



## SUMMARY OF THE MINUTES TOWN COUNCIL

Thursday, February 15, 2024 – Council Chambers – Afternoon Session

### CALL TO ORDER

Mayor Jackson called the regular session of the Town Council to order at 12:05 p.m.

### ROLL CALL

Councilmembers: Steve Hushebeck (Position No. 1), Richard Geffen (Position No. 2), Anna Maria de Freitas (Position No. 3), Mason Turnage (Position No. 4) and Barbara Starr (Position No. 5).

Mayor, Raymont Jackson; Town Administrator, Denice Kulseth; Finance Director, Bethany Berry and Clerk, Amy Taylor.

### FLAG SALUTE

Mayor Jackson conducted the flag salute.

### ANNOUNCEMENTS

Mayor Jackson requested that anyone wishing to speak regarding the Administrative Appeal for the Holliwalk Development hold their comments. All comments regarding the Appeal are required to be taken on the record as part of the Appeal. The scheduled discussion regarding the design variance request is a separate issue that may receive comments.

### PUBLIC ACCESS TIME

Chief Noel Monin, Fire District 3, informed the Council that the Fire Commission approved a five-year employment agreement for the newly defined position and he was appointed Fire Chief. Chief Monin introduced current District Officers (key staff). The Council congratulated Chief Monin and invited him to participate in quarterly reports.

### ACTION AND DISCUSSION ITEMS

Consent Agenda – February 15, 2024

**Moved by Geffen, seconded by Hushebeck, to approve the Consent Agenda dated February 15, 2024 as follows. Motion passed unanimously.**

- Resolution No. 2838 – Approve a Task Order No. 2 with Brown & Caldwell for design of a 4th filter at Water Treatment Plant in an amount not to exceed \$700,975.
- Payment of Claims & Payroll
  - Claim warrants: #60583 to 60617; dated February 8, 2024; in the amount of \$80,632.83.
  - Payroll warrants: #20049 to 20056, including the employee direct deposit and ACH payments # 16 to 20; dated January 31, 2024, in the amount of \$388,573.45.

### SJC Housing Advisory Committee

At 12:18 p.m., Mayor Ghatan invited Farhad Ghatan, SJC Housing Advisory Committee Member, to provide an update. Mr. Ghatan provided an overview on the structure, membership, duties, current workplan and status of the “Home Fund” real estate excise tax.

Discussion followed regarding allocation of past and future Home Funds and the percentage of funds distributed between the Town/San Juan, Orcas and Lopez Islands. Ryan Page, SJC Housing Coordinator, stated that Home Funds are not structured to be earmarked per Island. Mr. Page emphasized that all eligible agencies for projects within the County may submit an application for funding consideration and clarified that it is difficult to demonstrate parity with the distribution of funds because the Home Fund is allocated based on approved funding requests. The County considers all viable applications on a first come first served basis. For example, the County has not distributed an “equitable” share to Town/San Juan Island compared to Orcas and Lopez Islands. Nor has it received any fundable project applications to date for Town/San Juan Island. The County anticipates consideration of future projects such as the proposed Argyle Malcom Development. “Earmarking” funds would be inappropriate with their current processes until an application is submitted and approved.

Discussion followed regarding the proposed Malcom Argyle Project. Mr. Ghatan and Page expressed that the County will continue to apply for all available grants for the project.

The Council thanked Mr. Ghatan and Page for the information. No action was taken.

#### Public Works Update

At 12:57 p.m., Mayor Jackson introduced the public works update. Public Works Director Jesse Douglas-Seitz updated the Council on upcoming capital projects, new assets and facility maintenance and daily operations. No action was taken.

#### Marguerite Place Improvement Project

At 1:02 p.m., Mayor Jackson introduced discussion of the Marguerite Place Improvement Project. Public Works Director Jesse Douglas-Seitz presented preliminary designs (30% design review) and asked the Council’s preference on various sidewalk curb cuts and other issues. Discussion followed regarding whether to allow certain parcels with adequate frontage two curb cuts.

**Moved by Starr, seconded by de Freitas, to approve the preliminary (30%) designs to date for the Marguerite Place Improvement Project. Motion passed unanimously.**

#### 2024 Comprehensive Plan Docket

At 1:17 p.m., Mayor Jackson introduced discussion concerning docketing for the 2024 Town Comprehensive Plan Updates. Community Development Director Ryan Ericson explained the docketing process and that Town received two applications for land use redesignations. Mr. Ericson described both applications.

**Moved by de Freitas, seconded by Hushebeck, to docket all items, including the two land use redesignation requests, for the comprehensive plan review process. Motion passed unanimously.**

#### Recess

At 1:30 p.m., Mayor Jackson recessed the session until 1:43 p.m.

#### Design Variance Request – Holliwalk Development

At 1:43 p.m., Mayor Jackson introduced discussion of the design variance request for the Holliwalk Development. Community Development Director Ryan Ericson explained that the Town and SJC Home Trust have been working together to establish a viable design variance to address the frontage issues for Permit Nos. BP15-22, BP16-22, BP17-22, and BP18-22. Mr. Ericson presented a preliminary staff report to determine which items, if any, the Council was willing to grant.

James Goetz, SJC Home Trust Representative, explained that the SJC Home Trust agreed with the majority of staff’s recommendations, with the exception of named frontage improvements to the northern boundary and all frontage improvements to the eastern boundary.

At 1:58 p.m., Mayor Jackson opened the discussion to Council comments.

Councilmember Turnage emphasized that he would not support any design variance that compromised adequate safety, accessibility and other basic right-of-way frontage improvements. Mr. Turnage used the Rose Lane neighborhood as an example of compromising on established right-of-way design standards (lack of adequate curb, gutter, sidewalk, stormwater and lighting) and stated that all developers have an obligation to mitigate impacts to the current neighborhood and soon to be homeowners, including affordable housing. The Council concurred. Amanda Lynn, SJC Home Trust Executive Director, stated that it was a value of the Home Trust, but unfortunately not designed as part of the project.

At 2:30 p.m., the Council reviewed each of the preliminary recommendations listed in the staff report dated February 11, 2024. Council gave direction as follows:

Lighting:

**Motion No. 1 – Moved by Hushebeck, seconded by Starr to approve the staff preliminary response dated February 11, 2024 [EDS 8.12(A)(1) & EDS 8.12(B)(3)] to only require illumination at the intersection of Price Street and Holi Place. Motion failed 2-3 with Geffen, Turnage and de Freitas opposed.**

**Motion No. 2 – Moved by de Freitas, seconded by Turnage, to approve the staff preliminary response dated February 11, 2024 [EDS 8.12(A)(1) & EDS 8.12(B)(3)] and include in the design variance a requirement to install one street standard (acceptable illumination) at the intersection of Price Street and Holi Place; and require installation of alternate pedestrian safety lighting along the north and east portion of the parcel abutting Holi Place right-of-way. Alternate pedestrian safety lighting may take the form of landscape or other “low to the ground” lighting, to be agreed upon by Staff and Home Trust. Motion passed 5-0.**

Curb, Gutter and Sidewalk:

**Motion No. 3 – Moved by Hushebeck, seconded by de Freitas, to approve the staff preliminary response dated February 11, 2024 [EDS 8.6(A)(1) & EDS 8.6(C)(1)] regarding sidewalk, curb & gutter requirements. Motion passed 5-0.**

Street Storm Drainage:

**Motion No. 4 – Moved by Hushebeck, seconded by Starr, to approve the staff preliminary response dated February 11, 2024 [EDS 6.1(F)] regarding street storm drainage requirements. Motion passed 5-0.**

Utilities:

**No action requested from Council.**

Landscaping:

**Motion No. 5 – Moved by Hushebeck, seconded by de Freitas, to approve the staff preliminary response dated February 11, 2024 [EDS Table 8-1 & FHMC 17.68.070(4)(a)(viii)] regarding landscaping requirements. Motion passed 5-0.**

Irrigation:

**No action requested from Council.**

Street Width:

**No action requested from Council.**

Performance Bond:

Discussion followed with Mr. Goetz and Ms. Lynn regarding an acceptable amount of time to accomplish the required improvements.

**Council consensus to modify the two-year performance bond recommendation to four years or other mutually acceptable timeframe to both the SJCHT & Town.** (SJCHT requests adequate time to generate revenue for needed improvements. The final staff response shall reflect extension of performance bond.)

**Moved by Hushebeck, seconded by Geffen, to revise the performance bond to four years or sooner. Motion passed 5-0.**

**Moved by de Freitas, seconded by Starr, to direct staff to prepare Findings of Fact for review. Motion passed 5-0.**

Mr. Goetz requested that the Council clarify if the east boundary of the parcel required improvements. Staff answered in the affirmative as the Development will be mitigating stormwater from the east boundary of the parcel.

Ms. Lynn thanked the Council for allowing certain design variances and invited the Council to attend the Home Trust workshop at the SJI Grange on February 20, 2024 for the Malcom Argyle Development. No further action was taken.

#### **ADMINISTRATOR’S REPORT**

At 3:00 p.m., Administrator Kulseth reported on the following:

- New Employee – Town hired Nathan Slaughter as a Utility Worker 2 for Water Distribution.
- Water Meters – The Finance Office is working to integrate software updates to allow customers to view radio water meters readings.
- Employee Certification – Employee Chuck Berry passed his WTPO2 (wastewater management) certification exam.
- Notice of Violation – Town expects a response from the County in March to appeal the Town’s determination regarding use of water at the Fairgrounds.
- SJC Wildfire Plan – Town is participating in updates to a county-wide wildfire plan update.
- Wastewater Treatment Plant – Town is working with USDA to fund additional designs for the wastewater treatment plant.
- Spring Banners – Town will refresh certain street banners for Spring 2024.
- Generators – Staff recommends allocation of funding for new generators.

#### **FUTURE AND NON-AGENDA ITEMS**

Ryan Ericson noted that detached ADUs and food trucks are still slated as future agenda items for next time Council is available for a work session.

#### **CITIZEN RESPONSE**

Ryan Ericson clarified that the current nomenclature used for “tiny home” is broad and isn’t necessarily compatible with Town code. Tiny homes, as they currently defined by industry standards, are classified as recreational vehicles. Recreational vehicles are not currently allowed for permanent residences outside of mobile parks.

#### **EXECUTIVE SESSION**

At 3:13 p.m., Mayor Jackson announced an executive session pursuant to RCW 42.30.110(1)(f) concerning charges brought against a public officer. Session was estimated to last 10 minutes. The public was properly notified of an extension. Executive session ended at 3:50 p.m. for an actual session time of 37 minutes. No action was taken.

**ADJOURNMENT** – Hearing no further business and no objection, Mayor Jackson adjourned the meeting at 3:50 p.m. The next regular meeting is scheduled for Thursday, March 7, 2024 at 12:00 p.m.

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