court Street by Anchor Management Services, Incorporated. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1446 as stated. The motion passed unanimously.

### Resolution #1447

At 12:52 PM, Mayor Boothman introduced draft Resolution #1447. A resolution authorizing the Mayor to execute an agreement with the Northwest Workforce Development Council to provide a tourism promotion program for the year 2005 for \$40,000.00. Administrator Fitch explained the particulars of said resolution. Councilmember Gillette moved and Councilmember Rosenfeld seconded to adopt Resolution #1447 as stated. Following discussion the motion passed unanimously.

### Ordinance #1279



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

At 12:55 PM, Mayor Boothman introduced and explained draft Ordinance #1279. An ordinance amending Ordinance No. 1072 regarding business license regulations. Following discussion, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1279. The motion passed unanimously.

### Administrator's Report

Administrator Fitch reported that the opponent to the Tukang Enterprises development on West Street have withdrawn their appeal and dismissed their lawsuit against the Town.

Administrator Fitch indicated that a letter from David Cummings of the Department of Ecology dated 1/31/05 directs the Town to develop an emergency preparedness plan for the Trout Lake Storage Dam. Mr. Fitch estimated the cost of preparing said plan by the Town's engineers at \$59,000.

Administrator Fitch asked if Council wanted to send a letter of support to change the lead entity of the Salmon Recovery Project in WRIA 2 from San Juan Conservation District to the San Juan County Community Development and Planning Department. Councilmember Rosenfeld moved and Councilmember Jones seconded to direct the Mayor to sign a letter supporting said lead entity modification. The motion passed unanimously.

Administrator Fitch asked if Council wanted to send a support letter regarding the San Juan Historical Society's request to obtain a retired exhibit called Barn Again! Celebrating an American Icon from the Museum on Main Street in Washington DC. Councilmember Rosenfeld moved and Councilmember Jones seconded to direct the Mayor to send a letter of support for said exhibit coming to Friday Harbor. The motion passed unanimously.

Administrator Fitch noted that Marilyn Chapman, Banana Belt business owner, has requested the Town replace some of the benches in Memorial Park for this summer. Following discussion, it was the consensus of Council to replace four benches at an estimated cost of \$85 per bench.

Administrator Fitch commented that he noticed during his absence that Council discussed the placement of chess tables in Town. Mr. Fitch indicated that if they are constructed properly he did not foresee a liability issue. Mr. Fitch asked Council for their input regarding locations within Town. Following discussion, Council agreed that placing a few within the downtown park areas to start would be best.

Administrator Fitch reported on two submarine sewer main failures that happened within two days of each other. Mr. Fitch elaborated that because of deteriorating pipe the Town may be required to replace or move said sewer mains over land as part of a Department of Ecology (DOE) compliance agreement. Mr. Fitch emphasized that DOE may have grant funds available to help finance said project.

Administrator Fitch reported that the 1<sup>st</sup> quarter trihalomethane (THM) testing for disinfection byproducts in the Town's drinking water were under the state maximum guidelines. The 2<sup>nd</sup> quarter tests were also under the state guidelines. Mr. Fitch described the agreement the Town has reached with the City of Everett to borrow their ozonator for a pilot study at the Water Treatment Plant.

Administrator Fitch mentioned that San Juan Island Fire District #3 has asked the Town Fire Department to be first responders to fires located near the Town.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch asked Council support to apply for a public facilities financing assistance program grant to assist in funding the upcoming Guard Street roadway improvements. Council concurred with said grant application.

Councilmember Emery commented on the positive comments she has heard regarding the recently completed shoulder improvements on Tucker Avenue. Ms. Emery thanked Mr. Fitch for his efforts.

### Minutes

At 1:35 PM, Councilmember Emery moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of May 19, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

Hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – June 2, 2005 @ 5:30 PM**

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

Members present: Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Attorney Eaton, Treasurer Picinich, Land Use Administrator Bertrand, & Historic Preservation Coordinator Strehlou

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

### Non-agenda

At 5:31 PM, because there were a few extra moments before the public hearing, Mayor Boothman noted a letter from the San Juan Island Home Trust thanking the Council for the recent changes in the utility connection fees for low income housing.

Councilmember Rosenfeld noted that it was suggested to him that Friday Harbor residents who live outside of Town limits would be willing to help subsidize the Town utilities. Mr. Rosenfeld suggested the Town discuss ways to obtain funding from county residents who are willing to help the Town.

### Memorial Park Public Hearing

At 5:35 PM, Mayor Boothman opened the public hearing on Shoreline Substantial Development Permit (SSDP) #80, a request by the Town of Friday Harbor to renovate Memorial Park.

Mayor Boothman asked if any Councilmember or Commissioner wished to excuse him or herself from participating. No one requested to be excused. Mayor Boothman inquired if anyone in the audience objected to any Councilmember's participation in the public hearing process. No audience members stated any objections. Council responded in the negative to the inquiries regarding interest in the property or issue; gain or loss of financial benefit; and communication with opponents or proponents.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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 and asked Land Use Administrator Bertrand to present the staff report.

Land Use Administrator Bertrand described the proposed renovations to Memorial Park. Mr. Bertrand explained staff process for notifying the public of this application and public hearing. Mr. Bertrand stated that Council should use the Town Shoreline Master Program regulations as a governing basis for their decision regarding SSPD #80. Mr. Bertrand explained that the diagram marked as Attachment A in the 5/25/05 staff report was the same as the presently displayed enlarged diagram; said enlargement was marked as Exhibit 1. Using Exhibit 1, Mr. Bertrand noted the differences from the original Memorial Park design and the proposed Park design. Mr. Bertrand indicated that the proposed design did not inhibit traffic any further than the previous Park configuration. Mr. Bertrand indicated that the Town received no letters of concern regarding the proposed Park configuration from Washington State Ferries. Using the staff report, Mr. Bertrand established how the Waterfront Intermodal Transportation Study included renovations to Memorial Park. Mr. Bertrand noted that the historical use of Memorial Park has included benches and arbors and the proposed design continues to include these items in the Park, as well as, on the waterside sidewalk area. Mr. Bertrand described proposed waterfront improvements by the Port of Friday Harbor as depicted in Attachment E of said staff report. Mr. Bertrand recommended approval of SSDP #80.

At 5:51 PM, Historic Preservation Coordinator Strehlou introduced Exhibit 2, Frequently asked Questions about Memorial Park; and Exhibit 3, an application for historic landmark status for Memorial Park. Ms. Strehlou stressed that Memorial Park is an integral part of the Town's history. Ms. Strehlou stated that other waterfront changes may be forthcoming in the future, and Memorial Park is the best opportunity for the Town to keep a historical and visual legacy of the nature of our community. Ms. Strehlou indicated that preserving Memorial Park would help to forward the Town Comprehensive Plan's shoreline goals. Ms. Strehlou expressed that traffic problems would never be eliminated entirely. Ms. Strehlou encouraged Council to approve SSDP #80 as presented.

At 5:57 PM, Mayor Boothman opened the public hearing for audience participation. None was forthcoming.

Administrator Fitch asked if the Port would support the Memorial Park renovation project if their proposed title bridge ramp had to be eliminated for some technical reason. Mr. Bertrand answered that the Port understood the title bridge ramp may not materialize and seemed to still support said Park renovation.

Administrator Fitch asked David Waldron, renovation project architect, if said ramp would compromise his presented design of Memorial Park. Mr. Waldron answered that said ramp could be coordinated with the current design.

Inquiring, but hearing no public input, Mayor Boothman opened the public hearing to Council comments or questions.

Councilmember Rosenfeld stated that he liked the ramp idea as a viewing location. Mr. Rosenfeld asked if the arbors located on the eastside of the Park would obstruct the viewing public. Mr. Waldron responded that he felt the view obstruction would be minimal depending on viewing elevation, and the arbors would provide shade and link the upper and lower areas of the Park.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Emery disagreed with the statement in the staff report that said "The alternative of moving the monument and removing one of the trees in order to meet correct design standards is not an option." Ms. Emery stated that it was an option, just not an option that anyone felt like pursuing. Attorney Eaton emphasized that he would take Ms. Emery's comments in mind when drafting the Council's Findings of Fact and Conclusions of Law.

Mayor Boothman inquired if the Port would be funding the proposed ramp. Mr. Bertrand answered in the affirmative.

Councilmember Gillette indicated he would vote for the approval of SSDP #80, but felt the timing was wrong and that it would have been better if the Town could have waited until after the revived Waterfront Intermodal Transportation study was complete. Mr. Gillette also expressed disappointment with the Park slope, cost, and paver tile colors.

At 6:10 PM, hearing no further input, Mayor Boothman closed the public testimony portion of the meeting and opened Council deliberations. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Substantial Shoreline Development Permit #80 and directed staff to prepare Findings of Fact and Conclusions of Law to support Council's decision eliminating the wording objected to by Councilmember Emery. The motion passed unanimously.

### Ordinance #1278

Mayor Boothman introduced draft Ordinance #1278. An ordinance acknowledging the satisfactory installation of certain right of way improvements at 365 Carter Avenue and rezoning said property to commercial. Administrator Fitch explained the particulars of said Ordinance. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Ordinance #1278 as stated. The motion passed unanimously.

### Non-agenda

Mayor Boothman opened discussion on Councilmember Rosenfeld's suggestion regarding ways to obtain funding from county residents to subsidize the Town utility funds.

Attorney Eaton indicated that research into the feasibility of such an idea would be necessary.

Discussion followed regarding the legality of the concept; if it would obligate the Town to the requirement of giving utility services to residences outside of Town; what type of system would have to be instigated to give representation to residences outside of Town; and alternative ways to obtain funding from residences outside of Town limits, such as increasing commercial water rates. Following discussion, Council was split on whether or not to expend legal funds to further investigate. Mayor Boothman broke the tie with a negative vote.

### Claims & Payroll

Councilmember Jones moved and Councilmember Gillette seconded to approve the payment of claim warrants #26316 through #26366 in the amount of \$193,931.25 and payroll warrants #10829 through #10875 in the amount of \$163,784.37. The motion passed unanimously.

At 6:30 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – June 16, 2005 @ Noon

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, Liz Illg, representative of the San Juan Island Chamber of Commerce, informed Council that said Chamber was going to request that Washington State Ferries extend their wireless internet access to the Anacortes Ferry Terminal. She indicated that internet access would allow travelers to make plans and accommodations; islanders accomplish business before returning home; and school children complete their homework.

#### Fire Department Report

Training Officer Chaffee reported that there have been 59 total fire calls to date. Mr. Chaffee reported on continuing volunteer firefighter training; and explained how the National Incident Management System (NIMS) would improve communications between entities during a large scale incident involving state and federal organizations.

Councilmember Rosenfeld asked if other county emergency responding entities were adopting the NIMS. Mr. Chaffee answered that he believed the other entities were adopting said system because it was mandatory to have adopted the NIMS to receive any federal grant monies.

Councilmember Brooks inquired about the effectiveness of the Town's siren warning system in regards to the recent tsunami alarm that happened on the west coast. Discussion followed regarding testing and public awareness.

Councilmember Gillette inquired if the Fire Department has researched the Nextel phone/walkie talkie product. Mr. Chaffee answered that the Fire Department currently had two such phones and they appear to be working efficiently.

#### Resolution #1450

At 12:15 PM, Mayor Boothman introduced draft Resolution #1450. A resolution adopting the National Incident Management System (NIMS). Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1450 as stated.

Councilmember Emery inquired about the cost of training. Training Officer Chaffee answered that free training is being offered on the internet through the Federal Emergency Management Association (FEMA).

Councilmember Emery expressed concern with the sharing of private medical information via radio communications. Discussion followed regarding the various scenarios where the transmittal of personal medical information may be necessary. Following discussion, the motion passed unanimously.

#### Resolution #1449

At 12:27 PM, Mayor Boothman introduced draft Resolution #1449. A resolution authorizing the Mayor to execute an agreement with the San Juan Island Chamber of Commerce to provide a tourism promotion program for the year 2005 for \$6,000.00. Following discussion, Councilmember Rosenfeld

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

moved and Councilmember Emery seconded to adopt Resolution #1449 as stated. The motion passed unanimously.

### Resolution #1452

Mayor Boothman introduced draft Resolution #1452. A resolution authorizing the Mayor to execute an agreement with the San Juan Community Theatre to provide a tourism promotion program for the year 2005 for \$6,800.00. Following discussion, Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1449 as stated. The motion passed unanimously.

### Resolution #1451

Mayor Boothman introduced draft Resolution #1451. A resolution authorizing the Mayor to execute an agreement with Westcott Bay Institute to provide a tourism promotion program for the year 2005 for \$10,300.00. Councilmember Emery moved and Councilmember Jones seconded to adopt Resolution #1451 as stated. Following inquiry, the motion passed unanimously.

### Resolution #1448

Mayor Boothman introduced draft Resolution #1448. A resolution accepting the bill of sale from Bill Wright and Cal Ryan for certain improvements to the Town water and stormwater systems. Administrator Fitch explained the particulars of said resolution and explained other curb, gutter, and sidewalk improvements being installed in the same area. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1448 as stated. Following discussion, the motion passed unanimously.

### Administrator's Report

Administrator Fitch reported that a meeting would be held in July with the Department of Ecology (DOE) in Friday Harbor to discuss the Town's submarine sewer main. Administrator Fitch explained various options available to comply with DOE requirements.

Administrator Fitch reported that due to submarine sewer main pipe breaks and the resulting salt water intrusion at the Wastewater Treatment Plant, the Town has been out of compliance with its discharge permit. Mr. Fitch anticipated that violation notices would be issued by the DOE. Mr. Fitch indicated that said Plant is moving closer to compliance numbers each day.

Administrator Fitch noted a memo distributed before Council regarding the upcoming Six Year Transportation Improvement Program (TIP) process. Mr. Fitch indicated that a suggestion had been made to split the Guard Street project into two phases; eliminate the Grover Street project altogether (because anticipated development in this area did not seem to be imminent); and re-add Tucker Avenue onto the TIP list. Administrator Fitch mentioned that the Town Planning Commission would be discussing the Six Year TIP at an upcoming meeting.

Administrator Fitch stated that he has added the storm water improvements requested by Council at Basin #7 in the Carter and Larsen Street area to the draft Stormwater Management Plan along with other revisions and forwarded said draft back to the Town's stormwater engineers for their modification. Mr. Fitch stated that he would like said Plan to be adopted some time in August, so that it can be included in the Town's Comprehensive Plan revisions. Discussion and inquiry followed.

Administrator Fitch reported that the Consumer Confidence Report (CCR) would be distributed by July 1<sup>st</sup> to the Town's water users. Mr. Fitch elaborated that a 2<sup>nd</sup> letter to Town water users regarding trihalomethanes would be included with the same CCR mailing to save costs.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch reported that the Town Planning Commission has reviewed the draft Airport Overlay District Map, but that no report from them has been received as yet. Mr. Fitch explained the basics of said draft Map.

Councilmember Emery questioned the public process that would be held regarding said draft Map. Administrator Fitch answered that a joint public hearing with the Council and Planning Commission listening to public testimony would be likely.

### Non-agenda

Councilmember Rosenfeld inquired on progress of the Orcas Power and Light Cooperative (OPALCO) broadband franchise agreement. Administrator Fitch declared that he had not heard back from OPALCO representatives and would contact them regarding an update.

Councilmember Gillette reported hearing criticism regarding pot holes on roads at the top of the harbor area. Administrator Fitch mentioned he would investigate the complaint.

Councilmember Rosenfeld stated that it has been reported that San Juan County is purchasing 27-acres for the placement of a public works yard. Mr. Rosenfeld suggested the Town investigate further into utilizing its Sutton Road property for a public works yard.

Councilmember Jones reported that state revenues have increased over previous years and inquired if the Town revenues have also increased. Treasurer Picinich indicated that Town revenues appear to be the same as previous years. Following inquiry by Councilmember Emery, Ms. Picinich acknowledged that real estate taxes have been higher than normal. Councilmember Jones commented that lodging tax funds also appear to be higher than normal.

Councilmember Brooks reported on a recent Affordable Housing Fund Commission meeting. Ms. Brooks mentioned that a check would be forthcoming to the Town for 5% of the House Bill 2260 funds, that were available as of January 1, 2005, and thereafter a check would be received annually at the 1<sup>st</sup> of the year. Ms. Brooks described various affordable housing projects being developed and supported on San Juan Island.

Councilmember Rosenfeld asked that discussion of the impacts of growth be placed on a future agenda. Mayor Boothman suggested it be placed on the agenda in correlation with urban growth expansion discussions. Administrator Fitch commented that, due to the high turnover in the San Juan County Planning Department, joint planning between the Town and County planning departments has been limited.

### Minutes

At 1:14 PM, Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of May 26, 2005 at 7:00 PM, and June 2, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously, with Councilmember Brooks abstaining.

At 1:15 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – June 16, 2005 @ 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, Town Attorney Eaton, Treasurer Picinich, and Land Use Administrator Bertrand

Mayor Boothman led the meeting in the Pledge of Allegiance.

#### Public Access

During the public access portion of the meeting, Mona Meeker, Franck Street, thanked Council for their support of the San Juan Historical Society application to receive the "Barn Again" Smithsonian Exhibit.

Gayle Bodorff, Roche Harbor Road, encouraged Council to find a way, either by volunteers or by Town employees, to control the spread of the scotch broom noxious weed. Discussion and inquiry followed.

#### Memorial Park Findings of Fact

Mayor Boothman opened discussion of the Findings of Fact and Conclusions of Law regarding Shoreline Substantial Development Permit #80 to renovate Memorial Park located at the northerly terminus of Spring Street. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt said Findings. The motion passed unanimously, with Councilmember Brooks not voting, as she was unable to attend the public hearing due to medical reasons and could not participate in the deliberations for said Permit.

#### Resolution #1453

Mayor Boothman introduced draft Resolution #1453. A resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the consulting firm of Brown & Caldwell for a Water Treatment Plant Ozone Disinfection Study on a time and material basis, not to exceed \$72,500.00.

Administrator Fitch explained that the Department of Health (DOH) has approved the scope of work for said Ozone Disinfection Study. Discussion and inquiry followed regarding a public/private partnership; timeline for the ozone study and use of the ozone generator from Everett; different thoughts on how trihalomethanes could be treated during peak times of the year; whether or not Brown & Caldwell could provide this service as well as the services listed on Resolution #1454 for an Emergency Action Plan for Trout Lake Dam; the high cost of the Study; and staying within the timeline boundaries. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1453 as presented. The motion passed unanimously.

#### Resolution #1454

Mayor Boothman introduced draft Resolution #1454. A resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the consulting firm of Brown & Caldwell for an Operator and Maintenance Manual and an Emergency Action Plan for Trout Lake Dam on a time and material basis, not to exceed \$58,800.00.

Administrator Fitch explained that said Action Plan is a requirement by the Department of Ecology. Administrator Fitch noted that Treasurer Picinich continues to research grant funding for said Plan. Following discussion and inquiry regarding various components of said agreement, Councilmember Brooks moved and Councilmember Gillette seconded to table Resolution #1454 until the July 7, 2005,



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Town Council meeting to allow staff time to answer various Council inquiries and to locate grant funding for said Manual and Plan. The motion passed unanimously.

### Claims

Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #26368 through #26421 in the amount of \$82,732.77. The motion passed unanimously.

### Non-agenda

Administrator Fitch noted that the Department of Ecology meeting that he earlier mentioned would take place on July 5, would actually be held on July 6.

Councilmember Brooks commented that Lovell Pratt, San Juan County Planning Commissioner, asked that the Town make a comprehensive study of the residential land capacity for construction within Town limits. Ms. Pratt indicated to Ms. Brooks that she wanted the Town to designate land for affordable housing within its limits. Councilmember Gillette suggested this type of discussion take place when the County is serious about expanding the urban growth area.

In regards to the \$250,000 of State Department of Transportation funding to study ferry traffic issues on Friday Harbor and Orcas Island, Councilmember Emery expressed concern that those entities involved with the Intermodal Transportation Study other than the Town (Port of Friday Harbor, Washington State Ferries, Ferry Advisory Committee) may try and force their solutions for improving the timeline for ferry unloading on to the Town. Ms. Emery suggested Council have a discussion regarding its limits in regards to what solutions the Town is and is not willing to accept prior to Councilmember Rosenfeld's attendance at any Intermodal group meetings.

Administrator Fitch pointed out that previously the Town has cooperated with a Washington State Ferry Traffic Engineer suggestion to re-route ferry traffic and it was a dismal failure.

Discussion followed regarding the priorities of the Council; that Councilmember Rosenfeld should chair the Intermodal meetings; and assumptions other entities were making regarding the Town's responsibilities to solve this situation.

At 6:37 PM, Treasurer Picinich left the meeting during the above discussion.

Mayor Boothman indicated that further discussion would be put on a future agenda.

At 6:47 PM, hearing no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – July 7, 2005 @ Noon**

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

Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch, Utilities Superintendent Wilks, Historic Preservation Coordinator Strehlou, & Treasurer Picinich

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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

### Historic Preservation

Noting that Sheriff Cumming was not yet in attendance, Mayor Boothman asked Historic Preservation Review Board Coordinator, Sandy Strehlou, to begin her update.

Ms. Strehlou distributed an endangered and potentially endangered historic buildings chart. Discussion began regarding various methods that could be used to help protect historical buildings on San Juan Island. Historic Coordinator Strehlou commented that the Historic Preservation Review Board (HPRB) has been working on language regarding demolition. Following discussion, Council asked Ms. Strehlou to report back with said Board's recommendations. Ms. Strehlou explained the three phase project of the Friday Harbor House Hotel expansion and the HPRB concerns regarding said project. Ms. Strehlou commented on other important historical structures, such as the building on the north corner of West and 1<sup>st</sup> Streets; the former Virgil Fritz house; and the San Juan County Courthouse. Following discussion, Mayor Boothman thanked Ms. Strehlou for her update.

### Sheriff Report

Sheriff Bill Cumming distributed June 2005 Law Reports. Mr. Cumming noted that the 4<sup>th</sup> of July celebration was relatively uneventful in regards to law enforcement. Mr. Cumming noted that the Town fireboat, Confidence, was helpful during the recent plane crash incident near Lopez Island. Mr. Cumming described a new emergency response boat the Sheriff's Department has commissioned to be built. Mr. Cumming remarked that methamphetamine investigations continue.

### Utilities Department

Utilities Superintendent, Mike Wilks, reported on June rainfall (1.5"), Trout Lake level (12' below spillway), and water production (11.6 million gallons). Mr. Wilks reported that hopefully next week the City of Everett's ozone generator will have arrived at the Town Water Treatment Plant so that an ozone pilot study can be conducted sometime in August. Mr. Wilks indicated that the trihalomethane levels in the Town's water have been below the state standards for the first two quarters of 2005. Mr. Wilks noted that rock impediment has slowed the Islanders Addition II sewer main installation. Mr. Wilks reported on a meeting with the Department of Ecology regarding the Town's submarine sewer line. Mr. Wilks indicated that chipsealing on Marguerite, Perry, and Marble Streets would begin near August 15<sup>th</sup>. Mr. Wilks mentioned that Joe Cheyney began employment in June as the Town's new refuse truck driver.

### Affordable Housing

At 12:39 PM, Paul Losleben, representative for the Campaign for Affordable Housing, gave background information regarding said group. Mr. Losleben attributed the high cost of housing to the declining active workforce population on the islands. Mr. Losleben described how the Campaign for Affordable Housing group is trying to find a permanent solution by pulling together organizations and funding. Mr. Losleben indicated that one proposal is to tax real estate sales, similar to the Land Bank tax, to raise funds for permanent affordable housing projects. Mr. Losleben distributed a list of ten initial recommendations compiled from the Housing Summit held on June 4, 2005.

Councilmember Brooks expressed that the Town should have a representative on any future affordable housing board or commission that is created. Mr. Losleben indicated he was agreeable to restructuring the group to allow for Town representation. Discussion followed regarding the structure of said affordable housing group and the expansion of the targeted consumers that will be served by this organization. Discussion and inquiry followed.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Resolution #1460

At 1:04 PM, Mayor Boothman introduced draft Resolution #1460. A resolution authorizing the Town of Friday Harbor's participation in the development of an all hazard mitigation plan, formalizing the planning process, providing for a public involvement process and setting a schedule for completion, pursuant to the Disaster Mitigation Act of 2000 (44 CFR 201.6) and consistent with the Federal Emergency Management Agency's National Flood Insurance Program Community Rating System. Brendan Cowan, San Juan County Director of Emergency Management, described the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Brooks seconded to adopt Resolution #1460 as stated.

Councilmember Emery inquired about the obligation, if any; the Town would commit itself to should they approve this resolution. Mr. Cowan answered that he did not feel the Federal Emergency Management Act (FEMA) held enough political clout to obligate the Town to follow any specific criteria and did not feel the Town would be financially negatively impacted by approval of the final plan. The motion passed unanimously.

### Resolution #1456

At 1:12 PM, Mayor Boothman introduced draft Resolution #1456. A resolution authorizing the Mayor to execute an interlocal agreement between the Town of Friday Harbor and the Port of Friday Harbor for design and preparation of construction plans and specifications for improvements to the Spring Street Landing. Administrator Fitch explained the particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1456 as stated. Following inquiry, the motion passed unanimously.

### Resolution #1458

Mayor Boothman introduced draft Resolution #1458. A resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Gray & Osborne, Inc., to update the Town's Stormwater Management Plan on a time and material basis, not to exceed \$2,300. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Gillette seconded to adopt Resolution #1458 as stated. Following inquiry, the motion passed unanimously.

### Administrator's Report

At 1:23 PM, Administrator Fitch reported on a meeting with the Department of Ecology (DOE) held on July 6, 2005 at the Town Shop regarding the Town's submarine sewer line located in the harbor. Mr. Fitch indicated that the Town was working towards a compliance order or agreement with DOE. Mr. Fitch explained the various alternatives for repairing or relocating said submarine sewer main. Discussion followed regarding funding.

Mr. Fitch reported that the Malcolm Street sewer main replacement project is currently out for bid. Mr. Fitch explained the basics of the project.

Mr. Fitch announced that the joint Town Council and Town Planning Commission public hearing regarding changes to the Town Comprehensive Plan, including the draft Airport Overlay District would be held on July 28<sup>th</sup>, 2005 at 5:30 PM.

Administrator Fitch indicated that new Town aerials have been purchased and are available for review.

Following inquiry, about the Trout Lake emergency plan, Administrator Fitch answered that a representative from Brown and Caldwell would come to a Council meeting soon to answer questions.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Following inquiry, regarding ferry traffic control pedestrian signage, Administrator Fitch indicated he would speak with Mr. Akin, Anchor Management owner, regarding Council signage concerns.

At 1:43 PM, hearing no objection, Mayor Boothman moved the passage of the Town Council minutes to the evening meeting and declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – July 7, 2005 @ 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.

#### Public Access

During the public access portion of the meeting, Jim Sesby, and Christina Dahl-Sesby, 221 Heritage Farm Lane, asked Council to designate a parking space at the southeasterly corner of First and Spring Street for exclusive use by horse-drawn vehicles.

Discussion and inquiry followed about the use of public property for private business; the comparison between horse-drawn taxis versus motorized taxis; alternative public and private locations that might function better than the proposed location; sanitary conditions involved with horse-drawn taxis; various issues involved with the requested staging/parking area and its relationship to the crosswalk and activity level at said intersection; whether this request will instigate a new request for a motorized taxi designated parking space; previous issues with designated motorized taxi parking areas; staff proposing language to change Town traffic regulations to allow a designated horse-drawn carriage standing zone; and staff researching alternative locations and ramifications should Council approve said request. Following discussion, Mayor Boothman continued further discussion to the July 21, 2005 Town Council meeting.

#### Resolution #1457

At 6:13 PM, Mayor Boothman introduced draft Resolution #1457. A resolution providing approval for an assignment of the Adelphia cable system franchise to Time Warner NY Cable, LLC. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1457 as stated. The motion passed unanimously.

#### Resolution #1459

Mayor Boothman introduced draft Resolution #1459. A resolution authorizing the Mayor to execute a grant agreement with the Washington State Transportation Improvement Board for funding improvements to Guard Street for a minimum of \$500,000. Councilmember Rosenfeld moved and Councilmember Gillette seconded to adopt Resolution #1459. Following inquiry, the motion passed unanimously.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### Resolution #1455

At 6:17 PM, Mayor Boothman introduced draft Resolution #1455. A resolution authorizing the Mayor to execute an agreement for janitorial services with Island Thymes to clean the Town public restroom facility located at 245 Sunshine Alley. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Brooks seconded to adopt Resolution #1455. The motion passed unanimously.

### Resolution #1461

At 6:23 PM, Mayor Boothman introduced draft Resolution #1461. 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, 2005 through July 31, 2006. Administrator Fitch explained the particulars of said resolution.

Discussion began regarding previous Council discussions regarding the use of biodiesel in Town vehicles and equipment. Administrator Fitch indicated he was not sure that biodiesel was still available for sale for road use here on the island. Councilmember Gillette moved and Councilmember Brooks seconded to adopt Resolution #1461 as stated. Following discussion, the motion failed 3 to 2 with Councilmembers Brooks and Gillette in favor.

Following further discussion, it was the consensus of Council that Administrator Fitch researches the availability and current price of biodiesel and report back at the next Town Council meeting.

### Joint Meeting Topics

Mayor Boothman opened discussion of topics for the Town Council and Board of County Commissioners joint meeting scheduled on July 21, 2005 at noon in the Town Council Chambers. Following discussion, Council proposed three topics: Discussion regarding the Urban Growth Area, Intermodal Committee; and Housing Bank proposal. Mayor Boothman indicated that he would like to recognize Rhea Miller's political contributions as well.

### Minutes

At 7:07 PM, Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of June 16, 2005 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 #26431 through #26510 in the amount of \$131,066.62 and payroll warrants #10876 through #10956 in the amount of \$174,381.14. The motion passed unanimously.

### Non-agenda

Councilmember Rosenfeld announced that he would be re-running for his Council member seat this year.

Councilmember Brooks suggested Council discuss incentives to encourage the use of electric cars within the Town.

### Council Committee Updates

At 7:09 PM, Mayor Boothman and Council reported on activities at the various committees they attend.

At 7:28 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – July 21, 2005 @ Noon**

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.

### Town Council/Board of County Commissioners – Joint Meeting

At 12:03 PM, Mayor Boothman opened the joint meeting with the Board of County Commissioners (BOCC). San Juan County Commissioners present: Chair, Kevin Ranker, Alan Lichter, and Rhea Miller. Chair Ranker called the BOCC session to order.

### Friday Harbor Urban Growth Area (FHUGA)

Mayor Boothman asked Town Land Use Administrator Bertrand to address the group regarding the Friday Harbor urban growth area.

Mr. Bertrand explained that there is currently no necessity for expansion of the FHUGA in the opinion of the Town Planning Department. Mr. Bertrand indicated that a possible upcoming conditional use permit, if approved, may impact the Town's quantity of single family residential lots and necessitate more analysis. Mr. Bertrand mentioned that the Town has received a \$5,000 grant to purchase aerial photographs of the Town perimeters to use for urban growth analysis. Mr. Bertrand indicated that the only area currently in the joint planning area is approximately 16 – 17 lots in the Harborview development.

Mayor Boothman explained that some property owners in the Harborview development have requested their property remain in the County.

Commissioner Ranker asked where the Town is looking to expand. Mayor Boothman answered that Council has not had a formal discussion regarding FHUGA expansion as yet.

Councilmember Rosenfeld explained that the Town is not currently looking to expand its boundaries, but rather are considering investigating the increase of density or height allowances, however because the County has designated in their Comprehensive Plan that the Town supply a large portion of San Juan Island's affordable housing, he asked what, if any, plans the County had regarding FHUGA expansion.

Commissioner Lichter inquired about the Town's growth pressures. Mayor Boothman answered that other than a possible future shortage of single family residential the Town was not experiencing any growth pressures.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Brooks expressed concerns with the effects on land costs and housing affordability resulting from a shortage of land supply and the necessity to make more land available to help keep housing affordable.

Commissioner Miller thanked Mr. Bertrand for prompting the return of discussions for joint planning on San Juan Island. She indicated that the County has been kept busy with growth issues on Orcas Island. Ms. Miller disagreed that providing more land for development equated to affordable development.

Councilmember Jones commented that increasing height allowances or density may be a better way to grow to decrease expansion infrastructure costs.

Commissioner Ranker indicated he was committed to helping the Town make a livable community and continuing this discussion of expansion of the FHUGA.

### Intermodal

At 12:17 PM, Mayor Boothman opened discussion of the Intermodal Committee. Mayor Boothman asked for an update regarding the funds designated for studying the ferry turnaround time in Friday Harbor. Commissioner Ranker explained that the BOCC has not formally discussed said Committee because he had difficulty locating the "point" person at Washington State Ferries (WSF).

Commissioner Lichter explained that the ferry traffic control program and dual loading lanes are helping with the Friday Harbor ferry turnaround time in the short term.

Councilmember Rosenfeld emphasized that data collection was essential for documentation. Commissioner Lichter indicated that Mike Akin, Anchor Management, Inc., was collecting said data.

Commissioner Miller stated that she supports cutting down on dwell time in Friday Harbor, but disagreed that the ferry traffic control program was helping to cut down on turnaround time. She expressed that if the double lane loading was implemented consistently it would produce a larger time savings overall. She stated that she objected to spending \$16,000 of County funds for a ferry traffic control system that does not seem to be working.

Mayor Boothman asked that the County please include the Town in future discussions with the Ferry Advisory Committee (FAC). Commissioner Lichter indicated he would ask the FAC to improve their communications with the Town.

Administrator Fitch inquired about the name of the WSF representative for the Intermodal Committee. Commissioner Ranker answered that he had a conference call scheduled next week with Mike Anderson, WSF Director, regarding who will participate on said Committee.

Commissioner Ranker stated that he had mixed feelings regarding the effectiveness of the ferry traffic control program, but felt it demonstrated to WSF that the Town and County are committed to finding solutions to improve turnaround time in Friday Harbor. Commissioner Ranker indicated that Mr. Anderson has directed WSF staff to perform dual lane loading on ferries departing Friday Harbor. Mr. Ranker reviewed that \$250,000 was secured to study the Intermodal Plan and he would update Council regarding the use of said funds after speaking with Mr. Anderson next week. Mr. Ranker reported that Mr. Anderson indicated that Russ East, WSF director for terminal engineering, was to be the WSF lead person for the Intermodal Study.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Councilmember Emery suggested that Councilmember Rosenfeld be included in the conference call with Mr. Anderson next week. Commissioner Ranker indicated this was acceptable. Councilmember Rosenfeld specified that without baseline data, it would be difficult to establish a proper beginning analysis point regarding the effectiveness of the traffic control program.

Councilmember Brooks commented that when reviewing the Intermodal Study she noticed that WSF did not followed through on their responsibilities to locate alternative staging areas, etc. Mr. Ranker mentioned that he was optimistic about the current WSF commitment to the Intermodal Study.

Councilmember Emery expressed concern with the inconsistent process used to load/unload ferries and the resulting unreliable data that results from this inconsistency.

### Housing Bank Proposal

Mayor Boothman opened discussion of the Housing Bank proposal. Commissioner Miller commented that said proposal is in draft form and already changes are forthcoming from staff, citizens, and legal counsel.

Councilmember Brooks suggested imposing the proposed tax only on those properties that are above \$300,000 to benefit affordable housing. Ms. Brooks expressed concerns with the words "permanently affordable housing"; the structure of the proposed Board and the lack of representation from the Town of Friday Harbor; and the definition of moderate income.

Commissioner Miller expressed that the public does not like when private owners benefit when using taxpayers money. She explained "permanently affordable housing" will restrict equity gains so that designated affordable housing will remain affordable. Ms. Miller indicated that said Board structure would need to be reviewed. Ms. Miller indicated that research regarding taxation restrictions would be needed before Ms. Brooks' suggestion could be implemented.

All of the Commissioners stated they would be supportive of the Town having a permanent place on the proposed Board.

### Commissioner Miller

Due to the resignation of San Juan County Commissioner Miller, Mayor Boothman thanked Ms. Miller for her years of public service and her friendship to the Town of Friday Harbor. Councilmember Brooks praised Ms. Miller's affordable housing legislative contributions and efforts. A standing ovation was conducted.

At 12:50 PM, the San Juan County Commissioners adjourned their meeting and departed.

### Administrator's Report

Administrator Fitch reported on a meeting with a Federal Emergency Management Agency representative regarding the Town's participation in the National Flood Insurance Program. Administrator Fitch explained the benefit to Town residents of joining said Program and indicated there would not be a financial impact to the Town. Mr. Fitch acknowledged that a draft ordinance would be forthcoming at a future Town Council meeting to make the necessary alterations to Title 18 of the Friday Harbor Municipal Code regarding Critical Areas.

### Transportation Advisory Committee Final Report

At 1:00 PM, Councilmember Jones started by thanking staff for the organizational information provided to the Transportation Advisory Committee (TAC). Mr. Jones praised the TAC participants and introduced those present.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Sharon Spangler, TAC member, explained the process taken to develop the TAC Final Report dated July 21, 2005 and how categories within said Report are prioritized. Jeff Iverson, TAC member, produced a composite map depicting areas of traffic priority. Ms. Spangler noted the Committee's Statement of Principles in said document and explained the layout and importance of the categories listed within the Final Report.

Mayor Boothman asked what criteria the Committee used to establish the priorities stated. Ms. Spangler answered that priorities were established by reviewing the limited data available and Committee discussion.

Councilmember Gillette questioned the lack of general suggestions regarding parking. Ms. Spangler responded that she did not find parking within the Town difficult, however the report does encourage the concept of a walking town.

Councilmember Rosenfeld inquired about the recommendation of the Committee regarding traffic calming devices. Ms. Spangler answered that more research may be necessary, but they found several that seemed capable of being effective.

Councilmember Jones commented that engineered roundabouts, rumble strips, and fog stripes were some of the Committee suggestions. Councilmember Jones commented that the statement of principle and all recommendations in said Report were unanimously adopted by the TAC.

Councilmember Emery commented on the lack of consistent data to use for analysis from both the Town traffic data and Sheriff Department data.

Councilmember Gillette inquired if the Committee considered 12-14' multi-use pathways. Ms. Spangler answered in the negative.

Councilmember Rosenfeld indicated said Report would be used during upcoming Intermodal Committee meetings.

Mayor Boothman expressed concern that without documentation that depicts the ranking and how the Committee arrived at its stated priorities, it seems the priorities were based in opinion rather than solid data. Ms. Spangler responded that the Town could use said Report as a guideline for the Town to set priorities for future traffic data analysis. Mayor Boothman explained that traffic counters are able to count traffic, but not traffic and pedestrian interaction.

Councilmember Emery observed that the dynamics of the Committee were diverse and they started with 36 priorities and narrowed it down by working together.

Ms. Spangler suggested said Report could be used to take preventative actions that may help alleviate a problem before it occurs.

Following discussion, Council thanked Ms. Spangler and the Committee for their efforts.

### Minutes

At 1:29 PM, Councilmember Brooks moved and Councilmember Emery seconded to move the approval of the Town Council minutes to the evening Town Council meeting. The motion passed unanimously.

Hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – July 21, 2005 @ 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.

#### Six Year Road Plan Public Hearing

At 5:35 PM, Mayor Boothman opened the public hearing on the Town's Six Year Transportation Improvement Plan (TIP). Administrator Fitch explained the particulars of said draft TIP; how the TIP impacts grant funding; previously completed projects; and upcoming projects.

Following inquiry by Mayor Boothman, no audience input was forthcoming.

Discussion began regarding grant funding. Administrator Fitch reported receiving a telephone call from Congressman Larsen's office regarding a possible decrease in federal funding for the 4<sup>th</sup> phase of Guard Street. Following discussion, Council asked Mr. Fitch to find out if fewer funds are received from the federal government, if the Town could reduce the scope of work to match the funds received.

Discussion continued regarding arterial streets and their funding; the savings that may be realized by bidding and mobilizing the Guard Street project phase 3 and 4 together and the essential lack of funds to complete phase 4 that prevents the Town from taking this option. Following discussion, Council agreed that the Town should prepare to complete phase 4 of the Guard Street project subject to funding, and, if necessary, scale down the project.

Mayor Boothman once again inquired about audience input. None was forthcoming. Mayor Boothman left the 6-year TIP public hearing open in case a member of the public arrived late and wanted to provide input.

#### Horse Drawn Carriages

At 5:56 PM, Mayor Boothman opened discussion of private use of public right of way for commercial horse drawn carriages. Administrator Fitch displayed a street map of the downtown core, which included topographic information. Mr. Fitch indicated that he and the Land Use Administrator could not find an alternative location to place this proposed operation other than the requested area at the southeasterly corner of 1<sup>st</sup> and Spring Street.

Councilmember Emery commented that she has spent the past weeks looking at the activity in said area and has determined that it is not a workable situation. Ms. Emery expressed concerns that setting a precedent and changing the Town municipal code to allow said operation may cause others to want an exemption also. Councilmember Rosenfeld indicated that future requests could always be approved or denied based on merit, but acknowledged the difficulty in finding a location for this request.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Gillette commented that if the Town had a visitors center, that included additional parking, a horse drawn carriage business could be located in this area. Mr. Gillette expressed that providing more parking should be a part of the Town's TIP. Discussion followed regards to funding for a parking lot.

Councilmember Jones stated that Friday Harbor Municipal Code (FHMC) 12.28.010 specifies that private use of the public ways is only authorized after determination that such private use is in the best interests of the general public and will not interfere with the public's use and enjoyment. Mr. Jones stated that, although he is inclined to be favorable to this request, the proposed location appears to interfere with the traffic at 1<sup>st</sup> and Spring Street and therefore would not apply. Mr. Jones proposed the carriage owners try and obtain a private use location. Discussion continued regarding finding an alternative location that would not impact traffic and parking.

Katherine Quackenbush, DeHaro Lane, commented that the horse drawn carriage business would be advantageous because visitors could park outside of Town and be driven into Town. Ms. Quackenbush supported the historic education a horse drawn carriage brings to children and the picturesqueness it brings to the island.

Jim Sesby, Heritage Farm Lane, stated he felt said carriage business would enhance public enjoyment within the Town.

Administrator Fitch inquired about the size of said carriage. Mr. Sesby indicated it was 25' long.

Councilmember Brooks inquired about whether the carriage would provide services like a taxi, or only tours. Mr. Sesby responded that normally they only provide tours, but would be willing to accommodate other needs. Mayor Boothman inquired to the number of passengers the carriage could accommodate. Mr. Sesby answered six.

Discussion followed regarding the necessary distance that should be available from the end of the carriage to the crosswalk at 1<sup>st</sup> and Spring Streets; whether or not to add another exemption to the FHMC to allow said use; number of days the carriage business operates; adding language to grant the Town Administrator authority to designate a space for said business to park; and private citizen use of public parking spaces versus private business use of public parking spaces.

Following discussion, it was the consensus of Council that the proposed location was not acceptable; however the use of Town ways to conduct a horse drawn carriage business was acceptable if a location could be established.

Administrator Fitch distributed a draft ordinance which would allow horse drawn carriages to use public streets for private use. Following discussion, Mayor Boothman proposed to continue the discussion to the next Town Council agenda.

### Resolution #1463

At 7:05 PM, hearing no public input, Mayor Boothman closed the public hearing on the Six Year Transportation Improvement Plan and introduced draft Resolution #1463. A resolution providing for a Six Year Transportation Improvement Program for the years 2006 through 2011. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1463. The motion passed unanimously.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Resolution #1461

Mayor Boothman indicated that staff had called the island purveyor who supplies biodiesel and it is not longer available for road vehicles. Mayor Boothman explained that although Resolution #1461 failed by a 2-3 vote at the July 21, 2005 Town Council meeting, the Council members who voted against the motion could make a motion to reconsider said Resolution. Councilmember Jones moved and Councilmember Emery seconded to reconsider Resolution #1461. The motion passed unanimously. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1461. 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, 2005 through July 31, 2006. The motion passed unanimously.

### Resolution #1462

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1462. A resolution authorizing the Mayor to accept a proposal from, and execute a purchase agreement with, San Juan Propane to provide propane fuel to the Town of Friday Harbor from August 1, 2005 through July 31, 2006. Following discussion, the motion passed unanimously.

### Ordinances No. 1280-1282

Mayor Boothman introduced Ordinances No. 1280, 1281, and 1282. Ordinance #1280 amends Ordinances No. 1058 concerning requirements for the division of land. Ordinance #1281 amends Ordinance No. 1059 concerning requirements for the short subdivision of land. Ordinance #1282 amends Ordinance No. 1055 concerning requirements for the removal or adjustment of boundary lines. Administrator Fitch explained that the amendments to these ordinances were due to a change in state law that requires documents that result in land divisions, alternations or adjustments to include certificate language that affirms taxes are paid in full. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Ordinances #1280 through #1282 as stated. Following inquiry, the motion passed unanimously.

### Ordinance #1283

Mayor Boothman introduced draft Ordinance #1283. 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. Following discussion with Attorney Eaton regarding disclosure, conflict, and procedure, the motion passed unanimously.

### Administrator's Report (con't from noon meeting)

At 7:17 PM, Administrator Fitch reported that the ozone generator, which is on loan from the City of Everett, has arrived at the Water Treatment Plant.

Mr. Fitch reported on an employee safety inspection, conducted by an affiliate of the Town's insurance carrier, that indicated the Town is attentive to employee safety concerns.

Administrator Fitch called attention to the staff report before Council for the July 28<sup>th</sup> public hearing regarding 2005 amendments to the 2002 Town Comprehensive Plan and asked them to bring the report to said meeting. Mr. Fitch commented that the Planning Commission's recommendations regarding same, will be presented at the August 4, 2005 Town Council meeting and an ordinance to adopt amendments will be forthcoming at the August 18, 2005 Town Council meeting.

Councilmember Emery inquired if the Council was required to leave while the Town Planning Commission deliberated. Following discussion, it was determined that it was allowable that Council could stay in session and remain at the meeting or the Council could adjourn and no more than two

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Council members could remain to hear the deliberations. The majority of Council was not interesting in remaining to hear the deliberations.

Attorney Eaton explained the "new" procedures (adopted last year) to alter the Comprehensive Planning Map and the Land Use Map. Discussion followed regarding the proposed Airport Overlay District.

Administrator Fitch mentioned, per the juvenile probation officer, an apology letter should be forthcoming soon from one of the juveniles that vandalized Town recently.

### Claims

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrant #26512 through #26582 in the amount of \$89,536.91. The motion passed unanimously.

### Minutes

At 7:33 PM, Councilmember Gillette moved and Councilmember Emery seconded to approve the Town Council minutes of July 7, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

### Non-agenda

Mayor Boothman asked Council to reappoint Jeff Iverson to the Town Planning Commission. Councilmember Rosenfeld moved and Councilmember Emery seconded to reappoint Jeff Iverson to Position #4 on said Commission. The motion passed unanimously.

Following inquiry by Administrator Fitch, discussion began concerning staff directive in regards to horse drawn carriages. Following a short discussion, Council indicated that no clear directive was given and further discussion would take place at the next Town Council meeting.

At 7:40 PM, hearing no further business and no objection, Mayor Boothman continued the meeting until July 28<sup>th</sup>, 2005 at 5:30 PM. The meeting adjourned until that time.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – July 28, 2005 @ 5:30 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 proposed 2005 revisions to the 2002 Comprehensive Plan, Development Regulations and the Comprehensive Land Use Map, including an Airport Overlay District.

Councilmembers present: Brooks, Emery, Gillette, Jones, & Rosenfeld (arrived late)

Planning Commission members present: Arnold, Coyne, Cross, Gilson, Illg, Iverson, & Serna

Others present: Town Administrator Fitch, Attorney Eaton, Land Use Administrator Bertrand and Planning Commission Recording Secretary Zalmanek

Chair Coyne, called the Planning Commission meeting to order and requested roll call. Those present: Laura Arnold, Claudia Cross, Mike Coyne, Betty Gilson, Liz Illg, Jeff Iverson, and Karina Serna.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Public Hearing for the 2005 Revisions to the 2002 Comprehensive Plan

Planning Commission Chair Coyne deferred the chairmanship of the meeting to Planning Commission Vice Chair, Jeff Iverson.

Chair Iverson asked but did not receive any audience objections to his or any Planning Commission or Town Council members' participation in the public hearing. Chair Iverson asked the Planning Commission and Council standard public hearing procedural questions regarding personal interests; financial gain/loss; and fair and objectiveness. Negative answers were given regarding interests, financial gain/loss; and affirmative answers given in regards to being fair and objective.

At 5:36 PM, Chair Iverson opened the public hearing and asked Land Use Administrator Bertrand to describe the subject matter. Mr. Bertrand gave an outline of the proposed changes and described communications received since the distribution of the staff report dated 7/20/05. Mr. Bertrand entered into the record Exhibits A-G.

Town Administrator Fitch explained various corrections and revisions to said staff report as distributed.

Land Use Administrator Bertrand described the location and properties that have submitted requests to be reclassified during this Comprehensive Plan amendment process and the staff recommendations regarding each request.

- Guard Street properties near San Juan Island Library. Request by Kent Meeker. Request to be reclassified from professional services to commercial. Staff recommended denial.
- Park Street properties between Price and Marguerite Street. Request by William Pierson, Marian Weber, Gary & De Ette Bryant, and Ralph Long. Request to be reclassified from single family residential to professional services. Staff recommended approval.
- Addition of Airport Overlay District. Request by Port of Friday Harbor. No staff recommendation given at this time.

At 5:46 PM, Chair Iverson opened the meeting to public input.

(All public input is on 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.)

Greg Hertel, Port of Friday Harbor Commissioner, announced that the Friday Harbor Airport underwriters, the Federal Aviation Administration (FAA), have advised the Port not to support the Airport Overlay District as proposed. Mr. Hertel elaborated that the FAA does not support the Washington State Department of Transportation's (WSDOT) methodology regarding zoning for safety around airports.

At 5:49 PM, Chair Iverson asked that public input be limited to five minutes and in an effort to facilitate the public hearing in an efficient manner, Chair Iverson asked for public input concerning only the Guard Street reclassification request.

Kent Meeker, San Juan County resident, spoke in favor of the Guard Street properties reclassification request from professional services to commercial.

Attorney Eaton described process and procedures in regards to the differences between a reclassification change to the Comprehensive Plan Map and a rezone request to the Land Use Map. Mr.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Eaton explained how the Comprehensive Plan Map is used for long range future planning, whereas the Zoning Map controls the current use of property.

At 5:58 PM, Ron Vincellet, Friday Harbor, spoke against the Guard Street properties reclassification request.

Paul Dossett, Friday Harbor, spoke against the Guard Street properties reclassification request.

No further comments regarding Guard Street were offered. Chair Iverson opened comments in regards to the Park Street reclassification request.

De Ette Bryant, property owner on Park Street, spoke in favor of the Park Street properties reclassification request from single family residential to professional services.

At 6:07 PM, hearing no further comments regarding Park Street, Chair Iverson opened public comments in regards to the proposed Airport Overlay District.

Ed Foster, representative from the Catholic Archdiocese in Seattle, indicated that the Friday Harbor Catholic Church, Saint Francis, is currently involved with facility planning and requested any decision regarding said proposed District be delayed 90 days. Mr. Foster entered a petition into the record; Exhibit H.

Norma Barrett, St. Francis parishioner, commented on the shortness of the public notice given; the Catholic Church's community character; and asked that the decision regarding an Airport Overlay District be delayed for 90 days or dismissed entirely.

Stephanie O'Day, Friday Harbor, opposed the single family/industrial split zone of property located on Mullis Street within the proposed Airport Overlay District and submitted a map of said property on Mullis, Exhibit I (Clerk's note: Exhibit I was later disqualified by Attorney Eaton for entry). Ms. O'Day suggested deleting proposed language in the Airport Overlay District in regards to limiting indoor assemblies that have occupancy above 40 people per acre. Ms. O'Day asked Mr. Bertrand to explain grandfathered uses and the balancing of interests.

Land Use Administrator Bertrand explained that the WSDOT came to Friday Harbor and gave a presentation regarding an Airport Overlay District with the Town Council and Port Commissioners in attendance. Mr. Bertrand explained the different options available on how to implement zoning that discourages incompatible uses near the airport. Mr. Bertrand explained how the "grandfathered clause" would affect several churches and schools within the proposed Airport Overlay District.

Walt MacGinitie, San Juan County resident, opposed the proposed Airport Overlay District.

Greg Davis, Friday Harbor resident, objected to the map submitted by Stephanie O'Day because he felt it related to a previous public hearing that has been closed.

Attorney Eaton indicated he needed time to review said map and determine whether or not it was relevant to the present public hearing.

Bob Nieman, San Juan County resident, asked that the Catholic Church's request for a delay be granted.

Richard Hobbs, San Juan County resident, stated appreciation for the work done by staff.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Kris DayVincent, San Juan Historical Museum, commented that the inadequate timeframe between receipt of the public notice and the public hearing did not leave enough time to investigate the impacts of the proposed Airport Overlay District to said Museum. Ms. DayVincent asked for additional time to reflect on further questions.

Howard Schonberger, San Juan County resident, encouraged delaying the decision and giving the public more time to investigate.

David Eden, St. David Episcopalian Church, supported a delay and indicated that the 40 people per acre proposed restriction would impact the Episcopalian Church because it has grown 300% in recent years

Steve Simpson, Port Director, admitted that the Port of Friday Harbor did encourage the Town to get involved with an Airport Overlay District, but the Port's concern was noise, not safety. Mr. Simpson stated that the Friday Harbor Airport is not a general aviation airport, but a non-hub primary airport. Mr. Simpson explained that airport safety is controlled by the FAA, and safety zones have already been established at Friday Harbor Airport and more safety zones are not necessary. Mr. Simpson encouraged joint planning between the Town and Port regarding an Airport Overlay District. Mr. Simpson entered letters from the Washington Airport Managers Association, marked Exhibit J.

Margaret Hall, Friday Harbor resident, opposed said proposed District and commented that the San Juan Community Theatre did not receive a notice regarding the public hearing. Ms. Hall opposed the devaluing of the property within said District.

Mike Carlson, San Juan County resident, stated that because the Friday Harbor Airport is not a general aviation airport, but a non-hub primary airport, he felt the Town had latitude to do nothing at this time.

Nancy Tiederman, San Juan County resident, supported delaying a decision so that more time could be taken to consider the implications of the restrictions within said District.

At 6:49 PM, Greg Hertel, Port Commissioner, explained the Port of Friday Harbor's position regarding surrounding airport zoning and allowable uses and asked the Town to eliminate safety zoning restrictions.

Valerie Turner, San Juan County resident, stated that testimony has been given that an Airport Overlay District is not needed due to safety issues, and that anyone you builds or buys near an airport should be aware of the noise issue. She asked what prompted this proposal.

Bruce Hoeller, San Juan County resident, questioned whether or not the Town has considered compensating property owners for the downzoning of their land, should this District be adopted.

Attorney Eaton, responding to Greg Davis' objection regarding Exhibit I that was entered by Stephanie O'Day, deemed that said Exhibit was not relevant to tonight's public hearing and therefore should not be admitted into the record and should be disregarded by the Planning Commission and Town Council.

At 6:56 PM, Chair Iverson asked for additional non-repetitive public input. None was forthcoming. Chair Iverson opened the public hearing to Council and Planning Commission questions.

Councilmember Brooks inquired about the impacts to the Town if an Airport Overlay District was not adopted. Land Use Administrator Bertrand responded that there would be no impact to the Town. Attorney Eaton elaborated that a delay of a decision regarding said issue was essentially a vote in



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

opposition to approve said District within this year's Comprehensive Plan amendment process, as a delay would put the Town outside of its September deadline to pass amendments to the Comprehensive Plan. Following clarification by Councilmember Brooks, Attorney Eaton responded that, in his legal opinion, the Town has no obligation to adopt an Airport Overlay District.

Commissioner Arnold inquired if the Town would have exposure with the Growth Management Hearings Board for being out of compliance with state laws if said District was not adopted. Attorney Eaton responded that he felt the Town had sufficient public input against said District to support the Town not adopting or delaying an adopting regarding an Airport Overlay District, should that decision be made.

Commissioner Illg asked the difference between a general aviation airport and a non-hub primary airport. Attorney Eaton pleaded lack of knowledge. Commissioner Coyne asked Port Director Simpson to answer said inquiry. Mr. Simpson explained the differences between the two airport designations.

At 7:03 PM, Commissioner Illg asked Mr. Simpson to summarize the history of accidents at the Friday Harbor Airport. Mr. Simpson answered that since the new airport was built in 1986 to FAA standards there has not been any serious accidents.

Commissioner Cross asked which set of laws, FAA or state law, would have priority over the other. Attorney Eaton indicated he did not know, but would investigate further. Mayor Boothman asked Attorney Eaton to also investigate whether or not Friday Harbor Airport was subject to the state laws regarding Airport Overlay Districts because it was not a general aviation airport.

At 7:06 PM, hearing no further comments from the public, members, or staff, Chair Iverson closed the public input portion of the meeting.

Mayor Boothman declared the Town Council portion of the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – August 4, 2005 @ Noon**

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, Charis Pruitt, Friday Harbor, thanked Council for supporting the ferry traffic control program. Ms. Pruitt commented on the effectiveness of said traffic control program.

### Historic Preservation Review Board (HPRB)

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Sandy Strehlou, Historic Preservation Review Board Coordinator, encouraged Councilmembers to visit and/or volunteer to work at the HPRB fair booth. Ms. Strehlou described said fair booth and related activities, and distributed a volunteer sign up list.

### System Administration Report

Steve Dubail, Computer System Administration Department, summarized activities of said department including web site popularity; equipment failures; spyware warnings; new software products; and other computer related efforts.

### Island Ambassador Program Update

At 12:15 PM, Jeff VanDerford, Ambassador Program Coordinator, described experiences that the Island Ambassadors have had with various visitors; ambassador training; sponsors; exit survey participation; ambassador benefits, and response to said program. Discussion followed regarding dissemination of data; and additional program details.

### Horse Drawn Carriages

Mayor Boothman opened Council discussion of private use of public right of way for commercial horse drawn carriages. Discussion began regarding a horse drawn carriage parking parallel or diagonally within established parking spaces. Administrator Fitch explained that, normally, parking tickets are not issued for oversized vehicles who take up two parking spaces.

Councilmember Emery commented that previous Council discussions resulted in Council asking the horse drawn carriage company to find a location for their horse drawn carriage business on private property. Following inquiry, Administrator Fitch indicated that said business has not articulated a private location to him as yet.

Councilmember Jones inquired if the carriage business was still adamant about the First and Spring Street location. Christina Dahl-Sesby responded that the area in front of Sam's Shoe business on Spring Street is not as advantageous, but could be successful. Ms. Sesby again extended an invitation to Council members to ride with her to see how well said carriage operated within Town.

Councilmember Brooks asked the Sesby's policy regarding blocking motorized vehicles. Ms. Sesby answered that in Town there was no area to pull over and therefore they can not move over to accommodate motorized vehicles. Ms. Sesby claimed that only 1% of drivers take exception to following a horse drawn carriage.

Councilmember Emery stated that her objection to the private use of public right of way was because it might set a precedent by adding another exemption to Town regulations. Councilmember Emery asked if Ms. Sesby could find a location on private property. Ms. Sesby responded that she did not want to conduct business within Town if she did not have a lucrative location.

Councilmember Jones acknowledged the business acumen of the Sesby's, but indicated the location at the corner of First and Spring Street was unacceptable.

Maureen Marinkovich, San Juan County resident, supported the Sesby's use of public right of way for their business.

Matt Marinkovich, San Juan County resident, supported the Town allowing private use of public right of way for a horse drawn carriage business because other cities, such as New York City, allow horse drawn carriage businesses to operate within the city.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Council discussion followed regarding location; private use of public ways; and using the horse drawn carriages as a traffic calming device. Following discussion, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1284. An ordinance amending Ordinance No. 1064 and FHMC Chapter 12.28 concerning private use of public property and amending Ordinance No. 1239 and FHMC Chapter 10.04 concerning restricted parking. Following discussion, the motion passed 4 to 1 with Councilmember Emery opposed.

Administrator Fitch asked Council for a preferred location for said private use of public right of way. Mayor Boothman suggested the area beside the Ferry staging area (Lot B) on Nichols Street. It was the consensus of Council that this location would be satisfactory.

### AWC RMS Presentation

At 12:57 PM, Paul Chasco, Association of Washington Cities (AWC) Risk Management Assistant Director for Insurance Services, presented the Town with a member equity refund check for \$8,249. Mr. Chasco explained that the claim years from 1996-1997 were closed with surplus funds, which were now being distributed to members. General discussion and inquiry followed.

### Administrator's Report

At 1:06 PM, Administrator Fitch reported that the Town has been selected to be a recipient of a \$640,000 federal grant to complete Phase 4 of the Guard Street improvement project. Administrator Fitch suggested the Town continue to divide the Guard Street project into phases 3 and 4 because of the complexities of the federal grant and that the Town currently did not have matching funds for the 4<sup>th</sup> phase of said project. Discussion followed regarding use of Small Cities Street program funding options.

Administrator Fitch reported that the draft 2005 amendments to the 2002 Comprehensive Plan, which will be discussed during the evening Town Council meeting, incorporates new stormwater capital improvement priorities that are also listed in the draft 2005 Stormwater Management Plan. Mr. Fitch indicated that new priorities may equate to stormwater utility rate increases. Discussion followed regarding utility rates and capital improvements.

Administrator Fitch reported on the arrival of the ozone generator, on loan from the City of Everett, at the Town's Water Treatment Plant.

### Minutes

At 1:18 PM, Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of July 21, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

### Non-agenda

Councilmember Gillette reported on the progress of the draft San Juan County Solid Waste Comprehensive Plan. Discussion followed.

Mayor Boothman asked Councilmembers Emery and Jones to decide what date and time worked best to schedule a 2006 Budget sub-committee meeting.

Mayor Boothman asked Council to bring their three top 2006 legislative priorities to the next Town Council meeting for discussion.

At 1:25 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – August 4, 2005 @ 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

Mayor Boothman led the meeting in the Pledge of Allegiance.

#### Public Access

During the public access portion of the meeting, Sharon Kivisto, San Juan County Resident, suggested the Town investigate whether or not the Small Cities Road Program funds could be used for improvements to Carter Avenue. Additionally, Ms. Kivisto requested that Administrator Fitch's discussions with Council regarding the complexities of administering the Federal grant for the Guard Street project be conducted in open session rather than individually, as stated previously. Administrator Fitch expressed that he had no reservations about discussing said project in open session.

#### Comprehensive Plan and Land Use Regulations

At 5:33 PM, Mayor Boothman opened discussion of the Planning Commission recommendations of changes to the Comprehensive Plan and Land Use Regulations. Mayor Boothman indicated that additional correspondence had been received by the Town following the public hearing held on July 28, 2005 regarding 2005 amendments to the 2002 Comprehensive Plan. Following discussion regarding public process, it was the consensus of Council that no additional public input was necessary.

#### **Airport Overlay District**

Land Use Administrator Bertrand opened discussion regarding the proposed Airport Overlay District. Councilmember Gillette moved and Councilmember Rosenfeld seconded to accept the Planning Commission's recommendation and postpone indefinitely the Airport Overlay District.

Councilmember Brooks asked Attorney Eaton to explain which entity, Federal Aviation Administration (FAA) or Washington State Department of Transportation (WSDOT), would dictate safety regulations around the airport. Attorney Eaton explained that the FAA controls safety issues within airport owned property, while property outside of the airport ownership falls within WSDOT guidelines.

Councilmember Brooks asked Attorney Eaton if it mattered that the FAA designates the Friday Harbor Airport as a non-hub primary airport rather than a general aviation airport, as referenced in RCW 36.70.547 (State law RCW 36.70.547 says a town, city or county with a general aviation airport "shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport"). Attorney Eaton answered that he could not find any state statutes that differentiated between the two designations.

Following discussion, the motion passed unanimously.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### **Comprehensive Plan Text Changes**

Land Use Administrator Bertrand indicated that the Planning Commission recommended acceptance of the various proposed text changes to the Comprehensive Plan. Administrator Fitch clarified that some of the language changes were to remove specific reference to a "dated" Town Plan to a more general reference to "the currently adopted" Plan. Administrator Fitch also explained that accepting the revisions to Table 6-1 as proposed would place new priorities in the Town's Comprehensive Plan in regards to the Town's storm water utility and thereby obligate the Town to raise funds to meet said new capital improvement priorities. Discussion followed regarding maintenance of stormwater ditches.

Councilmember Jones moved and Councilmember Gillette seconded to accept the Planning Commission recommendation regarding text changes and revised capital facilities Table 6-1 in the Town Comprehensive Plan.

Administrator Fitch pointed out that the Town Treasurer suggested the addition of a public works yard in Table 6-1 because real estate excise tax (REET) monies can be used for a capital improvement project that is listed in the Town's Comprehensive Plan.

Discussion followed regarding using REET funds for smaller projects, such as those suggested by the Transportation Advisory Committee. Administrator Fitch indicated he would ask the Town Treasurer upon her return and perhaps smaller projects could be added during the next Comprehensive Plan process. The motion passed unanimously.

Land Use Administrator Bertrand observed that the Town has not received any returned public hearing notices regarding the public hearing held on July 28, 2005.

### **Guard Street Properties**

Land Use Administrator Bertrand commented that the Planning Commission has recommended denial of the Guard Street properties request to change their classification from professional services to commercial. Councilmember Brooks moved and Councilmember Jones seconded to accept the Planning Commission's recommendation regarding Guard Street. The motion passed unanimously.

### **Park Street Properties**

Land Use Administrator Bertrand commented that the Planning Commission has recommended approval of the Park Street properties request to change their classification from single family residential to professional services in an effort to discourage single family residential in this area from a planning perspective. Councilmember Rosenfeld moved and Councilmember Gillette seconded to accept the Planning Commission recommendation regarding Park Street.

Discussion followed regarding how the Town inventories its single family residential properties; that changing the classification from single family residential to professional services does not prohibit the construction of single family residences; concerns with expansion of current professional service businesses within the area; and other businesses located near Park Street. Following discussion, the motion passed 4 to 1 with Councilmember Emery opposed.

### **Magnum Investments**

Land Use Administrator Bertrand reported that the Planning Commission recommendation was to split zone the requested property between single family residential (SFR) and industrial (IND).

Councilmember Brooks inquired about procedure in regards to her attendance at legislative public hearings. Following inquiry and comments by Attorney Eaton, it was determined that Ms. Brooks could remain, deliberate, and vote on said request.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Following inquiry regarding buffers, Attorney Eaton explained that even if Council voted to split zone the subject property, this did not automatically change the lot lines on the subject property. He stated that, if approved, the Town Comprehensive Planning Map may show a line dividing the property into SFR and IND, but the property owner would still have to apply for a re-plat to actually change property lines.

Mayor Boothman asked Mr. Bertrand to lay out the different options available. Mr. Bertrand observed four options. 1. Follow Planning Commission recommendation and split zone the properties. 2. Reclassify the properties to industrial (IND). 3. Leave the properties as currently zoned (SFR). 4. Adjust the split zoning to different proportions.

Discussion followed regarding buffers; buildable area; footage of property; and how the elimination of the proposed Airport Overlay District affected this decision.

Councilmember Jones moved and Councilmember Rosenfeld seconded to accept the Planning Commission recommendation. Following discussion, the motion passed 3 to 2 with Councilmembers Brooks and Gillette opposed.

### Non-agenda

At 6:35 PM, Administrator Fitch attempted to explain the complexities of the Federal grant requirements for the Guard Street improvement project. Following discussion and inquiry, Administrator Fitch indicated he would keep Council informed as more information becomes available.

### Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the payment of claim warrants #26585 through #26639 in the amount of \$60,845.59 and payroll warrants #10957 through #11004 in the amount of \$166,568.51. The motion passed unanimously.

### Non-agenda

Mayor Boothman asked Councilmembers Emery and Jones if they came up with a day and time to meet to discuss the Town Budget. They indicated Thursdays at 10:00 AM would be suitable.

Councilmember Brooks reported that the 2<sup>nd</sup> ferry slip may be kept longer than originally planned.

Councilmember Rosenfeld reported on a conference call between San Juan Commissioner, Kevin Ranker, and Washington State Ferry Director, Mike Anderson regarding the revival of the Intermodal Committee. Mr. Ranker reported that Mr. Anderson would like to postpone said Committee meetings until sometime in December.

Discussion followed regarding the ferry traffic control program; training and supervision of said program; and the need to collect data in a consistent manner. Following discussion, Councilmember Jones suggested contacting a university and asking for an industrial engineering undergraduate student to come and gather the necessary data.

Councilmember Rosenfeld commented that when the Town writes future franchise agreements it should leave open the possibility for the Town to operate a wi-fi network should it ever want to in the future.

At 7:06 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – August 18, 2005 @ Noon**

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

Members present: Brooks, Emery, Jones, & Rosenfeld  
Council excused the absence of Councilmember Gillette.  
Others present: Town Administrator Fitch & Treasurer Picinich

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

#### Ferry Traffic Control Program

Seeing that Sheriff Cumming was not yet in attendance, Mayor Boothman asked Mike Akin, President of Anchor Management Inc., who provides the ferry traffic control program services, to begin his presentation.

Mr. Akin read a statement into the record that described the history of the ferry traffic control program beginning in 1996. Mr. Akin explained how the Town has taken the lead in collecting data regarding ferry unloading and loading while the traffic control program is in place, and next week will collect data while the traffic control program is suspended to compare the effectiveness of the program.

Councilmember Brooks expressed her support for said program and dismay at statements made against the effectiveness of the program. Ms. Brooks emphasized that it was the pedestrians that caused delays in the ferry unloading.

Councilmember Rosenfeld indicated that he supported the program but felt it needed to be "fine tuned". Councilmember Rosenfeld asked which agency, (Town, Washington State Ferries, or San Juan County) was the "point person" to administer the contract with Anchor Management. Following clarification, Mr. Akin indicated that no single entity managed the contract with his company.

Councilmember Emery clarified her previous concerns regarding the lack of data collection and how said documentation would help the Town direct its future efforts towards a larger solution.

Mayor Boothman supported obtaining baseline measurements that would help to prove the ferry traffic control program's efficiency or inefficiency and guide future expenditures for this program.

Councilmember Jones suggested that a managing entity should to be identified to manage the contract and data should be gathered for measurement purposes.

Discussion followed regarding the infrequent use of Court Street and the temporary ferry slip.

#### Sheriff Report

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

At 12:32 PM, Sheriff Cumming expressed support for the summer traffic control program and reported that no car or pedestrians accidents have occurred in relation to ferry unloading. Mr. Cumming supported collecting data for measuring the effectiveness of the program.

Sheriff Cumming commented on recent drug related court sentences that he felt were directly related to a well-organized Sheriff Department investigation.

Mayor Boothman asked Sheriff Cumming if he had any suggestions to improve the ferry traffic control program. Mr. Cumming indicated he has given Mr. Akin several suggestions that have been incorporated into said program.

Councilmember Rosenfeld inquired about a perceived increase in homeless people with Friday Harbor. Sheriff Cumming responded that he did not feel the homeless population has increased, however they have been more visible and in transit. Discussion and inquiry followed.

### Land Use Administrator Report

At 12:43 PM, Land Use Administrator Bertrand distributed a spreadsheet depicting ferry arrivals and departures, traffic control program data, and explained said data. Mr. Bertrand also distributed year to date Building Department information.

### Resolution #1464

Mayor Boothman introduced draft Resolution #1464. A resolution authorizing the Mayor to execute a contract for the Malcom Street Sewer Replacement Project for eighty one thousand eight hundred twenty one dollars and 00/100 (\$81,821.00) with Richard Lawson Construction. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Brooks seconded to adopt Resolution #1464 as stated. Following inquiry, the motion passed unanimously.

### Resolution #1465

Mayor Boothman introduced draft Resolution #1465. A resolution designating the Journal of the San Juans as the source for legal printing and other official publications for the Town of Friday Harbor for the period August 19<sup>th</sup>, 2005 through July 31<sup>st</sup>, 2006. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt Resolution #1465. The motion passed unanimously.

### Administrator's Report

At 12:57 PM, Administrator Fitch described repairs to the on-loan ozone generator that were necessary prior to the beginning of the ozone pilot study. Administrator Fitch reported discussions with other island water purveyors who have an interest in the Town's pilot study.

Administrator Fitch reported on a field inspection conducted by the Association of Washington Cities (AWC) for loss control. Mr. Fitch indicated the Town received an "A" on its inspection results, along with the recommendation that Town supervisors attend personnel training. Councilmember Emery volunteered to look into when San Juan County is scheduled to hold supervisor training classes and report back to Mr. Fitch.

Administrator Fitch reported on a workshop to update the San Juan County Comprehensive Plan on August 24, 2005 in the Friday Harbor Senior Center.

### Minutes

At 1:05 PM, Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of August 4, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Non-agenda

Councilmember Rosenfeld inquired if there had been any developments regarding the San Juan County Solid Waste Advisory Committee. Administrator Fitch commented that he thought a new Solid Waste Manager had recently been hired. Scott Rasmussen, reporter for the Journal of the San Juans newspaper, concurred with this statement.

Councilmember Rosenfeld commented on the second ferry slip remaining through its useful life. Councilmember Emery indicated that a recent newspaper advertisement, in the form of a letter from the Washington State Ferries Director, seemed to indicate it would not be remaining.

At 1:16 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – August 18, 2005 @ 5:30 PM**

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

Members present: Brooks, Emery, Jones, & Rosenfeld

Council excused the absence of Councilmember Gillette.

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

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

### Public Hearing – Churchill Square

Prior to beginning of the meeting, the following exhibits were marked A-F: Exhibit A, a Town Comment Form filled out by Veronica Metcalfe; Exhibit B, a map depicting other buildings within Town in the same zone that have similar building situations; Exhibit C, Churchill Square Site Plan; Exhibit D, Proposed Open Space Plan; Exhibit E, Open Space Option C; Exhibit F, Existing Site Plan. (Each of these exhibits was used for reference during the public hearing.)

Mayor Boothman opened the public hearing for consideration of Variance Application #25 from J & Y Ventures for property located on the corner of Harrison and A Streets.

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 inquiries regarding interest in the property; gain or loss of financial benefit (Councilmember Brooks disclosed that the bank she is employed by may have some future financial benefit. Attorney Eaton indicated that he felt Councilmember Brooks could participate under those circumstances), and communication with opponents or proponents of said variance. Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Mayor Boothman instructed those present of public hearing procedures and asked Zoning Coordinator, Warren Jones, to present the staff report.

Mr. Jones summarized the 13-page staff report dated 8/5/05. Mr. Jones described corrections to said staff report. Mr. Jones explained the zoning of the subject property, as well as, surrounding properties; and mailing and newspaper notification procedures. Mr. Jones indicated only one written comment was received regarding said variance, which was designated Exhibit A. Mr. Jones entered in Exhibit G, a map depicting the two lots under variance consideration. Mr. Jones described the variance was to develop two lots together as one lot and average the different setbacks allowed within the two differently zoned lots. Mr. Jones used Exhibit B to point out various grandfathered buildings within Town that currently violate Town regulations. Mr. Jones stated that staff recommends approval of Variance Application #25.

Mayor Boothman opened the public hearing to applicant comments.

At 5:43 PM, Anna Justiss, D & A Studio and applicant representative, used Exhibits C – F to describe proposed setbacks, open space allotment, and pedestrian walkways.

Mayor Boothman opened the public hearing to audience comments.

John Linde, lawyer for adjacent property owner Lee Anderson, commented that the applicant is given the burden of establishing the criteria for a variance. Mr. Linde suggested that Council could legislatively expand or change the definition of the downtown core in the future, but should not approve this variance request based on current Town regulations. Mr. Linde corrected page 1 of the staff report concerning which lot number was within the downtown core (Lot 4) and which lot was outside of the designated downtown core (Lot 3). Mr. Linde observed that Town regulations establish criteria that allow variances to property owners who are going to lose property rights because of a unique feature of their property, not because of a difference in zoning line designations. Mr. Linde maintained that denying this variance will not deny the applicant of any property rights. Mr. Linde stated the basis why he felt the variance was not in compliance with Town regulations and urged Council to deny said variance request.

Anna Justiss, applicant representative, observed that the variance request is not to oblige the building site itself, but rather create more open space to accommodate a public pedestrian walkway and protect the corner rock for public viewing and access. Ms. Justiss suggested Council grant the variance contingent on allowing open space for the public. Ms. Justiss expressed various reasons why the variance was in the public's best interest to approve and how the unique condition of the site is that it lies within a transition zone between the downtown core and properties outside of the downtown core.

Mayor Boothman asked for additional audience comments; none were forthcoming. Mayor Boothman asked for staff comments. Zoning Coordinator Jones responded that he thought the idea of a transition zone around the downtown core was a good idea to consider. Following inquiry, Attorney Eaton had no input.

Geody Howden, PO Box 434 Friday Harbor, stated that he was a former ferry terminal employee and that he felt a pedestrian walkway through the subject property would enhance pedestrian circulation near the ferry landing.

Mayor Boothman opened the hearing to Council questions. Councilmember Emery expressed concerns about lot coverage should the variance be granted. Zoning Coordinator Jones answered that the Town would not be committed to any certain percentage of lot coverage.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Brooks inquired if the Council were allowed to place conditions on the variance. Attorney Eaton answered in the affirmative, but indicated the conditions must be relevant to making the variance request meet the criteria.

Councilmember Jones inquired what year the historic Churchill Square building was built. Historic Preservation Coordinator Strehlou answered that it was near the turn of the century. Councilmember Jones asked Zoning Coordinator Jones about the current building footprint. It was determined the current footprint was approximately 50%.

Councilmember Rosenfeld asked if sidewalks will be required on A Street during development of the property. Zoning Coordinator Jones answered that sidewalks would be required. Attorney Eaton commented that Council should base their decision on whether or not the criteria to grant a variance are being met, and not on whether the proposed variance may have good public benefit, unless the benefit is listed within the variance criteria.

Councilmember Rosenfeld asked for clarification regarding a firewall between the new building and the adjacent property owner's building. Land Use Administrator Bertrand answered that it would be required.

Using Exhibit D, Councilmember Rosenfeld asked if parking would be accessed via the adjacent property. Ms. Justiss answered in the affirmative.

Councilmember Brooks asked if the applicant had submitted all information to Council. Ms. Justiss answered in the affirmative.

Councilmember Rosenfeld asked Zoning Coordinator Jones if the Town Planning department had imminent plans to change the downtown core boundaries. Mr. Jones answered that staff had differing opinions regarding this issue. Mr. Jones pointed out that 100% of Lot #4 could be built upon under current downtown core regulations, and the rock knob area could be eliminated.

Councilmember Brooks asked for clarification regarding language on page 5 of the staff report regarding open space. Zoning Coordinator Jones clarified his intent regarding said open space language. Following inquiry, Attorney Eaton specified that an open space condition could be added to the variance if it were tied to a specific criterion that without the open space condition the criteria would not be met. Councilmember Brooks asked for clarification of which property the variance would apply. Attorney Eaton explained how the variance request was for Lot 3, but would impact both properties.

Mayor Boothman asked for clarification that the averaging of the open space would not apply to any specific future building site as proposed in some of the exhibits. Attorney Eaton answered in the affirmative.

John Linde, neighboring property owner representative, described lot coverage as proposed and emphasized that the applicant has not met their burden of proof that a variance is necessary.

Land Use Administrator Bertrand explained that the rock outcropping is a special circumstance for this property and a part of island history.

Councilmember Rosenfeld asked for a legal interpretation, if Council should be considering the special feature that is located on Lot 4, while the variance is technically for Lot 3. Attorney Eaton answered that in theory the special feature should be on the lot requesting the variance.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Anna Justiss stated that because the variance would be placing restrictions on both subject properties, she felt the rock should be taken into consideration. Ms. Justiss suggested placing conditions that outline specifics of the open space requirements.

Geody Howden commented that special circumstances are present because the proposed open common area and pedestrian pathways would assist pedestrians walking off the ferry.

Councilmember Brooks inquired about the public benefit. Using Exhibit E, Ms. Justiss answered that the proposed through connection would benefit the public by providing an alternative route for people traveling the busy streets and sidewalks.

John Linde suggested that even if a variance was granted, there is no guarantee that the rock outcropping would remain. Mr. Linde mentioned that granting this variance may set a precedent for other downtown core perimeter lot owners to request a variance also.

Discussion and inquiry continued between Council and staff in regards to open space as it would apply to conditions of the variance.

Anna Justiss specified that the Town could place a requirement that required certain amount of open space or a through pathway.

Lee Anderson, adjacent property owner, suggested that nothing in the Town regulations prohibited the applicant from building a smaller structure and preserving the rock outcropping. Mr. Anderson expressed concerns with a fire wall without windows adjacent to his building. Mr. Anderson also stated that the sidewalks, which will be required during development, on A Street will provide sufficient public walkways.

Anna Justiss stated that the drawings presented were only mass drawings and did not reflect building design.

At 6:46 PM, hearing no further public input, Mayor Boothman closed the public input portion of the meeting and opened Council deliberations.

Councilmember Rosenfeld explained his past history with the Churchill Square building. Attorney Eaton asked Mr. Rosenfeld to determine if he could still be fair and impartial in light of the previous statement. Councilmember Rosenfeld asked to be given a moment to decide.

Councilmember Jones stated he did not feel the applicant met his burden of proof that a variance was necessary per the Town regulations. Councilmember Brooks agreed. Councilmember Emery agreed that although the property was unique in some ways, the reasons for granting a variance were not sufficiently presented.

Upon inquiry, Councilmember Rosenfeld decided to recuse himself to appear fair. At 6:54 PM, Councilmember Rosenfeld left the room.

Councilmember Jones moved and Councilmember Brooks seconded to deny Variance Application #25 and ask staff to prepare findings of fact and conclusions of law to support said decision. The motion passed unanimously.

Councilmember Rosenfeld returned to the Council Chambers.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Ordinance #1285

At 7:02 PM, Mayor Boothman introduced draft Ordinance #1285. An ordinance amending the 2002 Town of Friday Harbor Comprehensive Plan and Comprehensive Plan Land Use Map and repealing Ordinance No. 1256 in its entirety. Administrator Fitch explained the particulars of said Ordinance. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1285 as presented. Land Use Administrator Bertrand clarified that, in regards to the Magnum Investment property near Mullis Street, the setback between the single family property and the industrial property would be 70 feet rather than the previously stated 50 feet. The motion passed unanimously.

### Claims

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #26641 through #26697 in the amount of \$151,208.52. The motion passed unanimously.

At 7:07 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – September 1, 2005 @ Noon**

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, Fire Chief Low asked Council to consider paying a \$100 per day stipend to volunteer firefighters who would volunteer to go to Louisiana to assist in the Katrina Hurricane relief efforts for a maximum of 3 volunteer firefighters for 10 days at the request of the American Red Cross. Additionally, Chief Low asked Council permission to allow Fire Training Officer Chaffee the opportunity to assist in said relief efforts through the Federal Emergency Management Agency (FEMA) at no cost to the Town other than the absence of Mr. Chaffee. Chief Low said that FEMA has also indicated a need for the use of the Town's fireboat, Confidence, for search and rescue purposes and asked for Council direction regarding same.

Discussion and inquiry followed regarding concerns for volunteer safety and boat use. Mayor Boothman suggested further discussion be delayed until the evening Town Council meeting.

### Guard Street Reconstruction Project

At 12:10 PM, John Van Lund, San Juan County Engineer, announced that San Juan County was willing to spend \$300,000 of its Surface Transportation Program (STP) funds to help the Town complete Phase 4 of the Guard Street Reconstruction project; pending the approval of the San Juan County Board of County Commissioners. Mr. Van Lund detailed rationale why it would be more efficient to complete Phase 3 and Phase 4 of said project at the same time. Mr. Van Lund suggested other joint Town/County/Port operations to work for the common good of residents.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### SJ Community Housing Trust

At 12:21 PM, Nancy DeVaux, executive director for the San Juan Community Housing Trust, introduced Larry Soll, board member for said Trust. Mr. Soll thanked the Town Council for legislation that defers the payment of Town utility connection charges for affordable housing developments. Mr. Soll indicated that housing costs within San Juan County have increased 35% in the last few months, while the median income has not increased at the same rate. Mr. Soll spoke of the need for more multi-family residential lots within Town for affordable housing projects. Ms. DeVaux asked Council to fund approximately \$11,475.70 in building permit fees for the next phase of the Salal Neighborhood affordable housing project. Ms. DeVaux distributed information showing what other communities are doing to support affordable housing projects.

Councilmember Rosenfeld suggested providing legislation for deferment of said building fees rather than the Town budgeting for their funding. Mr. Soll indicated a deferral program would be acceptable.

Discussion followed regarding the stormwater retention pond at the Salal Neighborhood and the difference in construction methods that will be used on the last phase of said neighborhood. Mayor Boothman delayed further discussion until the evening Town Council meeting.

### Amended Budget Public Hearing

At 12:37 PM, Mayor Boothman opened the public hearing on the proposed amendments to the 2005 Town Budget. No audience input was forthcoming. Council, Administrator Fitch and Treasurer Picinich discussed various aspects of the proposed 2005 amended budget.

At 1:15 PM, hearing no public input, Mayor Boothman closed the public hearing to amend the 2005 Town Budget.

### Ordinance #1286

Mayor Boothman introduced draft Ordinance #1286. An ordinance amending the 2005 Budget for the Town of Friday Harbor. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1286. The motion passed unanimously.

### Census 2010

Due to time restraints, Mayor Boothman canceled this discussion.

### Administrator's Report

Administrator Fitch reported on discussions between the Town, the Town's wastewater engineering firm, Brown and Caldwell, and the Department of Ecology to negotiate a compliance order in regards to violations of the Wastewater Treatment Plant (WWTP) discharge permit. Mr. Fitch observed that the cost of instigating said compliance items will be approximately \$600,000. Discussion followed regarding the Intend to File Suit received from the Puget Soundkeepers Alliance regarding said WWTP violations.

Ed Dix, Brown and Caldwell Treatment Specialist, observed that the Town WWTP was in compliance with its discharge permits for August. Mr. Dix discussed different treatment options available for treating the inflow of salinity at said plant. Mr. Dix, along with Sewer Department Leadman, Don Reitan, answered inquiries regarding treatment; odor; and the merits and demerits of hauling sludge to the mainland.

Administrator Fitch informed Council that Brown and Caldwell have offered to provide Mr. Dix to assist the Town treatment plant operators with plant operations at a cost of \$30,000. Councilmember Jones

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

moved and Councilmember Brooks seconded to approve said proposed expenditure. The motion passed unanimously.

At 1:50 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – September 1, 2005 @ 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.

#### Stormwater Management Plan Public Hearing

At 5:32 PM, Mayor Boothman opened the public hearing on the proposed changes to the Stormwater Management Plan. No public input was forthcoming.

Councilmember Rosenfeld questioned the necessity to update the Stormwater Management Plan in light of recent developments concerning the submarine sewer line and the corresponding increased expenditures involving same.

Administrator Fitch indicated that said Plan was a tool to use for planning future projects and that any stormwater projects would be based upon funding and debt availability.

Councilmember Jones inquired into why the first project of said Stormwater Plan was scheduled to begin in 2007 rather than 2006. Administrator Fitch answered that the lack of funding and designed construction plans would delay any projects until 2007.

Councilmember Emery suggested completing the Marguerite to Guard Street stormwater improvements during the Guard Street improvement project scheduled for 2006. Administrator Fitch answered that the Guard Street improvement project will provide stormwater connection infrastructure for the future Marguerite stormwater improvements.

Administrator Fitch explained various clerical errors and the particulars of the 2005 Stormwater Management Plan. Mr. Fitch emphasized that passage of said Plan commits the Town to raise the necessary revenues to construct said improvements, which may result in a stormwater utility rate increase.

Councilmember Brooks inquired about the private owners' responsibility regarding maintenance of stormwater ditches on their property. Discussion followed regarding new construction versus natural water courses on private property.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Janet Wilson, 765 Larsen Street, thanked the Council and Town for their responsiveness in cleaning ditches and re-routing water near her property last winter. Ms. Wilson inquired if the proposed ball fields on Carter Avenue will be connected to the proposed future storm drainage improvements. Administrator Fitch answered that current plans for the proposed ball field's drainage were that they would be included either in the Village Grove or Fox Hall developments detention systems and then piped to Tucker Avenue once the Town's stormwater infrastructure was in place.

Councilmember Gillette inquired if Ms. Wilson would object to the Town cleaning the natural water course on the backside of her property. Ms. Wilson responded that she would not object, but was unsure of the exact ownership of said natural water course. Discussion followed regarding upstream development and ditches.

At 6:02 PM, hearing no further public input, Mayor Boothman closed the 2005 Stormwater Management Plan public hearing.

### Resolution #1466

Mayor Boothman introduced draft Resolution #1466. A resolution adopting the 2005 Stormwater Management Plan.

Councilmember Emery inquired where the Town of Friday Harbor fell within the ranking of stormwater utility rates. Administrator Fitch answered that the Town fell within the mid-range compared to other cities that have stormwater systems. Discussion followed regarding possible future governmental controls regarding stormwater and governments function in alleviating the impact of development.

Councilmember Jones moved and Councilmember Emery seconded to adopt Resolution #1466 as stated. The motion passed unanimously.

### Resolution #1467

At 6:08 PM, Mayor Boothman introduced draft Resolution #1467. A resolution establishing a Hotel Motel Excise Tax Grant Program and adopting amended policies and procedures for administering the program and repealing Resolution #1161 in its entirety. Councilmember Jones explained the particulars of said Program. Mr. Jones indicated that the Lodging Tax Advisory Committee unanimously supported said Program as presented.

Councilmember Brooks expressed concern that said Hotel Motel Program did not support the local San Juan Island Chamber of Commerce. Councilmember Emery agreed and explained that it is the Chamber's Visitors Center on Spring Street that specifically should be funded with hotel motel funds.

Councilmember Gillette commented that the Chamber was not excluded from submitting a hotel motel grant application for funding.

Councilmember Emery suggested the Town budget an annual amount to support said Visitor's Center.

Discussion followed regarding whether or not Council should set aside a portion of the hotel motel funds outside of the designated program during the annual budget process; the definition of the "shoulder season"; whether or not the Chamber's Visitors Center falls within the criteria to receive hotel motel funds; and the purpose of the additional 2% tax.

Liz Illg, Chamber President, observed that all of the San Juan County Hotel Motel funds are designated for the San Juan Island Visitors Bureau (SJIVB) with a contractual requirement that 12% of said funds be re-distributed from the SJIBV to the Lopez, Orcas, and San Juan Island Chamber of Commerce.



## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Debbie Pigman, Chamber Executive Director, mentioned that if the San Juan Island Chamber of Commerce received hotel motel funds from the Town, they would be used to manage the Visitors Information Center located on Spring Street. Ms. Pigman also noted that several Chamber organizations in other Towns are funded via hotel motel funds.

Councilmember Jones moved and Councilmember Gillette seconded to adopt Resolution #1467 as presented. Councilmember Brooks asked that further Council discussion take place regarding designating a portion of hotel motel funds for the operation of the San Juan Islands Chamber of Commerce's Visitor Information Center. Mayor Boothman indicated said discussion could take place during 2006 Budget work sessions. The motion passed unanimously.

### J & Y Ventures Findings of Fact

At 6:48 PM, Mayor Boothman opened discussion of the Findings of Fact and Conclusions of Law pertaining to Variance Application #25. Councilmember Brooks moved and Councilmember Jones seconded to adopt said Findings. The motion passed 3-0, with Councilmember Rosenfeld not voting because he recused himself on said Variance, and Councilmember Gillette not voting because he was not in attendance at the public hearing.

### 2006 Legislative Agenda

Mayor Boothman asked that this discussion be postponed due to time constraints.

### Non-agenda

#### Resolution #1468

Mayor Boothman introduced draft Resolution #1468. A resolution authorizing the Town Treasurer to cancel warrants and/or checks in the amount of \$149.79. Councilmember Emery moved and Councilmember Brooks seconded to adopt Resolution #1468. The motion passed unanimously.

### New Orleans - Fire Chief Request

Mayor Boothman opened discussion of the three requests made by Fire Chief Low at the noon Town Council meeting regarding sending paid staff, volunteers, and equipment to New Orleans to help with the Katrina Hurricane disaster relief.

Administrator Fitch indicated that the American Red Cross has requested volunteer firefighters' assistance in New Orleans. Town Fire Chief has requested \$3,500 to pay a \$100 per day stipend to 3 volunteer firefighters to spend 10 days in New Orleans helping in said relief efforts. Councilmember Gillette moved and Councilmember Jones seconded to approve of said expenditure. Discussion followed regarding the unsafe conditions being reported in New Orleans; if approving of said stipend obligates the Town in any further liabilities; and the merits of the training and experience that will be received by the volunteers. The motion passed unanimously.

Following discussion regarding the Town Fire Training Officer, Frank Chaffee, to travel to New Orleans at the request of the Federal Emergency Management Agency (FEMA) at no cost to the Town except the absence of said Officer, Councilmember Rosenfeld moved and Councilmember Gillette seconded to allow the absence of Mr. Chaffee under the management of the Town Administrator.

Following discussion, it was the unanimous consensus of Council that FEMA's request for the Town's fireboat, Confidence, should be declined.

### Housing Trust Request

At 7:15 PM, Mayor Boothman opened discussion of the request by the San Juan Community Housing Trust to waive certain development fees. Regarding a deferral program for said fees, Attorney Eaton

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

indicated he would need to investigate if there was any statutory authority to establish a deferral program of this type. Following discussion, Council determined that they were not prepared to waive the requested development fees at this time.

### Joint Meeting with the County Commissioners

Council discussed dates as proposed by the San Juan County Clerk of the Board for the next joint meeting between the Town Council and Board of County Commissioners. Following discussion, October 10<sup>th</sup> was selected (Clerk note: later it was determined this date should have been October 11<sup>th</sup>).

### Minutes

At 7:26 PM, Councilmember Gillette moved and Councilmember Emery seconded to approve the Town Council minutes of July 28, 2005 at 5:30 PM as written. The motion passed unanimously.

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the Town Council minutes of August 18, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously, with Councilmember Gillette abstaining as he was not in attendance for said meetings.

### Claims & Payroll

Councilmember Gillette moved and Councilmember Brooks seconded to approve the payment of claim warrants #26700 through #26746 in the amount of \$69,888.98 and payroll warrants #11005 through #11052 in the amount of \$173,598.49. The motion passed unanimously.

### Additional Administrator's Report

Administrator Fitch explained several 2005 budget amendment inquiries Council had from the noon Town Council meeting.

Administrator Fitch reported that the bids for the Memorial Park Renovation Project will be opened on October 11, 2005.

Following Administrator Fitch's inquiry, Council agreed that Mayor Boothman should write an endorsement letter supporting the San Juan County Solid Waste Department to the Department of Ecology regarding the 2006-2007 Coordinated Prevention Grant Application for a household hazardous waste program.

Administrator Fitch asked for Council direction regarding the timeframe for discussing the Department of Ecology's compliance schedule and order. Mr. Fitch detailed the different options as either directing the Town's engineers to develop a scope of work and contract to proceed with requirements of the DOE compliance order, or continue this meeting to another meeting next week to further discuss the issue, or direct the Mayor to agree to the DOE compliance schedule as drafted. Administrator Fitch indicated a final Council decision was necessary by mid-September. Discussion followed regarding the Puget Soundkeepers Alliance's intent to sue the Town regarding violation of its wastewater treatment plant discharge permits and how best to handle said complaint. Following discussion, Council indicated that final discussion and decision should be scheduled for the next Town Council agenda on September 15, 2005. Council agreed that Administrator Fitch should contact DOE to obtain a signed copy of said order.

Following Mayor Boothman's inquiry regarding the 2006 Town Budget, Council concurred that they wanted to review the 2006 budget requests, but the Budget Committee making preliminary decisions regarding funding was acceptable.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

At 7:48 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – September 15, 2005 @ Noon**

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

Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld

Others present: Town Administrator Fitch

The Pledge of Allegiance was led by Mayor Boothman.

Mayor Boothman asked if there was any one who would like to use the public access time to address the Council, the Staff, or the Mayor. No response was heard from the audience.

#### Gartrell Group Presentation

Bryce Gartrell from the Gartrell Group was introduced and made a presentation regarding a Geographic Information System (GIS). Mr. Gartrell explained how a GIS could be useful in bringing Town department data sets together into one system. A map of the Town was used as a sample of what kinds of data could be merged. The data used in the sample map were traffic counts, and a utility layer including water mains, fire hydrants, sewer and stormwater systems. Paul Dossett from the County Assessors office was introduced to comment on the County's GIS. Systems Administrator, Steve Dubail, and Water Department Leadman, Mike Deegan, spoke in favor of the system and noted how time could be spent more wisely with a GIS. Access to fire hydrants with flow data for the Fire Chief was discussed. Discussion concerning costs, current in-house mapping and data maintenance was heard. Two San Juan County Public Works employees spoke how the GIS has helped them and how the public benefits from it as well.

#### Resolution #1469

Discussion began regarding a resolution authorizing the Mayor to execute an agreement between the Town and John Jensen, an independent contractor, to provide code compliance services. Administrator Fitch explained that the contract was annual and had been renewed for several years. The Administrator noted that Mr. Jensen has asked for a \$2.00 increase to total \$40.00 an hour. Councilmember Rosenfeld asked what the current cost of living was and what the hourly wage would be. A total of \$39.05 was heard. Councilmember Brooks questioned Jensen's hours worked and asked how much it would cost the Town with the increase. Administrator Fitch noted that in the last 12 months the cost to the Town was \$12,000. Councilmember Emery noted that the 2005 budget was for \$10,000 and discussion regarding placing a cap on the budgeted amount was heard. Mr. Fitch explained that the budget was just amended for this service and commented that caps could certainly be put in place. The Administrator clarified page 3 of Jensen's contract. Councilmember Rosenfeld asked Mr. Fitch about the fines collected for infractions and how much the Town actually receives. The Administrator explained that Mr. Jensen has recently set up a spread sheet, so that he and Treasurer Picinich could track infractions written by Mr. Jensen. Mr. Fitch informed the Councilmembers that Mr. Jensen was performing adequately and was enforcing regulations fairly. Councilmember Jones moved

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

to adopt Resolution # 1469, Councilmember Emery seconded the motion. All Councilmembers answered in favor of Resolution #1469.

### Joint Meeting with the Board of County Commissioners (BOCC)

Mayor Boothman announced the next joint meeting with the BOCC would be held on October 11, 2005, which is on a Tuesday. Councilmember Brooks suggested that the draft agenda topic should read "Housing Bank Ordinance" instead of Affordable Housing Agreement. Mrs. Brooks volunteered to send the minutes of the Housing meeting to the Councilmembers before the joint meeting took place. The topic of the Intermodal Transportation Study (ITS) on the agenda was discussed. Administrator Fitch volunteered to provide more information regarding the ITS after a planned 3:00 PM meeting with San Juan County Commissioner Ranker and Russ East of Washington State Ferries during the evening Town Council meeting. The agenda was agreed upon by all Councilmembers.

### Transportation Advisory Committee (TAC) Report

At 1:00 PM discussion began on the above. Councilmember Jones suggested that all the striping recommendations of the TAC report be completed. Administrator Fitch reported that the striping on Marguerite Place will be completed by the end of September. The Administrator spoke of complications of striping and coordinating with the County when striping services were available. Councilmember Emery spoke of budgeting the top priority recommendations from the TAC and hoped that the Council would look closely at finding solutions to the problems for the 2006 budget. The top priorities were discussed and Betty Gilson, TAC Member, was asked to comment on the problems facing the Harrison St, C Street and Geneste Street intersections. Ms. Gilson, 240 Harrison Street, suggested to the Council that they exercise preventative thinking at said intersection and consider the problems with the limitations of sight distance, which was not a part of the TAC's original recommendations. Traffic calming devices were discussed as well as ways to slow incoming traffic into the Town limits. Sharon Spangler, 495 Rose Lane, TAC member, spoke of TAC's suggested rumble strips and a traffic circle to slow vehicles at the corner of Harrison and C Streets. Councilmember Jones suggested a traffic circle at the corner of Harrison and Geneste Streets. Administrator Fitch spoke of the difficulties of a traffic circle due to the large number of trucks that use the streets. Councilmember Rosenfeld spoke of the difficulties in implementing the TAC report and asked if a sub-committee would be necessary for the Council to prioritize the recommendations. After a brief review from Administrator Fitch regarding adoption vs. acceptance, Councilmember Jones moved to accept the final report of the 2005 TAC recommendations. Councilmember Rosenfeld seconded the motion. Discussion followed and Councilmember Brooks spoke of Carter Street problems and how they were not addressed in the TAC's report. A TAC sub-committee was formed with volunteers Rosenfeld and Emery. Gratitude was expressed for the TAC and the members were asked if they would like to make final comments. Betty Gilson asked the Council to look more carefully at the recommendations as there are specific problems and proposed solutions addressed in the report. Ms. Gilson also noted that Carter Street was addressed when it was not so eminent as it was today with the possibility of ball parks in the area and asked to leave the recommendations open for additional problems that the Council faced. All voted in favor of accepting the TAC's final recommendations.

### Administrator's Report

Administrator Fitch reported that the water treatment plant was making ozone and the raw water temperature has not changed yet, so the Town is still within the high range of the lake temperature. The Administrator explained there were no lab results available at this time. Submarine sewer main problems were discussed and Mr. Fitch reported that dye tests were ran and they had found a leak on a side service sewer at 560 Warbass Way.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Mr. Fitch reported on his recent meeting with the County regarding relief efforts for hurricane Katrina and how to encourage and compensate volunteers to participate. The Administrator spoke of the difficulties concerning compensating volunteers.

Councilmember Brooks spoke of concerns about Mayor Boothman leaving office and how little the other Council members know about disaster relief. Mr. Fitch recommended asking Brendan Cowan, Emergency Medical Services Director, to make a presentation.

The Administrator informed the Council that he would be attending a Infrastructure Assistance Coordinating Council (IACC) in November. The IACC is a funding round-house to get grant assistance to help with projects like the submarine sewer main replacement project.

Disaster notification by sirens was discussed and the Mayor suggested that Mr. Cowan may have some ideas about a plan to use the Town's siren.

Bids are due for the Memorial Park renovations by October 11<sup>th</sup>. The Administrator reported that few inquiries have been made by contractors.

### Approval of minutes

Approval of the minutes was delayed for consideration during the evening session.

Hearing no further business and no objection, Mayor Boothman adjourned the meeting at 1:15 PM.

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Gary G. Boothman, Mayor

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Roxanna Zalmanek, Town Clerk – Pro-tem

## **Town Council – September 15, 2005 @ 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

Mayor Boothman led the meeting in the Pledge of Allegiance.

### Public Access

At 5:32 PM, San Juan County Commissioner Ranker addressed the Council regarding the Intermodal Transportation Study (ITS). Commissioner Ranker informed the Council that he, as well as Administrator Fitch, met with representatives of the Washington State Ferries (WSF). WSF has received \$150,000 from the Governor's Budget to update the past ITS that was completed in 1998. The Town, County, Port and WSF will be involved in the process.

Commissioner Ranker commented that on September 28<sup>th</sup> the annual Washington Transportation Commission (WTC) meeting for this region will be held, and the County has been given an hour on the WTC agenda. Mr. Ranker asked if the Town would contact the WTC and ask for agenda time as well in hopes that the County and Town could come together with joint issues to be a more powerful voice. Commissioner Ranker spoke of one issue the County is bringing to the September 28<sup>th</sup> meeting which is the concern that the Capron Funds are likely cuts that will take place due to the gas tax being

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

repealed. The County will also speak in regards for a permanent second ferry slip in Friday Harbor. Another issue the County will address is an increase in the number of ferry boats for the summer season as well as winter, fall and spring. Commissioner Ranker reported on a project that is currently underway on I-5 regarding expansion of the HOV lane to Marysville. Mr. Ranker also informed the Council about a project to improve Hwy 20. The project will be to increase one-lane traffic into two lanes, and to improve the interchange at I-5. Commissioner Ranker hoped that the Town would join forces with the County and speak out in regards to the above said issues. Councilmember Gillette suggested asking WTC to help fund the proposed Friday Harbor to Bellingham passenger only ferry as well as to consider parking improvements in Friday Harbor. Mr. Ranker cautioned about asking for too much and recommended sticking to the bare minimums.

Ralph Hahn addressed the Council as President of the Economic Development Council (EDC). Mr. Hahn spoke of an opportunity to work with the Town and the County in developing a joint economic development element to incorporate into both entities' comprehensive plans. Mr. Hahn spoke of the difficulties to work for economic development without a clear policy statement from the Town and the County citizens as to what kinds of economic development they want. Mr. Hahn reported that the State, through CTED, has made grants available for developing economic development plans and the Town and County could join together in developing a common economic development plan and each entity may received a \$30,000 grant. After discussion the Mayor informed Mr. Hahn that the decision would be made after the evenings business was taken care of.

### Resolution #1470

Mayor Boothman introduced draft Resolution #1470. A resolution authorizing the Mayor to execute an agreed compliance order with the Department of Ecology regarding violations to the Town Wastewater Treatment Plant discharge permit.

Councilmember Brooks moved and Councilmember Jones seconded to adopt Resolution #1470 with the minor changes provided by the Department of Ecology (DOE). The motion passed unanimously.

Discussion followed and Administrator Fitch informed the Council that a draft of the above mentioned agreement has been provided to the attorney for the Puget SoundKeepers Alliance. Administrator Fitch assured Councilmember Jones that the Town will comply 100% with the requirements of the agreement.

### Resolution #1471

Mayor Boothman introduced draft Resolution #1471. A resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Brown and Caldwell to complete a sewer main replacement feasibility study.

Administrator Fitch explained that Resolution #1471 was step two in fulfillment of the requirements of the DOE agreement. Councilmember Emery questioned a discrepancy in the numbers in item #3 of Draft #2. Administrator Fitch reported that the scope of work is consistent with the DOE agreement. Councilmember Gillette suggested redefining the language in Exhibit A and adding additional language to clear up any discrepancies. Administrator Fitch commented that in Exhibit B paragraph two of the actual scope of services clarifies his concerns. Councilmember Brooks questioned how many studies were currently being done by Brown and Caldwell. Administrator Fitch indicated only the one the Town executed last month for \$30,000. Councilmember Brooks also questioned the amount of money being paid to them is approximately \$163.00 an hour. Mr. Fitch suggested Council look at Exhibit C – Sub-consultants and noted the indirect costs that the company incurs. After further clarifications by Administrator Fitch, the Mayor called for a motion. Councilmember Jones moved to adopt Resolution #1471. Councilmember Rosenfeld seconded the motion and all Councilmembers answered in favor of

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

the Mayor executing Resolution #1471 to execute an agreement to authorize Brown & Caldwell Engineering to perform a sewer main replacement feasibility study. Administrator Fitch informed the Council that there will be additional requests for the funding for the sewer main project. Mr. Fitch also spoke of grant monies that may be available for funding.

### Ordinance # 1287

An ordinance re-establishing a Lodging Tax Advisory Committee.

A sunset clause was discussed in the draft ordinance and after discussion Councilmember Rosenfeld suggested to change language in SECTION 6 to read: This ordinance shall become effective following publication in accordance with State law. And not to include: and shall remain in effect only until September 30, 2007. Councilmember Rosenfeld moved to adopt Ordinance #1287 with said language change. Councilmember Gillette seconded and all members voted in favor of Ordinance #1470 with the amended language.

### 2006 Legislative Agenda

At 6:25 PM discussion began regarding the 2006 legislative agenda. During the last meeting Mayor Boothman asked each Councilmember to come up with a list of three common goals to discuss. After submitting their goals, a draft 2006 legislative Agenda worksheet was created and discussion began. Councilmember Brooks added her third goal and explained why her request for on-line banking was important and how it could save time and money. Councilmember Gillette spoke in favor of on-line banking. Councilmember Emery spoke in favor of her goal to develop a community brochure/newsletter that would inform the public about different Town projects and using volunteer help to develop the brochure. Costs of publishing were discussed. Councilmember Rosenfeld spoke of his goal of exploring true costs of development and hoped it would be helpful in the planning process. The Mayor called for a consensus of the legislative items. Councilmember Brooks moved to adopt her item #8, which was not listed on the worksheet, by asking Town staff to find a solution to implement an on-line banking system. Councilmember Gillette seconded the motion. Mayor Boothman clarified Brooks' motion and discussion continued regarding on-line banking. After much discussion, Administrator Fitch finally spoke in regards to the issue of high costs to change the current accounting system. The Administrator also added when the Town did accept credit cards that there were about 6 people that actually used it and questioned the utilization aspect of on-line banking. Administrator Fitch added that collections were not a problem at present. At 6:50 PM Councilmember Brooks determined the costs would be too exorbitant and withdrew her motion to include her item #8. Councilmember Gillette withdrew his second. Councilmember Brooks and Councilmember Gillette then urged for at least a study of costs to upgrade the current system. The Mayor thought that perhaps the discussion of a study could be placed on a future agenda. It was suggested that each Councilmember choose only 5 items on the worksheet and rate them 1 being the most important to 5 being the least important. All Councilmembers agreed to choose the 5 most important items to them and bring the information back to the Council for discussion.

### Approval of minutes

At 6:56 PM, it was moved and seconded that the minutes of the September 1, 2005 noon and evening Council sessions be approved with a correction for the evening meeting. All were in favor of the approval of the minutes with corrections.

A motion and a second was heard for the payment of claims. All answered in favor.

### Additional Administrator's Report

Administrator Fitch reported the first meeting of the Intermodal Transportation Study will be on Friday, October 14<sup>th</sup> from 10:00 AM to 2:00 PM. Where the meeting will be held will be announced.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch spoke of an email that he received from Brendan Cowan, Emergency Medical Services Director, regarding hurricane assistance. The request asked for help to fill 80 administrative positions to assist the Family Find National Center in Louisiana. The Administrator read from Brendan's email regarding the reimbursement of expenses at the normal salary rate, benefits, travel, etc. Discussion followed and Mr. Fitch asked for discretion in choosing which employees are appropriate to be granted leave. The Councilmembers agreed that the Administrator should be the person to decide if an employee was able to leave their job without causing a hardship to the Town.

### Non-agenda

The request from Ralph Hahn was discussed and Councilmember Rosenfeld moved that the Town join with the County to make application for a grant to develop a joint economic development plan to be incorporated into each comprehensive plan. Councilmember Jones made the second. Clarification was given to Councilmember Brooks and the Joint Planning Policy in the current comprehensive plan was discussed. It was explained that the Policy does not include a joint economic development policy. Councilmember Brooks spoke of concerns in asking CTED for additional grants. Councilmember Gillette was concerned with additional costs to the Town regarding the new economic element plan. Mr. Hahn thought that there would not be any additional costs to the County or Town. After understanding that a new Resolution (#1472) needed to be passed to authorize the Mayor to proceed, Councilmember Rosenfeld modified this motion to include authorizing the Mayor to submit a grant application to CTED to develop an Economic Development Element for the Town's Comprehensive Plan. Councilmember Jones seconded the amended motion. No further discussion was heard and all voted in favor of Resolution #1472.

Councilmember Brooks asked the Administrator if he knew what time and what place the September 28<sup>th</sup> meeting with Washington Transportation Commission (WTC) will be. The Administrator said he would notify the Council as to what time the meeting will take place and reported the meeting will be held in Anacortes or Mt. Vernon. Mayor Boothman reported that he would make an effort to attend the WTC meeting and testify if given the opportunity.

The Administrator added that the striping on Marguerite Place will start on September 22<sup>nd</sup>.

Councilmember Rosenfeld asked if budget discussions will be held on the submarine sewer line project. The Administrator reported that the Town is going to have to borrow money for the repairs and now is a good time to discuss where the Town is going to get the finances to cover the costs and spoke of different areas in the budget to look at cuts. Councilmember Jones would like to see the Town's current debt capacity and discuss how much money the Town could actually borrow.

Councilmember Rosenfeld talked of a possible rumor regarding the Town & Country trailer park being sold to a developer and the loss of affordable housing. It was confirmed that the property is zoned multi-family residential and currently there is no land zoned for trailer parks. Discussion followed.

Councilmember Gillette asked for clarification on an invoice from Premark Company. Mr. Fitch noted that it was for the torch down arrows on pavement in Town.

Hearing no objection, the Mayor adjourned the meeting at 7:27 PM.

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Gary G. Boothman, Mayor

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Roxanna Zalmanek, Town Clerk, Pro-tem



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – October 4, 2005 @ Noon

The Town Council called a special meeting for the purposes of meeting with the San Juan County (SJC) Commissioners on the above date and time. Proper notice was given.

Town Council Members present: Brooks, Emery, Gillette, Jones, & Rosenfeld  
San Juan County Commissioners present: Lichter, Myhr, and Ranker.

San Juan County Chair Ranker resumed the County session.  
Mayor Boothman called the Town Council session to order.

#### Housing Bank Ordinance

John Manning, SJC Community and Mental Health Director, explained the proposed legislation that will allow San Juan County to collect real estate excise taxes (REET) to be used towards affordable housing projects. Mr. Manning indicated that before the measure could be placed on the ballot, a plan needed to be established. Mr. Manning described various components of the draft housing bank ordinance. Mr. Manning indicated that a revised draft ordinance should be forthcoming in a couple weeks.

Councilmember Brooks explained the changes that would be forthcoming in said revised ordinance, including wording clarifications; government land acquisition parameters; how the passage of the Home Rule Charter may effect the representation on the Housing Bank Board; and that the Board of County Commissioners are responsible to make the final decision regarding the percentage of funds paid by buyers and sellers to be taxed on real estate sales.

Commissioner Myhr inquired about the process for reassigning the existing affordable housing funds to the new housing bank. Mr. Manning answered that said funds could be reassigned by passage of a San Juan County resolution.

Discussion followed regarding the difference between how funds generated under House Bill 2260 could be allocated and how funds generated under REET could be utilized in relation to levels of affordable housing; the amount of funds expected to be generated; concerns with another level of bureaucracy; the enormity of the scope of work; concerns about the impact affordable housing purchases will have on the property tax rolls; and how the program will be measured for success.

Councilmember Rosenfeld suggested dividing collected funds between the land bank and the housing bank. Commissioner Ranker stipulated that the County was not allowed to use land bank funds for affordable housing. Following inquiry, Commissioner Myhr answered that the land bank was due to sunset in 2014.

Commissioner Myhr asked Mr. Manning to investigate how other communities are handling affordable housing situations. Mr. Manning indicated that there were limited examples to follow, although in the eastern United States, affordable housing is a component of the land bank. Discussion followed regarding the necessity to assess current housing needs and income levels.

Councilmember Gillette suggested the County expand the urban growth area. Due to the shortness of time, Commissioner Ranker suggested said topic could be placed on a future agenda.

#### Intermodal Committee

At 12:37 PM, Commissioner Ranker explained that the Intermodal Transportation Committee has been revived with \$250,000 state funds budgeted to study traffic flow in the Town of Friday Harbor. Commissioner Ranker indicated that the first Intermodal Transportation Committee meeting has been

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

scheduled for October 14, 2005. Mr. Ranker read a draft committee membership list and tentative agenda for said meeting.

Mayor Boothman suggested expanding the previous scope of the Intermodal Transportation Committee to include other areas impacted by ferry loading/unloading congestion, such as 1<sup>st</sup> and Spring Street where ferry workers tend to speak with ferry travelers out in the middle of the street and therefore block traffic.

Commissioner Lichter announced that the Ferry Advisory Committee has urged the County to send a letter to Washington State Ferry requesting that the second ferry slip in Friday Harbor remain through its legal and safe life. Following discussion, Chair Ranker indicated that the County would forward the Town a copy of said letter, so that the Town Council could formulate a duplicate letter for Town Council signature. It was estimated that the life of the slip was approximately another two years.

Discussion continued regarding items that should be reviewed by said Committee, such as: separating pedestrians from cars; planning for transportation and traffic flow for the long term; public nature; future economic drivers that may impact transportation and traffic flow; and the diverse range of vehicles (large freight trucks, etc.) that need to be considered when making future transportation plans within Town.

Councilmember Jones suggested some of the allotted funds be used to develop a computer simulated model of the whole ferry system to analyze the issue more efficiently. Councilmember Jones elaborated that such a computer model could be used repeatedly and therefore continue to be beneficial to Washington State Ferries.

Councilmember Gillette suggested that if Washington State Ferries provided additional off-street parking within Town; Spring Street could become two lanes going west. Commissioner Ranker responded that Washington State Ferries has indicated they do not have funds for this type of endeavor.

Bob Distler, former Ferry Advisory Committee member and present Washington State Transportation employee, agreed with Mayor Boothman that the Intermodal Committee should study the entire impact a 160-car ferry has on the traffic flow within the Town of Friday Harbor. Mr. Distler commented on the possible impact to transportation projects should Initiative 912 be approved. Discussion followed.

At 1:03 PM, Chair Ranker adjourned the County session and hearing no objection, Mayor Boothman declared the Town Council meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – October 6, 2005 @ Noon**

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

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

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

### Utilities Department

Utilities Superintendent, Mike Wilks, reported on September 2005 rainfall (.95"); the current level of Trout Lake (53" below spillway); and water production (12,700,000). Mr. Wilks reported on the water ozone treatment study; the installation of a 175kw generator purchased from the Sewer Department; the location of salt water intrusion into the sewer submarine main and its impact on the Wastewater Treatment Plant; and preparing storm drains for the winter weather. Discussion and inquiry followed Mr. Wilks' report.

### Computer Systems Department

Systems Administrator, Steve Dubail, reported on Town website progress; remote desktop access to the Wastewater Treatment Plant that enables treatment operators to fix problems without having to travel to said Plant; and traffic counter data gathering.

### Brown & Caldwell Presentation

Bill Persich, Brown & Caldwell Engineer, addressed the Department of Ecology (DOE) issues raised in the DOE inspection report dated January 31, 2005 regarding the Trout Lake dam. Mr. Persich described the scope of services to be performed by Brown & Caldwell as an Inundation Study, Operations and Maintenance Manuals, and an Emergency Action Plan for the Trout Lake Storage Dam. Mr. Persich indicated that DOE has agreed that the scope of work proposed by Brown & Caldwell is sufficient to address DOE's concerns. Discussion and inquiry followed regarding downstream liability; that San Juan County regulates downstream land use zoning; the cost of including a downstream inundation study; if there are alternate ways to release water in an emergency other than via the dam; and the timeline of the proposed scope of work.

Mr. Persich updated Council on the progress of the ozone water treatment study and the difference between post-filtration and pre-filtration methods. Mr. Persich reported that further analysis should be forthcoming in the near future on the effectiveness of ozone treatment and the size of the system necessary to meet the Town's future needs. Discussion and inquiry ensued during the above presentation.

### Resolution #1454

Mayor Boothman introduced previously tabled draft Resolution #1454. A resolution executing a professional services agreement between the Town and the consulting firm of Brown & Caldwell for an Operator and Maintenance Manual and an Emergency Action Plan for Trout Lake Dam in an amount not to exceed \$58,800. Councilmember Gillette moved and Councilmember Rosenfeld seconded to adopt said resolution as stated. Councilmember Gillette asked Mr. Persich to return sometime in the future with an informal proposal to complete a downstream inundation study should the Town ever build a larger downstream earth filled dam. Mr. Persich indicated he would compile a proposal. The motion passed unanimously.

### Administrator's Report

At 1:05 PM, Administrator Fitch reported that the Marine Resource Committee (MRC) has requested that the Town appoint an elected official to their board. Mr. Fitch explained the MRC meeting schedule and asked Council members to let him know of any interest.

Administrator Fitch reported that preliminary drawings for Guard Street completed by Gray & Osborne Engineering are available for Council review. Mr. Fitch asked for Council guidance regarding public

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

awareness programs for said project. Followed discussion regarding past notification processes, Council asked that property owners be notified in a manner similar to processing land use issues.

Administrator Fitch announced that the State Auditor's exit interview would be held at Town Hall Friday, October 7<sup>th</sup> at 9:00 AM. Mayor Boothman observed that if more than 3 Council members wanted to attend said exit interview, the evening Council meeting could be continued until said day.

Administrator Fitch reported on his meeting in the Seattle area with the Puget Soundkeepers Alliance regarding the Town's violations of its Wastewater Treatment Plant discharge permit. Discussion and inquiry followed regarding mitigation ideas and efforts.

### Non-Agenda

Councilmember Emery inquired about the Intermodal Transportation Committee participants. Mr. Fitch explained that the draft participant list was only his best effort to compile those individuals that may be involved, but the actual participants would be finalized by the Committee itself.

Councilmember Gillette inquired about the design process for Guard Street. Administrator Fitch emphasized that the grant funds to be received from the Federal and State government are contingent that said street is built according to the design in the submitted grant application, which meets the Town's road and street standards. Mr. Fitch observed that if the Town Council wanted to deviate from the design submitted when applying for grant funds, it could do so at the Town's expense, otherwise said grant funds may be in jeopardy.

Councilmember Emery questioned the basis for an open house if comments received from the public would not be taken in to account when approving the final Guard Street design. Mr. Fitch answered that an open house would notify the public of what the Town is going to do for them on Guard Street.

Mayor Boothman asked Council to submit their top 5 legislative agenda items to the Clerk for the evening Town Council meeting.

At 1:44 PM hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – October 6, 2005 @ 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 & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

During the public access portion of the meeting, Liz Illg, 625 Harrison Street, invited the women on the Council to attend the "San Juan Islands Women's Summit" on November 4-6, 2005 at Rosario Resort.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

### Draft 2006 Legislative Agenda

Mayor Boothman opened discussion of the draft 2006 Legislative Agenda. Councilmembers raised objections to the process used to determine the top five legislative agenda rankings. Mayor Boothman suggested Council discard the presented priorities list and determine their ranking via discussion.

Councilmember Rosenfeld suggested that the #1 priority of the Town Council should be to lower utility rates by tightening its budget; such as merging the Town Fire Department with the San Juan County Fire District #3.

Following discussion, it was the consensus of Council that the #1 highest priority was to budget and complete the Transportation Advisory Committee recommendations; subject to budget funds. No consensus was reached regarding the 2<sup>nd</sup> highest priority.

### Draft 2006 Town Budget

Mayor Boothman opened discussion of the draft 2006 Town Budget. During the revenue overview, Councilmember Jones suggested the Town raise its water rate per tank load to a base rate charge of \$50 per tank load along with a \$25/per 1000 gallons of water sold. Administrator Fitch volunteered to calculate projected revenue increases that would be received based on this year's data for the next Town Council meeting.

Councilmember Gillette asked Mr. Fitch to research the most recent study that compares city water and sewer rates. Mr. Fitch agreed to contact Association of Washington Cities to obtain said data.

Administrator Fitch gave an overview of anticipated revenues and anticipated utility rate increases.

At 6:15 PM, Administrator Fitch began the overview of departmental budget requests and anticipated expenditures.

Following inquiry, Sharon Kivisto, PO Box 1118, answered that the San Juan County Commissioners denied a conditional use request by Thor Black for a landscaping materials business off of Cattle Point Road.

Administrator Fitch encouraged Council to give staff budget direction. Discussion of the budget process ensued.

Councilmember Jones asked staff to define the debt carrying capacity of the Town. Mr. Jones asked that the debt carrying capacity be analyzed with other similar sized Towns.

Mayor Boothman asked for Council to review said draft budget and be prepared with questions at the next Town Council meeting.

Mayor Boothman updated Council on the \$35,000 Community Trade and Economic Development (CTED) grant application submitted by the local Economic Development Council (EDC) on behalf of the Town of Friday Harbor. Mayor Boothman indicated said grant required the Town to put forth 10% in matching funds.

### Non-agenda

Council reviewed and revised correspondence to Mike Anderson, Executive Director of the Washington State Ferries in regards to retaining the 2<sup>nd</sup> ferry slip in Friday Harbor through its useful life.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Minutes

At 7:29 PM, Councilmember Gillette moved and Councilmember Jones seconded to approve the Town Council minutes of September 15, 2005 noon and 5:30 PM meetings as written (incorporating a correction that was distributed to Council for review earlier). The motion passed unanimously.

### Claims & Payroll

Councilmember Rosenfeld moved and Councilmember Jones seconded to approve the payment of claim warrants #26820 through #26907 in the amount of \$191,959.73 and payroll warrants #11053 through #11156 in the amount of \$180,150.93. The motion passed unanimously.

At 7:30 PM, hearing no further business and no objection, Mayor Boothman continued the meeting until October 7, 2005 at 9:00 AM for the purpose of attending the State Auditor's exit interview. This meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – October 7, 2005 @ 9:00 AM**

The Town Council met in continued regular session for the purpose of attending the Washington State Auditor's exit interview with Mayor Boothman presiding.

Members present: Emery, Gillette, & Jones

Staff present: Town Administrator Fitch

Washington State Auditor's Office employees—Jessica Honcoop, Felicia DenAdel, and Chris Johnson

Chris Johnson, Bellingham State Auditor's Office Audit Manager, gave an overview of what an audit concerns. Mr. Johnson indicated that the Auditor's office looks at accountability; legal compliance, and financial statements. Mr. Johnson explained the three levels of audit warnings. The most severe warning is called a "finding"; the next level is called a "management letter"; and an "exit item" is the lowest level of caution.

Felicia DenAdel, Bellingham State Auditor's Office Assistant Audit Manager, commented that prior year issues brought to the Town Administration's attention have been resolved. Ms. DenAdel stated her appreciation for the Town management and their willingness to comply with State regulations.

Jessica Honcoop, Auditor, gave an overview of the Town records reviewed during the audit of the 2004 Town records. As an exit item, Ms. Honcoop recommended the Town monitor its contract with San Juan County District Court more efficiently. Ms. Honcoop thanked the Town for their cooperation.

Discussion followed regarding state audits versus independent audits.

At 9:16 AM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – October 20, 2005 @ Noon

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.

#### SJC Emergency Management

Brendan Cowan, San Juan County Director of Emergency Management, spoke of his experiences helping with disaster relief efforts in Louisiana. Mr. Cowan expressed that a major earthquake in our area would be comparable to a major hurricane in regards to infrastructure loss, loss of utilities, medical impacts, etc. Mr. Cowan stated that, during a disaster, each individual should be prepared to sustain themselves for one week without governmental assistance. Mr. Cowan spoke of the impact a disaster can have on local government, and steps local government can take to lessen negative disaster impacts. Discussion and inquiry ensued during Mr. Cowan's presentation in regards to the chain of command; "bird" flu; necessary documentation to receive federal government reimbursement; communication before and during a crisis; the Town siren; and various possible disasters that could impact Friday Harbor.

#### Summer Traffic Control

At 12:43 PM, Mike Bertrand, Land Use Administrator, explained the graph he made that depicts a three week study of the efficiency of the ferry traffic control program. Following inquiry, Mr. Bertrand indicated that no conclusions regarding said program were established.

Mike Akin, Friday Harbor Ferry Terminal Agent, supported the work of Mr. Bertrand, but disagreed with the dates said study was performed due to the drop in ferry ridership that follows the end of the San Juan County Fair (study began the week of the San Juan County Fair with the traffic control program in place; the following week was studied without said program; the last week traffic control was again performed). Mr. Akin suggested said study should be done throughout the summer season to be consistent and accurately represented. Mr. Akin specified that he thought the ferry traffic control program was supposed to alleviate traffic gridlock within Town during ferry unloading, rather than expedite the ferry unloading process.

Councilmember Rosenfeld agreed that said program helped to facilitate those waiting to cross north and south. Councilmember Brooks questioned the ferry procedure of letting pedestrian traffic off before vehicle traffic. Mr. Akin explained the reasons why the ferry system wants pedestrians to unload first. Councilmember Emery thanked Mr. Bertrand for taking on the ferry traffic control program efficiency study.

#### Available Parking Spaces

At 12:58 PM, Mr. Bertrand explained how the time-limited parking spaces availability study was compiled and the parameters of said study. Discussion followed.

#### Resolution #1475

At 1:07 PM, Mayor Boothman introduced draft Resolution #1475. A resolution to execute an amendment to the interlocal agreement between the Town of Friday Harbor and the Port of Friday Harbor for design and preparation of construction plans and specifications for improvements to the Spring Street Landing. Administrator Fitch explained that said resolution increased the engineering

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

construction plans allotment from \$5,000 to \$8,000 for said Port steps. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Resolution #1475 as stated. Following inquiry, the motion passed unanimously.

### Resolution #1474

Mayor Boothman introduced draft Resolution #1474. A resolution to execute a contract for the Memorial Park Renovation Project for \$372,712.00. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1474 as stated.

Councilmember Gillette inquired about several bid components. Administrator Fitch explained the particulars of which options were chosen in the bids received.

Councilmember Emery inquired about design details. Administrator Fitch answered that the design remained the same as presented at the public hearing concerning Memorial Park renovations.

Following discussion regarding the origin and use of harbor improvement funds for said project, and that pre-approval for use of said funds has not been granted by the state auditor, the motion passed 4 to 1, with Councilmember Emery opposed.

### Resolution #1476

At 1:17 PM, Mayor Boothman introduced draft Resolution #1476. A resolution to execute an interlocal agreement between the Town of Friday Harbor and the Port of Friday Harbor for construction and inspection of improvements to the Spring Street Landing access not to exceed \$42,000.00. Administrator Fitch explained the particulars of said resolution. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1476 as stated. Following inquiry, the motion passed unanimously.

### Resolution #1473

Mayor Boothman introduced draft Resolution #1473. A resolution authorizing an increase in the mileage allowance for use of privately owned vehicles for Town business by Town employees and officers in the exercise of their duties and the course of their employment and repealing Resolution #1427 in its entirety. Administrator Fitch explained particulars of said resolution. Councilmember Rosenfeld moved and Councilmember Emery seconded to adopt said resolution as stated. The motion passed unanimously.

### Historic Board Nominee

Sandy Strehlou, Historic Preservation Review Board Coordinator, introduced Gary Franklin. Mr. Franklin gave a brief history of his recent past. Following discussion regarding financial support of the San Juan Historical Museum, Councilmember Rosenfeld moved and Councilmember Jones seconded to appoint Gary Franklin to fill the position vacated by Anna Justiss on the Historic Preservation Review Board. The motion passed unanimously.

In regards to San Juan County installing lighting standards within their parking lot, Councilmember Rosenfeld asked Ms. Strehlou to contact the County to discuss the use of historic design street standards.

### Administrator's Report

At 1:30 PM, Administrator Fitch reported that Tamara Nack, from Gray & Osborne Engineering is willing to attend an open house regarding Guard Street improvements on either November 7<sup>th</sup>, 8<sup>th</sup>, or 9<sup>th</sup>.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch asked if any Councilmember had thought of about serving on the Marine Resource Committee. Councilmember Rosenfeld volunteered and received Council approval. Councilmember Rosenfeld announced that due to meeting times, he would be unable to attend the Trails Committee meetings any longer.

Administrator Fitch reported that Jason Thompson Roofing has completed the Town Hall roofing project, with one \$600 additional expense due to the unanticipated removal and rebuilding of support for the heating and cooling system. Council concurred with said expense.

Administrator Fitch noted that San Juan County Clerk, Mary Jean Cahail, would like to make a presentation to Council at their November 3<sup>rd</sup> meeting regarding a joint Town/County administrative building.

### Minutes

Councilmember Emery moved and Councilmember Jones seconded to approve the Town Council minutes of October 4, 2005 noon as corrected and October 6, 2005 noon and 5:30 PM and October 7, 2005 9:00 AM meetings as written. The motion passed unanimously.

At 1:37 PM hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – October 20, 2005 @ 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 & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

### Draft 2006 Town Budget

Mayor Boothman opened the Council work session on the draft 2006 Town Budget. Administrator Fitch began to answer previous Council inquires regarding said budget.

Administrator Fitch explained that the utility rate survey usually compiled by the Association of Washington Cities yearly is now done every other year; therefore the next comparison survey would be compiled in 2006.

Administrator Fitch reported that the number of new water and sewer system hookups is not above average this year and therefore not substantial enough to be used to off-set utility user rate increases.

Councilmember Jones commented that approximately \$12,000 in additional water revenues were anticipated if Council increased the per-truck load base rate to \$50 and the per 1000/gal rate to \$25 for water sold by truck.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Administrator Fitch suggested waiting until after it was known whether or not the Town would receive an economic development grant from CTED to fund the matching \$3,500 in 2006.

Administrator Fitch commented that Utilities Superintendent Wilks has reported that radios are \$750 each.

Administrator Fitch indicated that 80% of the Town water customers would be affected by the proposed 8.5% water user rate increase by approximately \$5.61.

Administrator Fitch pointed out the written rationale for increasing the Historic Preservation Coordinator position from 20 hours per week to 32 hours per week.

Councilmember Jones commented informally about the Town's debt carrying capacity. Mr. Jones indicated that it appeared that the Town could increase its debt. Treasurer Picinich commented that the Town could increase its debt via a general obligation bond, but the Town still had to have the funds to pay said debt payments.

Regarding an increase in the refuse base fee that was proposed to cover anticipated landfill closure monitoring and maintenance costs, Mayor Boothman suggested waiting until mid-year 2006 to see if sales tax revenues increased enough to transfer said funds from the current expense fund to the refuse fund to finance said expenses without raising rates.

Councilmember Gillette suggested cutting back on the two-hour parking enforcement program during slow periods, because the parking space available study presented at the noon meeting depicted that it was not necessary. Councilmember Emery stated that she felt that said study validated that the two-hour parking enforcement was working. Discussion continued regarding the cost of said enforcement program.

Discussion ensued regarding the request for increased personnel hours for the Historic Preservation Coordinator. Council discussed different components of the position, such as: who is responsible for the work process; the time impacts of implementing the Historic Preservation Manual guidelines; and the impacts of Council direction on staff resources; how many coordinator hours are used for the San Juan County Fair booth; sharing said Fair duties with the Historical Museum; and historic preservation in relation to tourism. Following discussion, Councilmember Emery moved and Councilmember Gillette seconded to increase the Historic Preservation Coordinator position from 20 hours per week to 24 hours per week. Councilmember Jones stated he would be voting against the motion because he thought 32 hours per week would help the program grow. The motion passed, with Councilmember Jones opposed and Councilmember Rosenfeld abstaining.

Discussion of the current expense fund continued regarding the travel and training policy; association dues; whether or not taking credit cards and/or accepting online banking funds was worth the expense to implement.

Discussion of the water fund began. Administrator Fitch explained that the proposed seasonal worker would be doing fire hydrant maintenance to free up time for other water employees to do standard distribution maintenance duties.

Discussion followed regarding the proposed geographical information system (GIS) equipment and services.

### Claims

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Brooks moved and Councilmember Gillette seconded to approve the payment of claim warrants #26909 through #26983 in the amount of \$118,918.84. The motion passed unanimously.

### Non-agenda

Administrator Fitch asked Council to set a date for the Guard Street Improvement Project Open house. Following discussion, Council agreed that November 8<sup>th</sup>, from 5:00 to 7:00 PM was a feasible date.

Councilmember Rosenfeld announced that he saw within the Trails Committee minutes that the Town is to receive a \$500 grant towards its Historic Walking Tour Brochure.

At 7:33 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – November 3, 2005 @ Noon**

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 & Treasurer Picinich

Mayor Boothman led the meeting in the Pledge of Allegiance.

There were no public access items forthcoming.

### SJC Commissioner Ranker

Mayor Boothman reported that San Juan County Commissioner Ranker was unexpectedly incapable of attending today's meeting due to a family matter.

### Guard Street Improvements

At 12:02 PM, Tani Stafford from Gray & Osborne Engineering explained preliminary Concepts 1 and 2 of the Guard Street Improvements project. Ms Stafford noted that Concept 1 included 11' travel lanes; 6.5' sidewalks; parking on both sides of the street, including retainage walls at an estimated cost of \$790,000, not including right of way acquisition. Ms Stafford estimated right of way acquisition costs at \$100,000. Ms. Stafford explained that Concept 2 included all the same amenities as Concept 1, except it eliminated some roadside parking, and therefore did not require any right of way acquisition. Estimated cost for Concept 2 was \$686,000. Neither concept included the costs of utility improvements. Ms. Stafford commented that the beginning of the project may be delayed under Concept 1, depending on the timeline for right of way acquisition, and coordinating with other utility companies.

Councilmember Gillette expressed concern that neither concept seemed to include bicycle safety provisions. Councilmember Rosenfeld pointed out that the Council direction to the engineer was to design the road to the Town's street standards, which do not include bicycle pathways.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Discussion followed regarding the width of travel lanes; which concept would be more acceptable to the State Transportation Improvement Board (TIB); necessary retaining walls and railings; current zoning and how this project will relate to future property uses and long range planning; and approaching the Guard Street property owners regarding right of way acquisition.

Councilmember Rosenfeld asked Administrator Fitch his recommendation. Mr. Fitch answered that he preferred Concept 1 because it coincided with what was applied for during the TIB grant process and met Town street standards. Following further inquiries regarding the topography of the project, Mr. Fitch noted that the existing Town right of way had been staked so that Council could visualize the project.

Discussion continued regarding impacts of trees and bushes within the Guard Street right of way; how said project will impact Town and other utility company improvements; how right of way costs are accessed; and various aspects of the concepts presented.

In an effort to give Council practice for the upcoming open house regarding said issue, Mayor Boothman asked for audience input.

Lee McEmery, 745 Guard Street, stated her preference for Concept 2, because she did not feel parking was necessary on the south side of Guard Street near single family residential property. Ms. McEmery suggested reducing the sidewalk size from 6' to 5'. Following inquiry from Councilmember Rosenfeld, Administrator Fitch indicated that the sidewalks should remain at 6' wide because a smaller sidewalk did not allow for enough room to have two people walk abreast and also impacted those with strollers or wheelchairs once street light standards and mailboxes were added within the sidewalk.

Councilmember Gillette asked Ms. McEmery if her outlook of the project would be improved if the Town provided re-vegetation landscaping. Ms. McEmery answered in the affirmative.

Jack Cory, Friday Harbor, suggested shifting the project to the north. Following inquiry by Councilmember Emery, Ms. Stafford indicated that it was possible to shift the project, but it would affect the street alignment and impact Phase 4 of the Guard Street improvements. Administrator Fitch noted that it would affect accessibility to properties on the north side also.

Bob Freehauf, 725 Guard Street, inquired if blasting of rock was anticipated. Ms. Stafford answered in the negative. Mr. Freehauf suggested the Town change the look of its standard street lighting. Administrator Fitch explained the current process regarding street light standards.

### Administrator's Report

At 1:00 PM, Administrator Fitch noted that the 1998 Town Hall Space Study had been provided to Council in their packets in anticipation of a presentation at the November 17, 2005 Town Council meeting by Mary Jean Cahail regarding a joint Town/County administrative building.

Administrator Fitch reported that the Town's third quarter trihalomethane (THM) average is below the state recommended level and therefore the Town was in compliance.

Administrator Fitch specified that unfortunately preliminary results indicate that no dramatic change has occurred in the reduction of THM's in the Town's finished water after ozone treatment. Mr. Fitch commented that testing of the Town's raw water with ozone treatment was still forthcoming.

Administrator Fitch commented that the Town's liability insurance rates have decreased by 5.6%.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch mentioned harassment training attended by Town department heads.

Administrator Fitch reported on a water-line break on October 27 at the corner of Argyle and Pear Point Road. Mr. Fitch indicated that the Town will have some liability for damages due to said breakage.

Administrator Fitch announced that the Memorial Park Renovation Project will begin November 7, 2005 and a pre-construction meeting was held on 11/1/05 regarding said project.

Administrator Fitch distributed the staff report for the public hearing to be held on November 17, 2005 in the Friday Harbor High School Commons.

Administrator Fitch distributed a copy of a letter dated 10/31/05 to the Puget Soundkeeper Alliance attorney, Richard Poulin, which proposed mitigation measures in response to an intent to file suit against the Town for violations of its wastewater treatment plant discharge permit. Mr. Fitch indicated that said Alliance has tentatively agreed that the proposed measures were acceptable, except regarding Item #3 of said letter, where the Alliance would like the Town to increase its contribution towards the Port's water-borne sewer pump out vessel from 25% to 33%. Council praised Administrator Fitch for his handling of this situation.

Regarding the Town's Department of Ecology compliance order for violating its wastewater discharge permit, Administrator Fitch reported that 6 out of the 11 items in the compliance order have been completed.

Councilmember Gillette moved and Councilmember Jones seconded to authorize the Mayor to sign a consent order approving the mitigation measures as proposed in said letter dated 10/31/05 with the provision that the Town's contribution under Item #3 in said letter be increased from \$18,000 to \$24,000; and additionally should the Port's application for Washington State Parks grant funds be denied, the Town and the Alliance mutually agree to find another \$24,000 project to support. The motion passed unanimously.

### Minutes

At 1:20 PM, Councilmember Emery moved and Councilmember Jones seconded to approve the Town Council minutes of October 20, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

At 1:23 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – November 3, 2005 @ 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 & Treasurer Picinich

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

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

### Preliminary 2006 Town Budget

Mayor Boothman opened the work session on the preliminary 2006 Town Budget. Mayor Boothman explained the timeline for the 2006 budget process. Treasurer Picinich gave an overview of changes between the draft and preliminary 2006 budget.

Regarding a news article that San Juan County has eliminated funding for the ferry traffic control program from its 2006 draft budget, Administrator Fitch asked if Council were still interested in funding said program. Following discussion, it was the consensus of Council to continue to budget for 1/3 of the program costs for 2006 anticipating that the County may reconsider, and with the understanding that more discussion will be forthcoming next year prior to contract review.

Councilmember Emery questioned the lack of capital outlay for street improvements. Discussion followed regarding various past projects and the recommendations made by the Town's Transportation Advisory Committee (TAC). It was determined that the \$3,000 budgeted under street improvements would be sufficient to put grooved pavement at the entrances to Town limits to remind travelers that the speed limit within Town is reduced and satisfy one of the TAC requests. Discussion followed regarding the 4<sup>th</sup> Phase of the Guard Street project.

Treasurer Picinich began discussion of the capital reserve history. Discussion ensued regarding various items budgeted within the capital reserve.

Following inquiry by Administrator Fitch, Council discussed the proposed \$15,000 funding of the San Juan Island Chamber Visitor Information Center from Hotel Motel funds. Following discussion regarding setting a precedent which might encourage others to request a portion of the basic hotel motel 2% funds, Councilmember Jones moved and Councilmember Emery seconded to approve funding for said Visitor Information Center out of the basic 2% hotel motel funds in the amount of \$15,000. Following more discussion regarding refining the granting of funds to only those you need assistance in operating a visitor information center facility; limiting the funding for one year; and how this relates to the Lodging Tax Advisory Committee, the motion passed unanimously.

Councilmember Jones indicated that the funding under the hotel motel capital reserve grant program should be increased from \$90,000 to \$115,000.

Preliminary 2006 Town Budget discussions continued. It was noted that San Juan County has not proposed a solid waste tipping fee increase. Administrator Fitch noted that labor costs are still to be negotiated and were not in said budget. Councilmember Emery asked for a list of employees and their current wage. Administrator Fitch indicated he would provide said list.

Councilmember Gillette stated that he would like to eliminate the proposed 8.5% water rate increase and the tiered water use fee schedule. Mr. Gillette suggested that if the tiered water use fee schedule was eliminated then the cross connection program could be reduced and save costs. Utilities Superintendent Wilks clarified that as long as the Town water system and private well systems are on the same property a cross connection program would be required by the Department of Health because of the potential for someone to tie the two systems together and create a cross connection.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Claims & Payroll

Councilmember Jones moved and Councilmember Emery seconded to approve the payment of claim warrants #26986 through #27038 in the amount of \$166,383.54 and payroll warrants #11158 through #11209 in the amount of \$163,968.01. The motion passed unanimously.

### Non-agenda

Mayor Boothman noted an email from the Economic Development Council (EDC) inviting Council to attend a roundtable discussion to be held on November 16, 2005.

### Ordinance #1289

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1289. An ordinance establishing that the regular meeting of the Town Council on November 17, 2005 at 5:30 PM will be held in the Friday Harbor High School Commons Room located at 45 Blair Avenue. The motion passed unanimously.

### Additional Non-Agenda

Pertaining to an email from Bill Persich, Brown & Caldwell engineer, distributed to Council by Administrator Fitch, Councilmember Gillette moved and Councilmember Emery seconded to accept the cost estimate of \$5,900 to include additional dam inundation studies for the scenario of a future raised dam. Following discussion regarding whether or not it was necessary to complete this study at this time, the motion passed 3 to 1 with Councilmember Rosenfeld opposed.

At 7:37 PM, hearing no further business and no objection, Mayor Boothman continued the meeting until November 8, 2005 at 5:00 PM for the purpose of holding an open house regarding the Guard Street Improvement Project. The meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – November 8, 2005 @ 5:00 PM**

The Town Council met in continued regular session for the purpose of holding an open house to inform the public of planned Guard Street improvements.

Members present: Mayor Boothman, Emery, Gillette, & Rosenfeld

Others present: Gray & Osborne Engineers, Tamara Nack and Tani Stafford

Mayor Boothman; Town Council; and Gray & Osborne engineers, Tamara Nack and Tani Stafford, explained proposed Concepts 1 and 2 regarding planned improvements on Guard Street to members of the public that attended said open house.

At 7:00 PM, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### Town Council – November 17, 2005 @ Noon

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, Kelley Balcomb-Bartok, 667 Chinook Way, pointed out that although he signed an attendance sheet for a neighborhood meeting near Larson Street in regards to a proposed sports field development in this area, his name was not meant to be included in a petition given to Council opposing this development. Mayor Boothman suggested Mr. Balcomb-Bartok give his comments during the evening public hearing regarding said sports field development.

#### Sheriff Report

Sheriff, Bill Cumming, distributed September and October 2005 Law Reports for Council review. Mr. Cumming discussed budget requests for 2006 that were granted by the Board of County Commissioners. Mr. Cumming expressed support for a joint Town/County administrative building. Mr. Cumming answered inquiries regarding a recent fatal car accident; funding and uses for the new sheriff boat; and disaster preparedness and the lack of a public emergency barge facility on San Juan Island. Councilmember Brooks asked if a letter of support for a barge landing from the Town Council to the County Commissioners would be valuable. Sheriff Cumming answered in the affirmative.

#### BOCC Update

At 12:19 PM, San Juan County (SJC) Commissioner, Kevin Ranker, reported that Ron Hendrickson has been hired as the new SJC Community Development Director. Mr. Ranker expressed appreciation for how Administrator Fitch and Land Use Administrator Bertrand handled the closure of the steel building covering the tipping floor at the Solid Waste Facility due to safety concerns. Mr. Ranker reported on ferry tariff policy, and proposed legislation regarding internet sales. Mayor Boothman thanked Commissioner Ranker for his update.

#### Draft Budget Public Hearing

At 12:30 PM, Mayor Boothman opened the public hearing on revenue resources for the 2006 Town Budget. No public input was forthcoming. Mayor Boothman left the public hearing open for those who may arrive late.

#### SJC Clerk

Administrator Fitch explained the 1998 Town Hall Space Study.

Mary Jean Cahail, San Juan County Clerk, explained past history regarding discussions of a joint Town/County administrative building. Ms. Cahail suggested ways to finance a joint building venture and the need to develop a rapport with our state legislators to improve funding interaction. Ms. Cahail mentioned discussions with other entities that have joint use buildings and how they handle various issues.

Mr. Ranker acknowledged that the Board of County Commissioners unanimously agreed that further dialog was necessary to ascertain if a joint use building was feasible. Mr. Ranker asked Council to approve continued discussions as well. Mr. Ranker cited cost savings and continued improved relations between entities as advantages to joint use.



## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Following discussion regarding bond issues; whether further discussions should be at the elected official or staff level; and the impact to Town and County citizens, it was the consensus of Council that continued discussions would be beneficial. Ms. Cahail gave Mayor Boothman the first dollar to begin funding. Mayor Boothman gave the dollar to Treasurer Picinich for safekeeping.

### Ordinance #1288

At 12:58 PM, Mayor Boothman asked but did not receive any public input regarding the 2006 Town revenue resources. Mayor Boothman closed said public hearing, and introduced draft Ordinance #1288 and corresponding Resolution #1477. An ordinance and a resolution fixing and levying the amount of Ad Valorem Taxes for the Town of Friday Harbor for the year 2006.

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1288 and Resolution #1477 as stated. The motion passed unanimously.

### Administrator's Report

At 1:00 PM, Administrator Fitch reported that the 2004 State Auditor's Report was available for review.

Administrator Fitch reported on receipt of a letter from the Washington State Department of Transportation regarding a reduction in federal funding for the fourth phase of the Guard Street project. Mr. Fitch indicated that no planning changes are anticipated at present.

Administrator Fitch reported that the Town Building Official, Mike Bertrand, was forced to close the San Juan Island Transfer Station due to safety concerns regarding the steel building covering the tipping floor at the Solid Waste Facility. Administrator Fitch explained the particulars of said circumstances.

Administrator Fitch distributed copies of the comments received during and after the Guard Street Phase 3 Improvement project open house held on November 8, 2005. Administrator Fitch asked for Council direction regarding which direction to give the Town's engineers to proceed with between the two concepts presented at said open house. Following discussion regarding the merits of both concepts, Council asked Administrator Fitch to contact the homeowners along Guard Street to see if they would be willing to sell some right of way necessary for concept #1, and to contact the State Transportation Improvement Board in regards to funding parameters in relation to concept #2. Administrator Fitch is to report back at the December 1, 2005 Town Council meeting.

Administrator Fitch reported on training regarding infrastructure funding in Wenatchee.

### Minutes

At 1:36 PM, Councilmember Gillette moved and Councilmember Rosenfeld seconded to approve the Town Council minutes of November 3, 2005 noon and 5:30 PM and November 8, 2005 at 5:00 PM meetings as corrected. The motion passed unanimously. Councilmember Brooks abstained as she was not in attendance at said meetings.

### Claims

Councilmember Jones and Councilmember Rosenfeld moved to approve the payment of claim warrants #27040 through #27093 in the amount of \$114,204.41. Following inquiries, the motion passed unanimously.

### Non-agenda

Councilmember Gillette reported that San Juan County Solid Waste Division has indicated that the Town's use of a compactor truck for combined recyclables was acceptable to them.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmembers Jones and Emery volunteered to meet with SJC Commissioner Ranker to further discuss a joint Town/County administrative building. Other Councilmembers concurred.

Regarding a Council letter of support for a barge landing, it was the consensus of Council that more project particulars were necessary prior to action.

Councilmember Brooks indicated that the Housing Bank issue will not be on the February ballot. Ms. Brooks commented that it may be ready for the May election.

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

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – November 17, 2005 @ 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

Mayor Boothman opened the public hearing on Conditional Use Permit #62 and SEPA Checklist #248, a request by San Juan Island School District #149 to develop community sports fields in two phases with associated parking, restrooms, and concessions.

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 from the audience. Mayor Boothman inquired if any Councilmember 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 Councilmember Brooks indicated that prior to the receipt of the completed conditional use application from the school, she attending meetings, spoke with the public and read newspaper articles regarding said proposed development. Councilmember Brooks indicated she had not yet reached a decision and felt she could still be fair and objective. Mayor Boothman also indicated for the record that the Town Council has given preliminary approval to fund some of the costs of said development based on the outcome of this public hearing. No one from the audience expressed an objection regarding these statements. Mayor Boothman asked if Council could hear and consider this application in a fair and objective manner. Council answered in the affirmative.

Attorney Eaton reminded those present that this was a quasi-judicial hearing. Attorney Eaton encouraged the public to give testimony based in fact and not emotion. He explained that it was the Council's obligation to base their decision on whether or not the criteria listed within the Town's municipal code for a conditional use permit was met or not. Attorney Eaton described procedural public notices that were given.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Mayor Boothman instructed those present of the procedures that would be followed and asked Land Use Administrator Bertrand to present the staff report.

Land Use Administrator Bertrand introduced Exhibit A, a map depicting the proposed layout of the sports field development and the surrounding area of the subject property; Exhibit B, a diagram depicting those areas on Carter Avenue that are proposed for improvements; Exhibit C, an enlarged diagram of Attachment 12 in the 11/4/05 staff report that depicts three proposed street cross section improvements along Carter Avenue; Exhibit D; a letter dated 11/3/05 from Stephen and Ann Bartok supporting the proposed community sports field development; Exhibit E, a letter from Lee Sturdivant along with a petition dated October 2004 against permitting an automobile entrance at the corner of Larson and Carter Streets.

Mr. Bertrand gave an outline of the staff report dated 11/4/05, explaining the conditional use permit application evaluation process; goals within the Town Comprehensive Plan that support parks and recreation facilities; how final build out of the Foxhall and Village Grove subdivisions would look and their traffic impact; the Carter Avenue access to the proposed development; the particulars of a traffic study performed by the applicant; proposed sidewalks on Carter Avenue; and staff suggested conditions before approval of said conditional use could be recommended.

At 5:58 PM, Mayor Boothman opened the public hearing to comments from the applicant.

John Linde, attorney representative for the applicant and Friday Harbor Athletic Association (FHAA), gave background comments on previous attempts to develop an athletic facility at various locations on San Juan Island. Mr. Linde entered Exhibit F, a letter dated 10/9/91 from San Juan Island (SJI) School District #149 supporting future development of a playfield complex near the Foxhall subdivision. Speaking to the advantages of public/private partnerships, Mr. Linde entered Exhibit G, a letter dated 3/12/90 to Don Galt, Friday Harbor Athletic Association President, from Frank Kelley, School Superintendent, granting said Association the right to construct a clubhouse on the Friday Harbor Elementary School site. Mr. Linde commented that this endeavor had been very successful. Mr. Linde observed that the conditional use permit procedure is intended to provide flexibility by allowing a wider range of uses within a particular zone. Mr. Linde commented on areas within the Town municipal code that support the granting of a conditional use for development of community sports fields. Mr. Linde stated that he felt the criteria for a conditional use permit have been met by the School's application. Mr. Linde expressed how the School/FHAA will inspect and clean out the detention ponds so that they work as designed. Mr. Linde expressed concerns regarding several conditions proposed by Town staff within said staff report.

At 6:30 PM, Mayor Boothman opened the public hearing to comments from the public and asked them to limit their input to five minutes. All input is on tape.

Richard Ledford, Friday Harbor High School Physical Education Teacher, supported the sports field development for the youth. Mr. Ledford spoke of the necessity for more sports fields because of the poor field conditions at the school due to the over use by the many extracurricular programs offered by the school.

Minnie Knych, County resident, asked Council to approve the conditional use permit for the sports field development for the many youth involved in sporting activities.

Barbara Starr, Terra Bella Lane, recommended that, should said permit be granted, the Town require the completion of the sidewalks on the west side of Carter Avenue prior to use of said fields; asked that walking trails and a playground area be included in the conditional use permit; asked that heavy

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

equipment work be allowed to operate only on weekdays; expressed concerns of the buffer size, impacts on the roadway and sharing of expenses.

Donna Forsyth, Kelsando Circle, expressed concerns with the number of events that would be allowed at one time; maintenance; chain link fencing; and sound.

Diane Olshefsky, owner of Harbor Rental and Saw, expressed concerns with the impact said development will have on her business located at the corner of Guard and Carter Avenue.

Jane Redfern, Carter Avenue, expressed environmental, wildlife, drainage, and Carter Avenue access concerns. Ms. Redfern stated that a sports field development would be a better alternative to a built out housing development.

Marie DiCristina, Kelsando Circle, supported the fields, but expressed wildlife concerns; supported fencing the area to restrict neighborhood trespassers; and suggested the Town protect the downstream property owners that would be affected by water runoff from this development.

Barbara Starr, Terra Bella Lane, expressed concerns about the speed of cars traveling along Larsen and Carter and suggested the requirement for traffic calming devices. Ms. Starr commented that the FHAA should be responsible for the cost of maintaining the retention ponds impacted by this proposed development.

Janet Wilson, Larson Street, read a letter into the record dated 11/17/05, said letter was marked Exhibit H. Ms. Wilson expressed concerns in said letter regarding access; protecting the surrounding neighborhood; and the disproportionate amount of Town public tax dollars that will be used to support this project.

At 7:09 PM, Mayor Boothman declared a short recess. At 7:16 PM, Mayor Boothman called the meeting back to order.

Jason Miniken, Larson Street, expressed concerns with the increased traffic and pedestrian impact on Larson Street and the lack of street amenities on this street; and inquired about funding for a family playground area on the proposed property.

Eric Jangard, County resident and Little League President, expressed the need for more ball fields. He supported the field development and pledged his assistance in building said complex.

David Eden, County resident and former School Board member, stated support for the proposed development due to the beneficial impact athletics have on youth.

Ron DiChristina, Kelsando Circle, praised the staff for their work and asked Council to follow the recommendations and conditions proposed by Town staff in said staff report.

Ron Duke, County resident and Friday Harbor High School Boys Soccer team coach, expressed support for the proposed field development because of lack of practice and game fields.

Diane Olshefsky asked Council to require the developer to make Carter Street wider in order to retain the on-street parking adjacent to Harbor Rental & Saw Shop.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Roy Kight, Coho Drive, expressed concerns regarding parking facilities; liability; field utilization; bus parking and use; security of fields; maintenance of fields; and private developers rather than public developers.

Bob Mancuso, County resident and SJI School Board member, explained the public process undertaken by the school regarding the proposed project.

Michael Soltman, SJI School Superintendent, supported the project because it fulfills the promise to the community during the 1997 bond ballot process. Mr. Soltman emphasized the need for the sports fields and asked Council to approve the conditional use permit as proposed.

Laura Chorba, Terra Bella Lane, supported the project but encouraged Council to ensure a safe neighborhood with good traffic flow.

Charlie Meyer, County resident and owner of Island Petroleum Services on Carter Avenue, expressed concerns with the intersection of Guard Street and Carter Avenue and suggested the roadway be widened to accommodate traffic and retain parking.

At 7:47 PM, John Linde addressed some of the concerns expressed by the public regarding fencing; on site development parking; the intersection of Guard Street and Carter Avenue; environment; FHAA; playgrounds; and community needs.

Kelley Balcolm-Bartok, Chinook Way, stated that the sports fields should be a wonderful addition to the community and neighborhood; suggested a sidewalk to connect Larsen Street to Tucker Avenue; and clarified that his name on a petition was not meant to depict disagreement with the proposed fields, but attendance at a meeting.

Bill Cumming, SJC Sheriff, stated support for said fields and indicated that SJI Parks and Recreation was also in support of said fields.

At 8:00 PM, John Linde restated that the proposed development met the criteria stated in the Friday Harbor Municipal Code and Town Comprehensive Plan and asked Council to approve the conditional use permit application.

Mayor Boothman asked if staff had any further comments.

Land Use Administrator Bertrand clarified that in regards to fencing, homeowner subdivisions could chose to allow a gate access to said development.

Attorney Eaton clarified for the audience that recommendation #14 in said staff report states that the fields will not be allowed to be used until all of the previous conditions have been met. Mr. Eaton also clarified that the Town has not agreed to waive fees or connection charges for this development, but has preliminarily agreed to fund said costs out of its Parks budget. Attorney Eaton pointed out that Condition 9, maintenance agreement, and Condition 10, operations agreement, of the staff report would have to be signed by the SJI School District and the FHAA or another private non-profit corporation or public entity.

Mayor Boothman asked for any non-repetitive public comments.

Barbara Starr inquired whether or not walking trails could be added at a later time if not specifically stated in said conditional use permit.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Hearing no further public comments, Mayor Boothman opened the hearing to Council questions.

Mayor Boothman asked staff to answer the question proposed by Ms. Starr. Land Use Administrator Bertrand indicated that the current conditional use permit application did not reference walking trails, and therefore an amendment to the conditional use permit would be necessary if it was not specifically included in this process. Mr. Bertrand proposed language that could be added to accommodate said use.

Councilmember Brooks inquired about the responsible party for electrical costs. Attorney Eaton indicated that the operational agreement under Condition #10 would cover such issues.

Councilmember Brooks inquired about lighting of facility. Land Use Administrator Bertrand indicated that the lighting intent was to provide safety for those during and immediately following an event. He suggested they may be on a timer so as not to be on continuously.

Councilmember Jones inquired if the applicant would be willing to divide their project into two phases, which would allow the FHAA to build confidence in the community during phase one and also allow more time for the developers to begin phase two of the project. John Linde answered that the applicant would prefer not to divide the project into two conditional permits. Attorney Eaton clarified that even though phase two is not projected to begin until 2008, as long as the overall project has begun within two years of the granting of the conditional use permit, it would be within the two year requirement listed under Conditional #4.

Councilmember Gillette suggested allowing Condition #12, regarding fencing, more flexibility.

Councilmember Rosenfeld asked for clarification regarding the use of the fields during this time of year without lighting and whether bleachers will be built.

Rod Turnbull, SJI School District Athletic Director, answered that development of new fields would provide a place to practice and therefore allow the main fields at the high school to be used during game days and be in better condition. He observed that he currently has to deny some youth programs the use of the fields in an effort to protect field conditions.

Councilmember Rosenfeld inquired about the installation of a family park. Bill Cumming indicated that SJI Island Park and Recreation has been in support of a park in this part of Town and may be instrumental in developing the family park area.

Councilmember Rosenfeld inquired about landscaping requirements. Land Use Administrator Bertrand indicated that at present, the only landscaping requirements are in the proposed parking area. Councilmember Rosenfeld supported leaving as many trees as possible for the neighbors.

Councilmember Rosenfeld expressed concerns regarding loudspeakers; non-athletic events; and traffic on Larson.

Councilmember Emery asked if parking would be eliminated on Carter Avenue if sidewalks are built. Land Use Administrator Bertrand answered that it depended on the west side rock removal.

Councilmember Brooks inquired if any street improvements on Carter Avenue by Island Meadows were planned. Administrator Fitch answered in the negative.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Councilmember Gillette suggested the working hours as proposed in Condition #7 in said staff report be changed to 7 AM to 7 PM.

Gabe Herda, Larson Street, asked about landscaping along Carter Avenue between the parking area and the street. Land Use Administrator Bertrand indicated that trees would be planted along Carter Avenue to buffer the parking area.

At 8:26 PM, hearing no further public comments, Mayor Boothman closed the public hearing portion of the meeting and opened Council deliberations.

Councilmember Brooks commented that she felt the applicant has met the qualifications for a conditional use permit. Ms. Brooks suggested eliminating the fence altogether.

Councilmember Gillette agreed, and suggested putting the fencing issue within the operations agreement with the school. Mr. Gillette expressed concerns with the intersection of Guard Street and Carter Avenue and the need to widen the road. Mr. Gillette suggested eliminating the Town's requirement for a restroom facility within phase one of the proposed project.

Councilmember Emery stated her support for the requirement for restrooms within phase one. Ms. Emery expressed concern with restricting wildlife by fencing; traffic impacts to Larsen and Carter Streets; parking during events; and the impact on Town funds to improve roads in this area.

Councilmember Jones stated that he felt the applicant has met the criteria under 17.80.030 for a conditional use permit. Mr. Jones stated that his only concern was regarding adverse impacts and he felt with the mitigating measures imposed by staff that concern has been addressed.

Councilmember Rosenfeld stated he did not want to restrict wildlife, but without a fence, it becomes a security issue. Mr. Rosenfeld stated that he felt the hours of construction work should be restricted to no internal-combustion engines, but hand work could be allowed outside of the hours proposed under Condition #7 of said staff report. Mr. Rosenfeld expressed concerns with electric amplification.

Discussion followed regarding fencing. At Council request, staff explained that the fencing required under Condition #12 in said staff report was to limit neighborhood impacts.

Councilmember Emery inquired about the cost of sidewalk improvements along Carter Avenue. Land Use Administrator Bertrand and Attorney Eaton explained that this requirement was intentionally left indefinite because the actual cost of this provision is not known at this time.

Discussion began regarding the hours of construction. It was the consensus of Council that Condition #7 of said staff report should be modified to read: "All heavy equipment construction work shall only take place between the hours of 8 AM to 5 PM, Monday through Saturday."

Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Conditional Use Permit application #62 and SEPA checklist #248 to develop community sports field with associated parking, restrooms, and concessions with the recommended conditions proposed by staff in the staff report of 11/4/05 with the above revision to Condition #7 in regards to heavy equipment and to direct staff to write findings of fact and conclusions of law to support said decision.

Councilmember Emery moved and Councilmember Jones seconded to amending the motion to include language that would allow the construction of a future family playground and walking trails as part of

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

this conditional use permit. Following Land Use Administrator Bertrand's proposed language insertion, the motion to amend the main motion passed unanimously.

Following discussion in regards to requiring the developer to provide traffic calming devices on Carter Avenue and Larson Street, the main motion passed unanimously with no further amendments.

At 9:00 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – December 1, 2005 @ Noon**

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, Dr. Chris Clarke, 182 Pelican Way, objected to Sheriff Cumming's comments at the 11/17/05 noon Town Council meeting regarding a public barge facility at the Lafarge property on Pear Point Road. Mr. Clarke indicated that Roche Harbor Resort has expressed willingness to a joint operating agreement with San Juan County to provide an emergency barge facility. Discussion followed.

#### Fire Chief Report

At 12:05 PM, Fire Chief, Robert Low, explained ongoing fire prevention training; volunteer firefighter efforts outside of firefighting, such as helping to build a garage on Larsen Street and working on the Homes for Islanders affordable housing project; his personal EMT training; emergency incident support efforts; purchase of training DVD's by the fire association; fire training drills at the Spring Street Browne property; and the total 118 year-to-date incidents. Discussion and inquiry followed regarding the Town siren; firefighters who traveled to assist New Orleans; and emergency food supplies.

#### Economic Development Council (EDC) Update

At 12:15 PM, Ralph Hahn, Economic Development Council president, and Richard Cville, executive director, distributed and explained the EDC summer/fall activity update; mission statement; and the draft 03-05 biennial workplan goals & accomplishments report. Mr. Hahn encouraged the Town to add an economic development element to its Comprehensive Plan and participate in future discussions regarding a multiple entity coordinated vision for economic development. Discussion and inquiry ensued during said update.

#### Public Hearing on 2006 Town Budget

At 12:33 PM, Mayor Boothman opened the public hearing on the draft 2006 Town Budget. No public input was forthcoming.



## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Administrator Fitch introduced draft Ordinance #1295 and draft Resolution #1478. An ordinance fixing and levying the amount of Ad Valorem Taxes for the Town of Friday Harbor for the year 2006 and repealing Ordinance No. 1288 in its entirety and a resolution repealing Resolution No. 1477 in its entirety. Staff explained the particulars of said ordinance and resolution. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt Ordinance #1295 and Resolution #1478 as stated. Following discussion, the motion passed unanimously.

Mayor Boothman and Administrator Fitch explained the revised process used to determine the 2006 non-represented personnel salaries.

Councilmember Emery suggested the Town contact Skagit Valley College regarding a student coordinated Town of Friday Harbor updated income study. Following discussion, it was the consensus of Council that \$10,000 should be budgeted in the current expense fund for said study.

### Historic Preservation Review Board (HPRB) Accomplishments

At 12:50 PM, inquiring, but not hearing any public input regarding the 2006 budget, Mayor Boothman asked the Historic Preservation Review Board members to give their presentation. Mayor Boothman left the public hearing open for any late arriving public.

HPRB chair, Scott Zehner, introduced David Waldron, the last member of the original HPRB. Mr. Waldron gave a brief history of the HPRB, their mission, and goals accomplished. Martha Padve explained two large commercial projects to be reviewed by the HPRB in the near future and distributed a draft design concept of one of the projects. Mr. Zehner explained the process taken by developers during a review by said Board, and expressed concerns with the need to preserve historic buildings from demolition. Mr. Zehner suggested that prior to the Town taking action to preserve historic buildings, the HPRB should define the criteria for a historic building and do an updated building inventory.

Discussion followed regarding other city's historic districts; tax credits; and expanding the historic district.

### Closed Public Hearing

At 1:15 PM, Mayor Boothman asked but did not receive any public input on the draft 2006 Town Budget. Mayor Boothman closed the public input portion of the meeting.

### Administrator's Report

Administrator Fitch reported that the Puget Soundkeeper Alliance has filed a lawsuit against the Town of Friday Harbor in Federal Court regarding violation of the Clean Water Act. Mr. Fitch indicated that this is the standard procedure for this type of claim.

Administrator Fitch indicated that the Town had received a copy of the San Juan County Solid Waste Division Cost of Service analysis. Mr. Fitch expressed concern about the process for adoption of said analysis. Mr. Fitch reported on the procedure for improvements at the San Juan Solid Waste Facility.

Administrator Fitch commented on the noise associated with traffic calming rumble strips. Following discussion regarding noise and raising public awareness of the Town limits and its speed limits, it was the consensus of Council that the Town should purchase enough rumble strips to be placed at two entrances to Town limits along with corresponding pavement painting for testing of the system.

Administrator Fitch informed Council that the Washington State Transportation Improvement Board has indicated that they would not withdraw any funding under Concept 2 of the Guard Street improvement

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

project. Mr. Fitch noted that most of the property owners along Guard Street have agreed to sell or give the right of way necessary under Concept 1 of said project. Administrator Fitch commented that each concept has received equal public support. Administrator Fitch pointed out that the cost of removing and rebuilding the stone wall at Patty Leak's property was approximately \$25,000. Mr. Fitch suggested the project go around the wall rather than spend \$13,500 to build a new wall or \$25,000 to move and rebuild the existing wall. No decision regarding the Guard Street concepts was made at this time.

At 1:40 PM, Mayor Boothman moved the discussion of Ordinance #1290 and the minutes to the evening Town Council meeting and hearing no objection declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

### **Town Council – December 1, 2005 @ 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.

#### Minutes

Councilmember Rosenfeld moved and Councilmember Gillette seconded to approve the Town Council minutes of November 17, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

#### Ordinance #1290

Mayor Boothman introduced draft Ordinance #1290. An ordinance repealing Ordinance No. 654 concerning regulation of temporary vendors and merchants in its entirety. Administrator Fitch explained the particulars of said ordinance. Councilmember Brooks moved and Councilmember Emery seconded to adopt said ordinance as stated. The motion passed unanimously.

#### Shoreline Substantial Development Permit #81

At 5:34 PM, Mayor Boothman opened the public hearing on Shoreline Substantial Development Permit #81 and SEPA Checklist #249, a request by the Port of Friday Harbor to build a floating restroom facility within the marina located at 204 Front Street North.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participation in the public hearing process. Mayor Boothman inquired, but did not hear any objection to his or any Councilmember's participation in the public hearing process from the audience. Council answered in the negative to Mayor Boothman's inquiry regarding any interest in the property or issue; gain or loss of financial benefit as a result of the outcome of this hearing; and communication with opponents or proponents regarding this issue. Council answered in the affirmative to Mayor Boothman's inquiry regarding if Council could hear and consider this application in a fair and objective manner.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

Upon inquiry by Mayor Boothman, Attorney Eaton responded he did not have any procedural issues at this time. Mayor Boothman asked Zoning Coordinator, Warren Jones, to present the staff report. Mr. Jones indicated that the staff report dated 11/18/05 consisted of 4 pages with 2 attachments totaling 15 pages in all. Mr. Jones noted pre-marked Exhibit A, an aerial picture of the subject marina; and Exhibit B, an enlargement of Attachment #2 in the staff report. Mr. Jones noted adherence to publication laws and the Town public notification process. Mr. Jones noted that no written comments had been received regarding this project. Mr. Jones described the project; zoning; how it relates to Town shoreline laws; suggested conditions; and recommended approval of said shoreline development with conditions.

At 5:43 PM, Mayor Boothman opened the hearing to applicant input.

Bob Freehauf, Port of Friday Harbor Maintenance and Project Manager, noted that said project would be more convenient to boaters and help reduce septage spillage in to the Puget Sound.

Councilmember Gillette asked Mr. Freehauf to illustrate the location of the current effluent pump out devices within the marina. Using the aerial photograph, Mr. Freehauf indicated the locations for the fixed and portable pump-outs devices.

Councilmember Gillette suggested the Port of Friday Harbor include a portable port-a-potty dump unit at this location as part of this Shoreline Substantial Development Permit. Mr. Freehauf indicated that a portable port-a-potty dump area may be added at this location in the future.

Councilmember Jones inquired about the project budget. Mr. Freehauf answered that the project was estimated at \$200,000.

Administrator Fitch asked if more separation could be placed between the water line and the proposed pressure sewer line. Mr. Freehauf answered that he felt the Port would be willing to be flexible to meet the Town's concerns regarding utility line placement.

Mayor Boothman opened the public hearing to audience input.

Roger Bennett, 491 Golf Course Road, stated that more restrooms are good restrooms.

Administrator Fitch asked Zoning Coordinator Jones about the building permit and inspection process. Mr. Jones answered that the Town Building Inspector, Gary Hanson, would review the Port specifications for the floating restroom building to make sure it complies with the Town's building regulations and then the company that manufactures the unit would give the Town a certification that it is built to these specifications. Discussion and inquiry between Mr. Freehauf and Council followed regarding sales tax revenue; design and color of the building; and plumbing connection materials.

Councilmember Brooks inquired if the building could be moved to a new location within the port marina in the future. Mr. Freehauf answered that movement of the building would be limited because of the electrical and plumbing connections, dock connection, and new shoreline permit processing.

Councilmember Emery inquired about the impact to the Town's utilities. Administrator Fitch answered that the Town staff felt it would be redistributed use rather than additional impact on Town infrastructure.

Councilmember Gillette asked that a portable pump-out unit be allowed as part of this shoreline permit. Attorney Eaton noted that the Town currently allows the Port to have portable pump-out units within

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

the marina without a shoreline development permit, and therefore it was not necessary to include that provision within this shoreline permit.

Councilmember Brooks inquired if there would be showers included within the floating restroom building. The answer was negative.

At 5:58 PM, Mayor Boothman inquired but did not receive any further public input. Mayor Boothman opened Council deliberations.

Councilmember Brooks moved and Councilmember Gillette seconded to accept the staff report and approve Shoreline Substantial Development Permit #81 and SEPA checklist #249 to build a floating restroom facility within the marina located at 204 Front Street North and direct staff to prepare findings of fact and conclusions of law to support said decision. The motion passed unanimously.

### Ordinance #1291-1294

At 6:00 PM, Mayor Boothman opened discussion of the 1<sup>st</sup> reading of Ordinances #1291 through #1294 in regards to increasing water, sewer, refuse, and stormwater rates. Administrator Fitch explained the particulars of said ordinances and their financial impact on Town utility customers. Discussion followed regarding the various rate increases and proposed cost saving alternatives.

### Guard Street Improvement Project

At 6:25 PM, Administrator Fitch explained discussions with Guard Street property owners regarding the Town purchasing the necessary right of way to construct Concept 1 of the Guard Street Improvement project options. Mr. Fitch explained the different options for management of the rock wall located on the Leak property.

Mitchell Chevalier, son of a Guard Street property owner, asked Administrator Fitch various questions regarding the Guard Street project construction particulars. Following answers, Mr. Chevalier indicated that either concept was acceptable, but Concept 2 was preferred.

Councilmember Jones indicated his support for Concept 2 because of the lower cost and less property owner right of way issues.

Councilmember Brooks inquired about the future need for parking along Guard Street. Discussion followed regarding the current zoning for said area. Following inquiry, Administrator Fitch answered that he and the Town's street engineers preferred Concept 1.

Councilmember Gillette suggested that if the Town chose to go around Ms. Leak's rock wall and not use all of the right of way that is available, then the Town should vacate that portion of the right of way to Ms. Leak at the normal expense. Councilmember Emery agreed that it would be good for the Town to be released from the liability for said wall.

Following discussion regarding the ratio of the increased overall cost of Concept 1 versus the benefit gained by the limited amount of parking spaces that Concept 1 provides, Councilmember Jones moved and Councilmember Rosenfeld seconded to direct the Town's street engineers to proceed with Concept 2, with the modification to go around the Leak rock wall.

Following discussion regarding future street improvement budget funds that might be impacted by incurring debt to complete Concept 1, the motion passed 4 to 1 with Councilmember Gillette opposed.

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

### 2006 Town Budget

Mayor Boothman opened discussion of the 2006 Town Budget. Mayor Boothman explained how he altered the previous process for determining the wages proposed for non-represented personnel. Discussion followed regarding personnel impacts to the Town budget and overtime costs.

Councilmember Gillette reminded Treasurer Picinich that the cost for implementing online payments should be eliminated from the Town budget. Treasurer Picinich indicated it would be eliminated prior to the final budget.

Following inquiry, Treasurer Picinich explained how the revenues and expenditures for the Guard Street Improvement project were depicted in said Budget.

### Claims & Payroll

At 7:35 PM, Councilmember Jones moved and Councilmember Rosenfeld seconded to approve the payment of claim warrants #27096 through #27134 in the amount of \$55,033.64 and payroll warrants #11210 through #11257 in the amount of \$169,401.28. The motion passed unanimously.

### Non-agenda

None

At 7:36 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – December 15, 2005 @ Noon**

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 #1479

Mayor Boothman introduced draft Resolution #1479. A resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 2006. Administrator Fitch explained the particulars of said resolution. Councilmember Gillette moved and Councilmember Brooks seconded to adopt Resolution #1479 as stated. The motion passed unanimously.

### Resolution #1480

Mayor Boothman introduced draft Resolution #1480. A resolution authorizing the Mayor to execute an intergovernmental agreement for dispatching services with San Juan County for the calendar year 2006. Councilmember Brooks noted that the request for additional funds was not presented in a timely manner per Section 6.8 of the draft contract. Administrator Fitch concurred with this statement. Mr.

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

Fitch pointed out the addition of new privacy law language. Councilmember Brooks moved and Councilmember Emery seconded to adopt Resolution #1480. The motion passed unanimously.

### Administrator's Report

Administrator Fitch reported that the schedule for Phase 3 of the Guard Street Improvement Project would be approximately 30 days later than originally anticipated. Administrator Fitch indicated that if the Town wanted to complete Phase 4 of the Guard Street Improvement Project immediately following Phase 3, it would need to obtain a loan to pay for said improvements and then submit for reimbursement from the federal government.

Administrator Fitch asked Council to approve an additional decorative lighting standard for the Memorial Park Project. Following discussion, it was the consensus of Council to approve said expense.

Administrator Fitch introduced draft Resolution #1481. A resolution to execute an amendment to the agreement between the Town and the consulting firm of Brown & Caldwell for an Operator and Maintenance Manual and an Emergency Action Plan for the Trout Lake Dam not to exceed \$5909.00. Councilmember Gillette moved and Councilmember Jones seconded to adopt said resolution.

Councilmember Rosenfeld commented that he felt this additional expense was unnecessary because this inundation study would be outdated and need to be re-done when the time came to raise Trout Lake Dam.

Councilmember Gillette answered that said study would be a way of notifying San Juan County of the Trout Lake downstream flood basin in regards to allowing future developments within that property. Following discussion, the motion passed 3 to 2 with Councilmembers Jones and Rosenfeld opposed.

Administrator Fitch introduced draft Resolution #1482. A resolution authorizing an agreement between the Town of Friday Harbor and the law firm of Foster Pepper and Shefelman to provide labor negotiation services. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1482. Following discussion, Councilmember Jones and Rosenfeld agreed to withdraw their motion until after the closed session discussions today.

Administrator Fitch reported on achievements in completing the Department of Ecology (DOE) compliance order requirements in regards to the Town's violation of its Wastewater Treatment Plant discharge permit. Administrator Fitch noted that Brown & Caldwell Engineering had completed the sewer main replacement feasibility study. Administrator Fitch acknowledged that Council had not yet had time to review said study, but due to the upcoming 12/31/05 deadline to submit three options to the DOE, Administrator Fitch asked that Council authorize him to submit said study to meet said deadline. Following discussion, Administrator Fitch assured Council that the options within said study could be modified at a later date. Council authorized Administrator Fitch to submit the study of the three options so as to meet the 12/31/05 deadline with the understanding that further discussions regarding the options would be placed on a future agenda.

### Public Hearing to amend the 2005 Town Budget

At 12:25 PM, Mayor Boothman opened the public hearing regarding amendments to the 2005 Town Budget. Treasurer Picinich reviewed the proposed amendments. Discussion followed. No public input was forthcoming.

At 12:29 PM, hearing no public input, Mayor Boothman closed the public hearing on the 2005 Town Budget amendments and introduced draft Ordinance #1296. An ordinance amending the 2005 Budget

## **MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005**

for the Town of Friday Harbor. Councilmember Jones moved and Councilmember Brooks seconded to adopt said ordinance as stated. Following inquiry, the motion passed unanimously.

Mayor Boothman moved discussion of draft Ordinance #1297 to later in the meeting.

### Ordinance #1298

At 12:31 PM, Mayor Boothman introduced draft Ordinance #1298. An ordinance fixing salaries of officials and non-represented personnel. Councilmember Emery moved and Councilmember Jones seconded to adopt Ordinance #1298. Following discussion regarding the proposed public service salaries versus private industry salaries, the motion passed 4 to 1, with Councilmember Gillette opposed.

### Ordinance #1291-1294

At 12:36 PM, Mayor Boothman opened discussion of draft Ordinances #1291 through #1294. Ordinances pertaining to increasing water, sewer, refuse, and stormwater user rates. Discussion ensued in regards to expanding the number of years to raise rates as a means to soften the impact to users of the increased rates; subsidizing the utility funds with current expense funds; how the increased rates are not related to growth; and changing the basic water inclining rate structure.

Councilmember Jones indicated that the integrity of the 2002 Water and Sewer Rate Study should be maintained. He stated agreement with investigating the use of current expense funds to supplement the utility funds, but expressed the need to move forward with the ordinances as proposed at this time. Councilmember Jones moved and Councilmember Emery seconded to adopt Ordinance #1291 through #1294 as stated.

Councilmember Emery asked that further discussion in regards to using current expense funds to supplement utility funds be placed on a future Town Council agenda.

Councilmember Gillette asked that his comments in opposition to Ordinances #1291-1294 be place in the record.

Councilmember Gillette opposed Ordinance #1291 because excessive funds were being transferred to the water reserve fund and he stated that having a tiered water rate structure is appropriate during times of drought, but not during current times when water is abundant. Councilmember Gillette opposed Ordinance #1292 because of the continued cost of the sludge dryer and its detrimental environmental impacts. Councilmember Gillette opposed Ordinance #1293 because costs could be reduced by converting to the County's co-mingled recycle system and the proposed increase was excessive.

Following discussion, the motion passed 4 to 1.

### Ordinance #1297

Mayor Boothman introduced draft Ordinance #1297. An ordinance adopting the budget for the Town of Friday Harbor for the fiscal year ending December 31, 2006. Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Ordinance #1297 as presented. Councilmember Gillette stated opposition to Ordinance #1297 because of continued funding for the parking enforcement program, high utility rates, and lack of general budget tightening. The motion passed 4 to 1.

### Lodging Tax Advisory Committee (LTAC) Report

At 12:57 PM, Mayor Boothman opened discussion of the Lodging Tax Advisory Committee hotel motel program report. Councilmember Jones explained particulars of the Hotel Motel Excise Tax Grant

## MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR - 2005

application process and asked Council to accept the recommendations of the LTAC and approve the 2006 hotel motel grant funding as proposed for \$120,000. Following discussion, Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt the recommendations of the LTAC. Following additional inquiries, the motion passed unanimously.

### Minutes

At 1:03 PM, Councilmember Gillette moved and Councilmember Jones seconded to approve the Town Council minutes of December 1, 2005 noon and 5:30 PM meetings as written. The motion passed unanimously.

### Non-agenda

Councilmember Brooks distributed information entitled "Elements to Developing a Successful Grant". Ms. Brooks also distributed minutes from the 12/12/05 Affordable Housing Bank Commission meeting and spoke of ways to enhance the Town Income Study to be updated in 2006. Ms. Brooks asked that the Town Council write a letter to the Board of County Commissioners supporting the draft Expenditure Plan for the future Real Estate Excise Tax funds. Administrator Fitch indicated that John Manning has asked to be placed on the 1/5/06 Town Council noon agenda to discuss this issue. Ms. Brooks noted that the Town will need to re-negotiate our House Bill 2060 funds distribution between the Town and the County because of the new County charter organization. Ms. Brooks suggested developing a "homelessness plan" as a step towards obtaining grant funds.

Mayor elect-Jones indicated that he would like to plan a mini-retreat of the Town Council on Saturday, 1/14/06 to discuss the Town Council 2006 legislative approach. Following discussion, it was determined that most Councilmembers would be able to attend the meeting on that same day from 6 PM to 10 PM in the Islanders Bank Community Room.

### Closed Session

At 1:10 PM, Mayor Boothman declared the meeting in closed session to discuss union negotiations. Mayor Boothman indicated that Resolution #1482 may be considered by the Council following closed session.

At 1:50 PM, Mayor Boothman declared the meeting back in regular session.

Councilmember Jones moved and Councilmember Rosenfeld seconded to adopt Resolution #1482 regarding labor negotiation services. The motion passed unanimously.

At 1:50 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk

## **Town Council – December 15, 2005 @ 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



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Mayor Boothman led the meeting in the Pledge of Allegiance.

### Public Access

Due to the new legislation regarding smoking, Roger Bennett, owner of a building at 1 Spring Street, asked the Town to visually illustrate the necessary space that a person needs to be away from a building to be allowed to smoke.

### Magnum Rezone Public Hearing

At 5:34 PM, Mayor Boothman opened the public hearing on Rezone Application #51 from Magnum Investments, Inc. A request to change the zoning of a portion of property located within the Evergreen Addition designated as 560, 565, 570, and 575 Hemlock Court from single family residential to light industrial.

Mayor Boothman inquired, but did not hear any Councilmember ask to be excused from participating in the public hearing process.

Mayor Boothman instructed those present of the procedures that would be followed.

Mayor Boothman inquired, but did not hear any objection to his or any other Councilmember's participation in the public hearing process from the audience. Mayor Boothman inquired if any Councilmember had any interest in the property or issue; or stood to gain or lose any financial benefit as a result of the outcome of this hearing. Council answered in the negative to these questions. Mayor Boothman inquired if Council could hear and consider this application in a fair and objective manner. Council answered in the affirmative.

Mayor Boothman asked Attorney Eaton to clarify the question to Council regarding communication from opponents and proponents since this issue has been before the Town Council on previous occasions.

Attorney Eaton answered that the question should probably be revised to ask if the Council has communicated with opponents or proponents since the rezone request application was submitted to the Town. Council answered in the negative to the revised question.

Mayor Boothman asked Zoning Coordinator, Warren Jones to present the staff report.

Zoning Coordinator Jones indicated that the staff report dated 11/30/05 consisted of 3 pages with 6 attachments totaling 10 pages. Mr. Jones noted pre-marked Exhibit A, an enlargement of the 2005 Zoning Designation Map; Exhibit B, an enlargement of the 2002 Comprehensive Plan – Amended Land Use Map; and Exhibit C, a map depicting the subject property. Mr. Jones noted adherence to publication laws and the Town public notification process. Mr. Jones read Exhibit D, a letter from Gregory L. Davis dated 12/14/05, into the record. Mr. Jones described the project; adjacent zoning; how the rezone request relates to Town municipal laws; and recommended approval of said rezone request.

Mayor Boothman opened the public hearing to comments from the applicant.

Stephanie O'Day, representative for Magnum Investments, entered Exhibit E, a collection of letters and information regarding the past and present rezone requests for this property. Ms. O'Day emphasized that significant development has occurred around the subject area and entered Exhibit F, 5 aerial pictures depicting the increased industrial development. Ms. O'Day asked for clarification regarding Council correspondence from opponents. Council was again asked whether or not they had engaged in communication of any kind with opponents or proponents regarding this issue. Council again answered

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in the negative. Ms. O'Day entered Exhibit G, a document that alters the Evergreen subdivision covenants, conditions, and restrictions (CCR) for Lots 10-13.

Mayor Boothman opened the hearing to public comment.

Bill Weissinger, representative for Greg Davis, indicated that they assumed when Council previously approved the subject lot becoming reclassified as split-zoned during the Comprehensive Plan process it would be 4 total lots with 2 lots zoned single-family residential and 2 lots zoned light industrial, rather than 2 larger split-zoned lots. Mr. Weissinger indicated that this different configuration creates new issues. Mr. Weissinger asked Council to protect the neighborhood by forbidding access to the subject properties from Hemlock Court and to require a barrier. Mr. Weissinger distributed an enlarged copy of FPMC 17.52.050(D) regarding barriers.

Claudia Cross, 555 Hemlock Court, opposed the rezone and read into the record several areas within the Town Comprehensive Plan and municipal code in support of her position.

Stephanie O'Day emphasized that the construction of Mullis Street has been instrumental in changing the development in this area. She indicated that limiting ingress/egress access to the subject properties from Mullis Street only was acceptable to the applicant.

Bill Weissinger disagreed that the development of Mullis Street has affected the Evergreen Subdivision. Mr. Weissinger emphasized that a barrier should be required to alleviate future possible encroachment issues.

At 6:17 PM, Mayor Boothman opened the hearing to Council questions.

Councilmember Brooks asked how the 50% lot coverage within the light industrial zone pertains to landscaping and parking requirements. Zoning Coordinator Jones answered that the developer can build a structure to cover 50% of the lot and the rest of the lot is usually taken up with required parking and landscaping.

Zoning Coordinator Jones clarified for the record that several properties along Mullis Street have been previously rezoned within the subject properties' vicinity.

Councilmember Brooks asked for clarification if there was a requirement to keep any structure 70' away from single family residential property. Mr. Jones answered that there is no property line between the proposed split-zone on this property, and therefore it is not required. Mr. Jones commented that restrictions are not generally allowed on rezone requests, but that restrictions could be added during a short plat or boundary line adjustment process.

Councilmember Brooks asked Mr. Weissinger to clarify his statement regarding access to the single family residential and industrial lots. Mr. Weissinger responded that they are requesting that no access to the light industrial zoned lots be granted via Hemlock Court.

Attorney Eaton further clarified the 70 foot requirement between a light industrial zone and single family residential zone.

Councilmember Rosenfeld asked if the property lines remained as they currently are designated with the front portion rezoned light industrial, what type of uses would be allowed on the single family residential property. Attorney Eaton answered that only those uses designated within the Friday Harbor

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Municipal Code would be allowed. Zoning Coordinator Jones answered that absolutely no outdoor storage would be allowed.

Councilmember Jones inquired if the applicant chose to designate a new property line between the proposed light industrial lots and the single family lots, would the two single family lots be buildable. Following clarification of the question, Attorney Eaton and Zoning Coordinator Jones answered in the affirmative.

Councilmember Emery asked for clarification regarding the Town rear yard requirements between single family residential zoned property and light industrial zoned property. Zoning Coordinator Jones answered that because there currently was not a property line between the two proposed zonings of this rezone request it was not an applicable issue.

Councilmember Rosenfeld asked if conditions could be placed on a rezone request. Attorney Eaton explained the differences between past and current practices regarding rezone conditions. Councilmember Rosenfeld indicated that if the proponent and opponent could agree on conditions there should be a way for Council to impose conditions. Attorney Eaton stated he was not comfortable in imposing conditions without further legal research.

Mayor Boothman asked Attorney Eaton if he would like to continue the public hearing to allow more time to research whether or not conditions could be attached to this rezone. Attorney Eaton answered that he was not positive he would have a definitive answer to the question even with more time to research due to lack of case law.

Councilmember Jones asked Ms. O'Day if the applicant would be willing to change the boundary line to the actual location of the proposed split-zone instead of an imaginary buffer. Ms. O'Day stated that the applicant would not be interested in changing the boundary lines because the applicant wants to change the boundary lines to make two split-zoned lots.

Attorney Eaton indicated that it appeared that the applicant's attorney has offered to place a condition on the rezone to confine access to the light industrial property only from Mullis Street via a concomitant agreement. Ms. O'Day answered in the affirmative to this comment and additionally offered to place another condition that requires a fence or barrier along the easterly property line.

Councilmember Brooks inquired if the Evergreen Subdivision CCR allowed fences. Ms. O'Day stated that earlier presented Exhibit G released Lots 10-13 of this subdivision from all CCR requirements.

Mr. Weissinger disagreed with this statement because only 75% of the property owners in the area gave their approval and in his opinion 100% property owner agreement is required.

At 6:39 PM, Mayor Boothman closed the public hearing to audience input and opened Council deliberations.

Councilmember Rosenfeld suggested that staff prepare a concomitant agreement that restricts access to the subject properties from Hemlock Court.

Councilmember Jones stated that he was not ready to vote on the issue yet.

Councilmember Emery wondered if landscaping would be enough of a barrier to mitigate sounds and sights.

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Administrator Fitch suggested that staff work with the applicant to draft a concomitant agreement.

Mayor Boothman suggested continuing the public hearing to a later date.

Councilmember Jones asked if it was the consensus of Council to put a fence along the property line or along the imaginary line between the two proposed zones. Council answered the property line.

Councilmember Emery moved and Councilmember Rosenfeld seconded to continue the public hearing until January 5, 2006 at 5:35 PM to give staff time to work with the applicant to draft a concomitant agreement. Following discussion, the motion passed with Councilmember Brooks abstaining.

### Recess

At 6:50 PM, Mayor Boothman declared a brief recess. At 6:55 PM, Mayor Boothman called the meeting back to order.

### SJI School District - Findings of Fact

Mayor Boothman opened discussion of the Findings of Fact and Conclusions of Law in regards to Conditional Use Permit Application #62 and SEPA checklist #248. Councilmember Rosenfeld moved and Councilmember Jones seconded to adopt said Findings as presented. Following a procedural question from the audience, the motion passed unanimously.

### Claims

At 6:57 PM, Councilmember Rosenfeld moved and Councilmember Emery seconded to approve the payment of claim warrants #27136 through #27209 in the amount of \$202,322.33. The motion passed unanimously.

### Recognition of Mayor Boothman's public service

Administrator Fitch presented Mayor Boothman with several gifts from the Town and staff. Mayor Boothman spoke of his years in public service and what it has meant to him. A standing ovation was given to Mayor Boothman. Former Mayor and Councilmember LaPorte thanked Mayor Boothman for his years of public service and contributions.

### Oaths of Office

Town Clerk Wilson gave the Oath of Office to re-elected Councilmember, Howard "Howie" Rosenfeld, for Position #3, and newly elected Councilmember, Liz Illg, for Position #4, and newly elected Mayor, David Franklin Jones.

At 7:15 PM, hearing no further business and no objection, Mayor Boothman declared the meeting adjourned.

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Gary G. Boothman, Mayor

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Kelle Wilson, Town Clerk