

**MINUTES OF THE COUNCIL OF THE TOWN OF FRIDAY HARBOR  
1991**

**Town Council - January 3, 1991 @ 12:30 PM**

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

Members present: Athearn, Dickinson, Nash, & Potter

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

Town Clerk Dubail informed the Council that Councilmember Roberts had notified his office that he would be unable to attend the afternoon Council meeting due to work considerations.

The Council reviewed the claims against the Town.

At 12:50 PM, Councilmember Nash moved and Councilmember Potter seconded to pay the bills and approve the payroll. The motion passed unanimously.

Maintenance Supervisor Reitan reported minor storm damage to Town facilities. He noted that the water tank was two-thirds empty before power was restored. Pressure dropped to 40 PSI at places in the system. Mr. Reitan spoke of the need for a generator for the water treatment plant. Mr. Reitan stated that provision could be made at the water treatment plant to utilize the 20KW generator from the wastewater treatment plant. A generator could also be used to run the booster pump for water service to Top of the Harbor.

Maintenance Supervisor Reitan has been in contact with the state disaster relief representative to obtain reimbursement to the Town for expenditures due to the recent floods.

The Council thanked the crew and the Fire Department for their efforts during the recent storms.

At 1:09 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

**Town Council - January 3, 1991 @ 7:30 PM**

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

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

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

The minutes of the December 27, 1990 meeting were approved as submitted.

David Kinderfather, 30 Second Street, distributed a letter dated 1/3/91 to the Council requesting the Council grant permission for his clients, Mr. & Mrs. Arthur Lohrey, to circulate a petition regarding annexation of Kwan Lamah property to the Town.

Attorney Eaton informed the Council that Mr. & Mrs. Lohrey are his clients. Mr. Eaton stated he did not wish to speak to the advisability of the requested annexation. With the assent of Council he outlined the procedures for

annexation. He noted that allowing the petition to be circulated does not commit the Town to the proposed annexation.

Planner Miller noted that if the Town wants a larger area considered for annexation, that must be stated before the petition is circulated. Also, the FHMC speaks to zoning in regard to annexation.

After discussion, the Council directed staff to prepare a background report on the proposal to include the zoning issue, assumption of a portion of the Town's bonded indebtedness, and the size of the area to be considered for annexation. The report is to be distributed to Council before the 1/17/91 meeting.

The Council indicated that they did not foresee a problem with Attorney Eaton working with staff on annexation procedural matters.

At 7:45 PM, after discussion, the Council scheduled a work session for Wednesday January 9th at 5:00 PM to consider the placement of a refuse transfer station.

At 7:50 PM, Mayor Cahail opened the Public Hearing for the Department of Transportation Shoreline Substantial Development Permit request for the installation of a new 35 pile dolphin at the Friday Harbor Ferry Terminal. Mayor Cahail instructed the meeting in the procedure to be followed.

Planner Miller presented the staff report.

Attorney Don Eaton, 615 Argyle, remarked he had observed problems with docking the ferry Hiyu during recent high winds.

At 7:57 PM, hearing no further comments from the audience, Mayor Cahail closed the public input portion of the hearing.

At 7:59 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adopt the staff recommendation and approve the permit. After discussion the motion passed unanimously.

Mayor Cahail inquired as to the status of the proposed ordinance to revise the boundary line adjustment procedure. Attorney Eaton replied that he is in the process of researching and drafting said ordinance. Mr. Eaton expressed concern over the applicability of the proposed ordinance to platted areas.

The Council and staff discussed the proposed ordinance.

Mayor Cahail indicated that the discussion of the proposed ordinance would be considered first reading if Attorney Eaton and Planner Miller provide a draft ordinance to the Council prior to the 1/17/91 meeting.

At 8:09 PM, Town Administrator Fitch inquired as to Council intentions regarding relief of water consumption charges resulting from customer's broken pipes or higher than average use because of the cold weather.

The consensus of Council was that after water is through the meter it is the customer's responsibility. The Town has incurred costs to treat and deliver the water.

Town Administrator Fitch mentioned a proposal received from Sandra Rigby, SWAC, for a joint Town Council/Board of County Commissioners meeting to discuss solid waste issues.

Town Administrator Fitch mentioned a letter dated 12/17/90 from Ingrid Bauer Fabianson, 505 Linder Street, asking that the Town initiate down zoning of a parcel of land.

Planner Miller has communicated the appropriate procedures to Ms. Fabianson. The letter was construed as a request that the Town consider review of the zoning in the area as the Comprehensive Plan is revised.

Town Administrator Fitch informed Council of notification of a Port Commission Public Hearing regarding the Airport & Seaplane Base Master Plan to be held January 23rd at 7:00 PM at the San Juan Island Yacht Club.

Attorney Eaton noted that the Council may want to take action after their executive session.

At 8:21 PM, Councilmember Potter moved and Councilmember Roberts seconded to go into executive session to discuss possible land acquisition. The motion passed unanimously.

At 9:06 PM, Councilmember Nash moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously.

Councilmember Dickinson moved and Councilmember Potter seconded to make an offer of \$112,000 for the purchase of tax parcel #351150013, Gould's Acre Addition to Friday Harbor. The motion passed unanimously. At 9:08 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn to a continued meeting on Wednesday January 9th at 5:00 PM. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - January 9, 1991 @ 5:00 PM**

The Town Council met for a scheduled executive session and a work session, Mayor Cahail presiding.

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

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

The Council decided to discuss the proposed sale of Town property for the placement of a refuse transfer station after their executive session.

At 5:05 PM, Councilmember Roberts moved and Councilmember Potter seconded to go into executive session to discuss possible land acquisition. The motion passed unanimously.

At 5:22 PM, Town Administrator Fitch left the meeting due to a previous commitment.

At 6:10 PM, Councilmember Potter moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously.

Councilmember Roberts moved and Councilmember Potter seconded to authorize the mayor to sign an offer to purchase tax parcel #351150013, Gould's Acre Addition to Friday Harbor for \$127,000.00 cash in full at closing, with a 60 day closing period, the seller to pay all closing costs, contingent upon review of the current lease by the Town Attorney and review of the premises by a Town agent. The motion passed unanimously.

At 6:14 PM, the Council commenced discussion of the proposal by San Juan Sanitation Company that the Town consider selling Town Solid Waste Facility property for the placement of a refuse transfer station.

Councilmember Nash felt he did not want the Town to sell the property, a lease arrangement may be acceptable.

Attorney Eaton stated that the Town could lease the property. If the Town sells the property it will no longer be part (within the city limits) of the Town of Friday Harbor.

The Council and Attorney Eaton discussed various lease terms for consideration and future solid waste handling uses or other uses of the property.

Solid Waste Department Leadman Robert Erickson commented on the proposal.

The consensus of Council was that they did not want to sell the property. They would be willing to discuss a lease arrangement with San Juan Sanitation Company.

Councilmember Nash read a portion from the December 12, 1990 cover letter of the Envirometrics report on the Town of Friday Harbor incinerator; "In brief, we found that the incinerator usually works quite well, but this is more a testimony to the skills of the operators you have hired than to the capability of the incinerator."

Attorney Eaton recommended the Council consider attending a AWC workshop on legal procedures for elected officials and staff to be held in Mt. Vernon on February 7th.

At 6:30 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - January 17, 1991 @ 7:30 PM**

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

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

Others present: Town Administrator Fitch, Treasurer Picinich, Attorney Eaton, Planner Miller, & Fire Chief Galer

The minutes of the January 3rd and January 9th meetings were approved as submitted.

Brian McMahan informed the Council about a survey in the local paper concerning Fire Department and Fire District Funding. The survey indicated that responses should be sent to Town of Friday Harbor Fire Chief Galer at the Town of Friday Harbor Post Office Box.

Town Administrator Fitch notified the Council that the Citizens Water Advisory Committee Public Hearing had been rescheduled to Tuesday February 19th, 11:00 AM in the County Commissioners Hearing Room.

Additionally, Administrator Fitch notified the Council that a permit for a "peace" parade has been issued for Saturday January 19th. He also brought to the Council's attention a comment from Ben Richards dated 11/27/90 suggesting that metered parking be considered.

Administrator Fitch noted a request from Dan Liedecker, San Juan Sanitation, for a work session on siting a refuse transfer station.

Councilmember Athearn asked for discussion at a later date of Town policy concerning use of the Town Post Office box.

Fire Chief Galer presented the Fire Chief's Report.

He reported 143 fire call for 1990. He is researching the feasibility of acquiring a generator to provide emergency power for Town Hall and the Fire Station. He noted that the fire boat is scheduled to be back in the water in two weeks, Engine 11 will return to the Fire Station on Friday.

Chris Destaffany, San Juan County Director of Emergency Services, reported on emergency services activities during the previous storms. His office had released information bulletins to Bellingham and Seattle radio stations about emergency services and shelter availability in San Juan County. KGMI in Bellingham will be the primary radio station for broadcasting emergency information in San Juan County. Mr. Destaffany also reported on communications and action with FEMA concerning disaster relief. He noted a large amount of water damage in the County.

Town Administrator Fitch inquired about private access to FEMA funds. Mr. Destaffany responded that direct assistance to the private sector is primarily limited to low interest loans.

At 8:00 PM, Councilmember Nash moved and Councilmember Potter seconded to pay the final 1990 claims. The motion passed unanimously.

Town Clerk Dubail distributed for Council approval a draft letter to be sent under the Town letterhead from the Second Street "Tree Committee" concerning financial contributions to the tree project. The Council approved the letter with the provision that it go out with the Town Clerk's signature and title and that the committee members be identified as such.

At 8:05 PM, Mr. David Kinderfather asked the Council for consideration of his clients request for permission to circulate an annexation petition regarding the Kwan Lamah property.

Attorney Eaton spoke of the need for clarification of what portion of the Town's bonded indebtedness the property in question would assume and the possibility of the simultaneous adoption of a comprehensive plan for the area. He noted FHMC regulations concerning zoning of annexed land within 500 feet of the current Town boundary. Attorney Eaton read the pertinent sections concerning zoning in regard to annexation from RCW's 35.13.125 & 35.13.177.

The Mayor and Council asked Attorney Eaton about various aspects of annexation zoning.

Attorney Eaton pointed out existing conditions where zoning boundaries bisecting individual lots. He noted that annexed land outside of 500 feet of the current Town boundary would be unzoned land until the Land Use Ordinance was amended. The first 500 feet would have a Commercial designation. The Land Use Ordinance would require modification to reflect changes in Town boundaries. Additionally, he reiterated that the land to be annexed must be contiguous.

Councilmember Dickinson remarked that the land in question has a large quantity of shoreline and that the Town of Friday Harbor Shoreline Master Program would apply.

Attorney Eaton noted that, if the proposed annexation were approved, various articles of the Shoreline Master Program would require modification.

Town Administrator Fitch noted that the pertinent shoreline would take on an Urban designation.

Councilmember Nash commented on the Urban Growth Boundary designation time lines of the Growth Management Act.

Attorney Eaton noted that the public interest aspects and benefits to the Town of the proposed annexation are formally considered upon presentation of the annexation petition.

Treasurer Picinich informed the Council that the only general obligation debt of the Town of Friday Harbor was the Fire Station bonds and the EMS levy. She recommended that the property proposed for annexation be required to assume the appropriate portion of that indebtedness.

Councilmember Roberts expressed concern over annexing the land with a Commercial zoning designation. He suggested a new zoning designation be considered.

At Councilmember Nash's inquiry, Attorney Eaton noted that after property is annexed into the Town, the Town may rezone the land with the proper procedures.

Councilmember Roberts noted he approved of the current property owner's plans for the property.

Councilmember Nash suggested future consideration of a new zoning designation.

At 8:38 PM, Councilmember Potter moved and Councilmember Dickinson seconded to accept the proposed annexation of the area commonly known as "Kwan Lamah", as submitted by the January 3, 1991 Notice of Intent of Arthur and Allison Lohrey, and to authorize those initiating parties to circulate a petition for annexation among the legal owners of the property within the proposed annexation area, which petition shall state that:

1. That portion of the property proposed for annexation which lies within five hundred (500') feet of the present Town boundary will, if annexed, be subject to the existing duly adopted Town Comprehensive Plan and Land Use Regulations, and that the remainder of said property, if annexed, will not be subject to said Plan and Regulations, until such time, after annexation, as the Council may adopt appropriate ordinances to cause such result; and
2. It will require the assumption of existing town indebtedness by the area proposed to be annexed.

The motion passed unanimously.

The Council discussed scheduling a work session to consider reduced utility fees for limited income customers.

At 8:40 PM, Mayor Cahail introduced draft ordinance #817, an ordinance amending Ordinance #616 and FHMC Table 1, Article 1, regarding distribution of proceeds from the monthly water base charge and the water use charge rate for metered water and repealing Ordinance #783 in its entirety.

Councilmember Roberts moved and Councilmember Athearn seconded to adopt Ordinance #817. Councilmember Nash inquired about the present percentage of distribution. Treasurer Picinich responded that the distribution is based on the budget requirements of the departments of the Water Fund.

The motion passed unanimously.

At 8:45 PM, Mayor Cahail introduced draft ordinance #818, an ordinance amending Ordinance #600 and FHMC Chapter 13.20, regarding distribution of proceeds from the monthly sewer user base charge and sewer user charge and repealing Ordinance #787 in its entirety.

Councilmember Dickinson moved and Councilmember Potter seconded to adopt Ordinance #818. The motion passed unanimously.

Mayor Cahail introduced draft resolution #785, a resolution authorizing an increase in the mileage allowance to \$.27 for each mile driven for the use of private automobiles for Town business by Town employees and authorizing reimbursement of other reasonable expenses incurred by Town employees in the exercise of their duties and the course of their employment.

Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #785. After discussion, the motion passed unanimously.

The Council discussed scheduling a work session for presentation of the Envirometrics Engineering report on the Town incinerator.

Councilmember Athearn noted "time is running out" for adoption of the Joint Town/County Solid Waste Plan. A decision on the disposition of the incinerator is necessary for finalization of the Plan. After discussion, the Council scheduled a work session on Thursday January 24th at 5:00 PM. Town Administrator Fitch will establish the agenda. The Council will expand their February 2nd afternoon meeting for 1 hour for an additional work session. Town Administrator Fitch will establish the agenda to cover topics not covered at the January 24th work session. Topics to be covered at the 2 work sessions include: Hotel/Motel Tax monies, Low income utility fees, the SJ Sanitation proposal for siting a refuse transfer station, Loan arrangements for purchase of property on Tucker Avenue, and the Envirometrics report on the incinerator.

The staff will research how other communities expend Hotel/Motel tax monies.

Attorney Eaton explained the intent of, and constraints on, expenditure of Hotel/Motel tax money.

At 9:15 PM, Dick Grout, San Juan County Planning Director, was present to explain the need for, and address Council concerns about, a proposed resolution endorsing the Growth Management Act (GMA) Implementation Strategy and Funding Distribution Formula as adopted by San Juan County Resolution 197-1990. Mr. Grout noted that the County will be sharing money for work done by the Town, particularly in regard to setting Urban Growth Boundaries.

Mr. Grout addressed Council questions about the proposed resolution and various aspects of the GMA. He noted the Act encourages efforts to reach agreement between the Town and County. The Boundaries have to be adequate to accommodate a 20 year projected population.

Attorney Eaton noted a 4th class town with a population over 1,500 can have a maximum area of 3 square miles.

Mr. Grout reiterated that the Urban Growth Boundaries are reviewed every 10 years.

Town Administrator Fitch will submit a draft resolution, with the inclusion of San Juan County Exhibit "A", the Implementation Strategy and Funding Formula, for Council consideration at the January 24th work session.

The Council complimented the staff on the presentation of the 1991 Town Budget.

At 9:45 PM, Treasurer Picinich explained to the Council various financing plans for purchase of the Girvan property on Tucker Avenue. She recommended a \$65,000 loan with monthly payments and a 5 or 7 year term. The Council decided on a 7 year loan term.

At 9:50 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn to reconvene on January 24th at 5:00 PM for a work session. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

**Town Council - January 24, 1991 @ 5:00 PM**

The Town Council met for a work session.

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

Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Nash moved and Councilmember Dickinson seconded to appoint Councilmember Athearn Mayor Pro tem. The motion passed unanimously.

Town Administrator Fitch introduced Mr. Mike Ruby of Envirometrics Engineering, Inc. Mr. Ruby has completed an evaluation of the Town of Friday Harbor municipal incinerator.

Mr. Ruby summarized his firms research regarding the incinerator. He noted that the incinerator is operating rather well and remarked that this operating level is primarily due to the skill of the operators.

Mr. Ruby noted that the emissions from the incinerator may occasionally exceed DOE levels. He felt that the incinerator could be modified to meet current regulations although perhaps not the terms of the current DOE permit. The DOE permit is more stringent that is typical for incinerators of this type.

Mr. Ruby reported on the completion of a Screening Level Risk Assessment for Dioxin Emissions from the incinerator. He noted that standard EPA assessment procedures and a State of California Health Risk Assessment program were used.

Mr. Ruby concluded that the incinerator is not operating the way it should but could be modified to do so. The incinerator does not present an immediate risk to life and health, the long term risk is very low.

The Council and Town Administrator inquired about various aspects of the report.

Councilmember Nash noted a 1984 letter from DOE stating that the Town incinerator included that best available control technology (BACT).

At Councilmember Roberts' inquiry, Mr. Ruby noted the current Town permit for the incinerator does not have a termination date. Future regulations may require a 5 year renewal period. He commented that DOE has the authority at any time to require a source test.

Town Administrator Fitch inquired about what other people in our predicament have done and what the associated costs are.

Mr. Ruby replied that options open to the Town include:

- A) Modifying the incinerator to operate correctly,
- B) A short term option would be to haul solid waste to the Orcas landfill,
- C) Haul solid waste to the Skagit incinerator, although it is nearing capacity,



D) Build a transfer station in Anacortes for long haul of solid waste.

He remarked that an economic analysis may show that, because the ferries are subsidized, long haul may be feasible. He also noted that the DOE would like an economic analysis of the options before the Town decides which option to employ.

At Town Administrator Fitch's inquiry, Mr. Ruby stated that incinerator operating life is primarily a function of maintenance. The Town's incinerator, with an upgrade, would have a 10 to 16 year operating life from this time.

Councilmember Roberts asked about the effects of future State regulations. Mr. Ruby noted that the small size of the incinerator may make it unlikely that new, tighter regulations will be applied in a 5 to 7 year period. He commented that an ashfill is less expensive than a landfill. An incinerator should provide approximately 75% reduction in weight and 90% reduction in volume. The purpose of operating an incinerator is to reduce volume. A vigorous recycling program will extend the life of the incinerator. Additionally, installation of the appropriate monitoring equipment can make this type of incinerator work very well.

Mr. Ruby stated that the emissions from a neighbors wood stove creates a greater risk to your health that the emissions from an incinerator at the same distance.

The Council thanked Mr. Ruby for his presentation.

At 6:05 PM, the Council held a work session regarding reduced utility fees for elderly and disabled customers with limited incomes. Nancy Larsen, staff member, presented her report on the basic steps and components for a utility rate reduction program/ordinance.

The Council inquired about various aspects of the program. The Council will review Ms. Larsen's report and will schedule a future work session on the topic.

At 6:21 PM, Treasurer Picinich introduced draft resolution #786, a resolution by the Town Council authorizing the Mayor to execute a real estate loan agreement between the Town of Friday Harbor and San Juan County Bank.

After discussion, Councilmember Dickinson moved and Councilmember Potter seconded to adopt Resolution #786. The motion passed unanimously.

Mayor Pro tem Athearn introduced draft resolution #787, a resolution endorsing the San Juan County Regional Implementation Strategy and Funding Distribution Formula for activities to be carried out under the Growth Management Act of 1990.

Councilmember Nash moved and Councilmember Potter seconded to adopt Resolution #787. The motion passed unanimously.

At 6:26 PM, Treasurer Picinich introduced draft resolution #788, a resolution authorizing an interfund loan from the Current Expense Fund to the Fire/Refuse Bond Fund not to exceed \$22,000.

Councilmember Dickinson moved and Councilmember Nash seconded to adopt Resolution #788. The motion passed unanimously.

Town Administrator Fitch informed the Council of the availability at the San Juan County Extension Office of a previously mentioned teleconference "Doing the Right Thing", a workshop on legal and practical issues affecting the actions, conduct, and roles of Town officials. Administrator Fitch proposed that the Council hold their February 7, 1991 evening meeting at the above mentioned location for the purpose of participating in the teleconference.

Councilmember Nash distributed copies of publications concerning solid waste.

The consensus of Council was to hold their February 7, 1991 evening meeting at the above mentioned location for the purpose of participating in the teleconference.

NB

At 6:35 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Ruth C. Athearn, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - February 7, 1991 @ 12:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Nash, & Potter

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

Councilmember Athearn moved and Councilmember Potter seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

The Council reviewed the claims against the Town.

Town Administrator Fitch conveyed a request from Attorney Eaton that the Council schedule an executive session at approximately 2:30 PM to discuss pending litigation.

Town Clerk Dubail informed the Council that Councilmember Roberts had notified his office at 10:30 AM that he would most likely be unable to attend either the afternoon or the evening Council meeting because of work. Councilmembers Athearn, Dickinson, & Nash voted to not excuse the absence. Councilmember Potter voted to excuse the absence.

Councilmember Athearn commented on legal and engineering costs. She wondered if the Town is approaching the point where funding a staff position and/or retainer arrangement for those services would be cost effective.

The Council requested additional information on certain claims.

At 12:54 PM, Councilmember Nash moved and Councilmember Potter seconded to pay the bills and approve the payroll. The motion passed unanimously.

The minutes of the January 17th and January 24th meetings were approved as amended.

Town Clerk Dubail informed the Council that on January 31, 1991 Mayor Cahail had proclaimed February 1991 American History Month in Friday Harbor.

At 12:57 PM, the Council heard a presentation by Dan Liedecker, San Juan Sanitation, regarding siting a solid waste transfer station on Town property adjacent to the Solid Waste Facility.

Mr. Liedecker distributed to Council a copy of a lease/purchase arrangement between SJ Sanitation and the City of Lynden. He noted he wanted the Town to "be protected" and wanted to keep the proposed facility within Town limits. Mr. Liedecker explained the intent and particulars of his proposal and noted current services provided in Town and throughout the county by SJ Sanitation.

The Council and Town Administrator Fitch asked Mr. Liedecker about various aspects of his proposal. Mr. Liedecker proposed Council consideration of a \$5.00 "host fee" to the Town per ton of Town collected refuse.

At 1:25 PM, Town Administrator Fitch noted that Ed Stuhr is preparing an economic analysis of solid waste disposal options open to the Town as recommended by Mike Ruby of Envirometrics at the 1/24/91 5:00 PM Council meeting. The project has the "highest priority."

At Mr. Liedecker's request, the Council will ask Attorney Eaton to research a lease document similar to the Lynden document and report on the ramifications to the Town.

Councilmember Potter and Town Administrator Fitch noted that Mr. Liedecker's proposal is, in fact, a sale of Town property.

At Councilmember Nash's inquiry, Mr. Liedecker stated that collection and disposal costs are double of disposal costs alone. He noted that his customers are only charged per can of refuse collected.

At 1:43 PM, the Council thanked Mr. Liedecker for his presentation.

Town Administrator Fitch reviewed research and discussions to date on Hotel/Motel Tax issues. He noted that RCW 67.28.210 (1990 supp.) is very specific as to the uses the Hotel/Motel Tax monies can be put to. Mr. Fitch also pointed out articles in the current issues of the Sounder and the Journal concerning difficulties the County is experiencing over disbursement of those funds.

Councilmember Athearn suggested that, until the State Legislature changes the allowed uses, the Town not become involved in collection and disbursement of Hotel/Motel Taxes. Councilmember Dickinson concurred.

Councilmember Potter inquired if Hotel/Motel Taxes collected with Friday Harbor were used in Friday Harbor. She spoke to the need for a staffed visitor information center.

Town Administrator Fitch noted previous statements by certain Councilmembers that they did not want to encourage the expansion of tourism.

The staff was directed to take no further action on the Hotel/Motel Tax issue.

At 2:00 PM, Mayor Pro tem Dickinson introduced draft ordinance #819, an ordinance extending a six month moratorium on public hearings before the Planning Commission for certain land use matters and repealing Ordinance #813 in its entirety.

At 2:05 PM, Town Clerk Dubail left the meeting due to another commitment. Treasurer Picinich took minutes for the remainder of the meeting.

Councilmember Nash moved to take action on draft ordinance #819 in as much as the Council has had the draft for six days but that the ordinance shall not be considered passed unless it receives four affirmative votes. Councilmember Athearn seconded the motion. The motion passed unanimously.

The Council requested that Planner Miller report on the status of the updated Comprehensive Plan at their February 21st meeting.

Councilmember Nash moved and Councilmember Athearn seconded to adopt Ordinance #819. The motion passed unanimously.

Town Administrator Fitch introduced draft resolution #789, a resolution authorizing the Mayor to execute an agreement between the Town and KCM to design a water storage reservoir.

Councilmember Potter moved and Councilmember Athearn seconded to adopt Resolution #789. Councilmember Nash requested that wording in the professional services contract be changed.

Councilmember Nash moved to amend the original motion to specify a change to the wording of paragraph B on page 1 of the Professional Services Agreement to read "... for the storage of 1.0 million gallons of water within the Town limits. ..." The motion was seconded by Councilmember Potter. The motion to amend the original motion passed unanimously.

The amended motion to adopt Resolution #789 passed unanimously.

At 2:30 PM, Town Attorney Eaton joined the meeting.

At 2:45 PM, Councilmember Athearn moved and Councilmember Potter seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 3:18 PM, Councilmember Potter moved and Councilmember Athearn seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 3:20 PM, Councilmember Potter moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - February 7, 1991 @ 7:15 PM**

The Town Council met in regular session at the Skagit Valley College Extension Facility at 551 Guard Street.

Members present: Athearn, Dickinson, Nash, & Potter

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

Councilmember Dickinson moved and Councilmember Nash seconded to appoint Councilmember Potter, Mayor Pro tem. The motion passed unanimously.

Town Clerk Dubail noted the meeting would not be tape recorded due to the location.

The purpose of the meeting was to allow the Council and staff to participate in an AWC teleconference workshop; "Doing the Right Thing", legal and practical issues affecting the actions, conduct, and roles of city officials.

Attorney Eaton gave a brief introduction of the topics scheduled to be covered.

The Council and staff viewed the first portion of the teleconference.

At 8:42 PM, the Council took a ten minute recess during a scheduled break in the programming.

At 8:50 PM, the Council resumed viewing the teleconference.

The Council and staff discussed various topics raised in the workshop.

Mayor Pro tem Potter suggested the Council consider holding a retreat with staff to discuss long term issues. It was noted that a change of location can have a positive effect on the group dynamic.

At Attorney Eaton's suggestion, the Council will consider scheduling local workshops with experts on topics of interest to them.

NB

At 10:14 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

Bonnie C. Potter, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - February 21, 1991 @ 7:30 PM**

The Town Council met in regular session.

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

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

Councilmember Nash moved and Councilmember Dickinson seconded to appoint Councilmember Athearn Mayor Pro tem. The motion passed unanimously.

The minutes of the February 7, 1991 12:30 PM and 7:30 PM meetings were approved as amended.

Richard Zoller, 998 N. Parkway, asked for relief from a portion of his water bill due to a break in his waterline.

The Council discussed Mr. Zoller's request and explained their determination of January 3, 1991 that payment for metered water is the customer's responsibility. Councilmember Roberts noted the cost to the Town to treat and transport water.

Mr. Zoller felt that if he owed anybody it was the Hillview Terrace Association.

The consensus of the Council was to authorize the Town Administrator to handle situations of this type.

Town Administrator Fitch mentioned a February 13, 1991 letter and complaint from Mike Adams, 65 Nichols Avenue. Mr. Adams is requesting that enactment of 2 hour time limit parking for at least one side of Nichols Avenue be considered.

Town Administrator Fitch noted that the area is Commercially zoned and in the downtown business area. The Council directed Administrator Fitch to review the uses and need for time limit parking on Nichols Avenue.

Town Administrator Fitch introduced a petition from residents of Carter Avenue N and Harbor Street W requesting street lighting. Administrator Fitch noted that current Town lighting specifications are for commercial areas, not residential areas. At the Council's direction, Administrator Fitch will provide recommendations and alternative specifications for Council consideration.

Administrator Fitch noted a letter received February 2, 1991 from Helen Winters, Gunther Eschenbrenner, Sandra Rigby, and Bob Crinkley concerning funding sources for Solid Waste Capital expenditures.

Administrator Fitch noted an article in the AWC Legislative Bulletin concerning single family residential connection to municipal waste water systems.

Administrator Fitch noted receipt of a letter from Helen Winters concerning use of styrofoam for dock construction and styrofoam on beaches.

Mayor Pro tem Athearn asked Treasurer Picinich to introduce draft resolution # 790, a resolution designating San Juan County Bank as the Town's banking depository.

At 7:57 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adopt Resolution #790. The motion passed unanimously.

Administrator Fitch read the Fire Chief's report.

After review of additional claims, Councilmember Nash moved and Councilmember Dickinson seconded to pay the bills. The motion passed unanimously.

Administrator Fitch noted that the Second Street Reconstruction Project is complete except for landscaping at the law offices of Carla Higginson. Lakeside Industries has posted a cash bond with the Town and hired Island Gardens to complete the remaining work.

After discussion, at 8:03 PM, Councilmember Roberts moved and Councilmember Potter seconded to accept the Second Street Reconstruction Project. The motion passed unanimously.

Administrator Fitch introduced Bill Carter, Washington State Department of Transportation (DOT), Marine Division. Mr. Carter gave a presentation regarding alternatives for pedestrian and vehicle circulation in the vicinity of the ferry terminal. Mr. Carter noted a state budget request from his department for \$300,00 for engineering and construction. Mr. Carter introduced Doug Plater, DOT engineer. Mr. Plater explained details of the various proposed alternatives.

At 8:10 PM, Attorney Eaton joined the meeting.

Lee Sturdivant, ferry terminal employee, commented on passenger and vehicle staging.

DOT alternatives 1 & 3 may require Town financial participation. Alternative 3 may require Spring Street to be one way up the hill for one block.

Mr. Carter noted that the question he would like answered is; if the revisions will be a joint Town/DOT project or only a DOT effort. He mentioned that the DOT is flexible as to the design. Mr. Carter asked for a decision from the Council in the near future as to whether the Town wishes to participate. The preliminary cost estimates are: Alternative #1 - \$550,000, Alternative #2 - \$192,000, and Alternative #3 - \$120,000, as illustrated in his February 15, 1991 submittal to the Town. Mr. Carter noted that the DOT would like to do the project within the next 2 years.

The Council discussed aspects of the various alternatives with the DOT representatives. Councilmember Potter moved and Councilmember Roberts seconded to authorize the staff to work with the DOT with the understanding that no Town funds were committed at this time. The motion passed unanimously.

The Council thanked Mr. Carter and Mr. Plater for their presentation.

At 8:50 PM, Planner Miller informed the Council that he had accepted a position with another town. He is interested in contracting with the Town of Friday Harbor to 'flesh out' an updated Comprehensive Plan. Mr. Miller stated that February 22, 1991 is his last day with the Town. Mr. Miller felt that by working in his spare time he could have the project completed before summer. Mr. Miller stated he would contract as a Senior Planner.

The Council and Attorney Eaton discussed the general idea with Mr. Miller. Councilmember Dickinson expressed a desire to be presented with a formal proposal. Town Administrator Fitch will review the Town's Planning budget.

Councilmember Potter thanked Mr. Miller on behalf of the Council.

At 9:03 PM, Administrator Fitch introduced for Council consideration a preliminary proposal from Kramer, Chin, & Mayo, Inc., (KCM) to perform a Wastewater Facilities Study. He commented on upgrading needed at the Wastewater Treatment Facility, in particular, the need for facilities for sludge storage and handling and renovation and possible expansion of the wastewater pump stations. The proposed study would cost approximately \$25,000. Administrator Fitch noted that KCM's letter of January 29, 1991 outlined the scope of the study and provided cost estimates for additional study components. The study would be submitted to the DOE by September 1991.

The Council and Administrator Fitch discussed the advisability and cost of increasing the scope of the proposed facilities study. Attorney Eaton noted a possible change in service area due to the Growth Management Act.

At Councilmember Potter's inquiry, Administrator Fitch noted he has not solicited proposals from other engineering firms.

The consensus of Council was to authorize Administrator Fitch to request a proposal for a Wastewater Facilities Study from KCM for a cost not to exceed \$25,000.

At 9:30 PM, Town Administrator Fitch reported on the status of the curbside recycling project. The initial phase will be offered to in-town single family class residences only. The project has a April 1 start date. The advertising campaign for the project has begun and the Town is purchasing 300 sets of residential type recycling containers. The Solid Waste staff will make determinations of the acceptability of alternative containers. Administrator Fitch noted that this is a pilot project.

At 9:40 PM, Town Administrator Fitch requested Council consideration of a Port of Friday Harbor request that the Town develop a noise abatement ordinance. Administrator Fitch gave a brief review of the Town Planning Commission's past efforts to develop a noise abatement ordinance.

At 9:42 PM, Councilmember Nash asked to be excused to see a visiting family member and left the meeting.

Port Director Steve Simpson noted that an ordinance from the Town and County was needed. Mr. Simpson explained the Port's concerns and intentions. He answered questions from the Council concerning aircraft noise and noise abatement enforcement. Mr. Simpson mentioned a couple of abatement options; limiting types of aircraft allowed or limiting hours of operation.

Attorney Eaton expressed reservations about conflicts arising from having ordinances from two jurisdictions. Mr. Eaton felt the Town may not be the appropriate jurisdiction.

Mr. Simpson will work through the San Juan Advisory Committee on this project.

At 10:00 PM, Town Administrator Fitch introduced draft resolution #791, a resolution authorizing the Mayor to execute an intergovernmental contract with the State of Washington Department of Community Development to provide fire protection to State owned property.

Councilmember Roberts moved and Councilmember Potter seconded to adopt Resolution #791. The motion passed unanimously.

The Council discussed continuing their March 7th evening meeting to March 14th to hear a report from Ed Stuhr regarding his economic analysis of solid waste disposal options open to the Town.

At 10:02 PM, Councilmember Dickinson moved and Councilmember Potter seconded to go into executive session to discuss current litigation. The motion passed unanimously.

At 10:22 PM, Councilmember Dickinson moved and Councilmember Roberts seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

NB

At 10:23 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Ruth C. Athearn, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - March 7, 1991 @ 12:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Nash, & Potter

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

Councilmember Athearn moved and Councilmember Potter seconded to appoint Councilmember Nash Mayor Pro tem. The motion passed unanimously.

Town Clerk Dubail informed the Council that Councilmember Roberts had notified his office that he would be unable to attend the meeting due to a previous commitment. The consensus of Council was that Councilmember Roberts absence was excused.

The Council reviewed the claims against the Town.

At 12:35, Maintenance Supervisor Reitan presented his report:

Construction of the Water Department office in the pump house building at the Town shop is nearing completion. Rewiring of the water booster pumps for Top of the Harbor is underway. At the Town reservoir, water has been running at least 1 " deep over the spillway since approximately 11/25/90.

The small jetter was used to try to dislodge an obstruction in the marine sewer main in front of San Juan Marina. DOE was notified of the situation. The situation has been rectified.



Mr. Reitan informed the Council of maintenance plans for the new Town property on Tucker Avenue adjacent to the Wastewater Treatment Facility.

Mr. Reitan spoke of plans to declare surplus various equipment and reported on the recent purchase of a used road grader. He plans to surplus the old road grader.

The Street Department has removed the concrete covers from the sidewalk cutouts for trees on Second Street. Mr. Reitan stated tree planting should begin this weekend according to Steve Schram, Island Gardens.

Pothole repair should commence in the next few weeks depending on asphalt availability.

Mr. Reitan reported on the bid results for the new backhoe. He distributed copies of the memo to the Town Administrator summarizing the bids.

Town Administrator Fitch stated that staff will present a draft resolution for the purchase of the backhoe depending on the Council's determination.

Mr. Reitan commented on the cost of recent repairs to the refuse truck.

In regard to the marine sewer line partial blockage, at Councilmember Potter's inquiry, Town Administrator Fitch noted that if the Town is taking aggressive corrective action, DOE does not penalize the Town for a sewer system malfunction.

At 12:57 PM, Councilmember Dickinson moved and Councilmember Potter seconded to approve the payroll and pay the bills. The motion passed unanimously.

Administrator Fitch distributed a 3/4/91 letter from Envirometrics, Inc. regarding the incinerator.

At 1:00 PM, the Council heard a presentation from Ed Stuhr, San Juan County Solid Waste Manager, regarding his financial analysis of solid waste disposal options open to the Town. Mr. Stuhr referred to a spreadsheet, previously distributed to the Council, titled Friday Harbor Incinerator Management Options, Financial Analysis, Net Present Value Method, dated 2/26/91.

Mr. Stuhr explained various aspects of each of the 3 options detailed in the above mentioned spreadsheet. He noted that he had sent his initial calculations to Dr. Ruby of Envirometrics for review. Mr. Stuhr noted that Mr. Ruby's conclusions were similar to his.

Town Administrator Fitch pointed out the inclusion in the Council packets of proposed state legislation regarding the State Clean Air Act.

Mr. Stuhr noted, with qualifications, that his analysis points to Option 1, "Continue Operation of the Incinerator", as the least costly. He strongly recommended an aggressive waste reduction and recycling program.

The Council questioned Mr. Stuhr about various aspects of his report. Mr. Stuhr noted he tried to be conservative in his analysis, ie estimated worst case costs. He noted that if the Council chooses to continue to operate the incinerator the next step is to contact the appropriate state legislator(s).

Town Administrator Fitch remarked that if the Council decides on Option #1, the Council needs to designate a Councilmember to follow through with the state legislator(s). He noted that the state regulatory agency (DOE) has already stated they would not accept the incinerator option without the best available control technology (BACT).

Councilmember Athearn spoke about current potential hazards to the solid waste facility operators.

Mayor Pro tem Nash spoke in-favor of selecting Option #1.

Mr. Stuhr noted that local control decreases from Option #1 to Option #3.

Recycling and aggressive waste reduction were discussed.

Councilmember Potter expressed reservations as to whether Option #1 would be permitted by state regulatory agencies.

Town Administrator Fitch commented that a timely decision from the Council on which option to pursue and adoption of the Solid Waste Management Plan was necessary. Additionally, dumping of household waste in municipal cans is increasing.

Councilmember Dickinson expressed reservations about DOE allowing the incinerator to operate.

Councilmember Potter was designated as the Council representative. She will attempt to contact the Town's state legislative representative(s) on legislation concerning the incinerator.

Mr. Stuhr will work with the Solid Waste Advisory Committee (SWAC) to get a recommendation on the incinerator.

At 2:00 PM, Council continued a discussion from the 1/24/91 work session regarding reduced utility fees for customers with limited incomes. Councilmember Athearn noted that research done by Nancy Larsen indicates a maximum of 20 people within Friday Harbor that would qualify for the proposed program.

Councilmember Potter noted that if the Council wished to continue to consider developing a program, a date should be set for a work session.

The Council directed staff to draft an enabling ordinance for Council consideration.

Town Clerk Dubail introduced draft ordinance #820, an ordinance amending FHMC Section 12.02.010, "Construction Standards - Adopted".

Town Clerk Dubail introduced draft ordinance #821, an ordinance amending FHMC Section 13.08.020, "Water Line Specifications ... Construction Detail Specifications".

Town Clerk Dubail introduced draft ordinance #822, an ordinance amending FHMC Section 13.24.020, "Sewer Pipe Specifications ...".

Town Clerk Dubail referred to his 3/6/91 memo to the Mayor and Town Council which explained that the intent of the above draft ordinances was to adopt by reference amendments to documents initially adopted by reference and remove the text of the amending ordinances from the municipal code.

Treasurer Picinich distributed a spreadsheet listing sales, motor vehicle excise, and liquor tax revenues. She asked for Council input regarding amending the 1991 budget and distributed a list of proposed amendments. Prepayment of various Town bonds was discussed.

At 2:20 PM, Mayor Pro tem Nash expressed reservations about this evenings scheduled consideration of adoption of the 1991 Local Hazardous Waste Management Plan. It was noted that page 11 is missing from the Plan.

At 2:25 PM, Councilmember Potter moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - March 7, 1991 @ 7:30 PM**

The Town Council met in regular session.

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

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

Councilmember Dickinson moved and Councilmember Potter seconded to appoint Councilmember Nash Mayor Pro tem. The motion passed unanimously.

Mayor Pro tem Nash informed the audience of a sign-up list near the door for those who wished to comment at the Public Hearing for the Village Grove Long Plat application.

The minutes of the 2/21/91 7:30 PM meeting were approved as submitted.

Mayor Pro tem Nash asked if there were any non-agenda items to be presented by the public. None were forthcoming.

At 7:35 PM, Mayor Pro tem Nash introduced draft resolution #792, a resolution adopting the "Local Hazardous Waste Management Plan for San Juan County". Town Administrator Fitch noted that the Plan is a joint venture with the County and that the County is the lead agency.

Mayor Pro tem Nash expressed concern with various definitions in the Plan.

Helen Winters, author of the plan, will look into Mayor Pro tem Nash's concerns. The Council will again consider draft resolution #792 at their 3/21/91 regularly scheduled meeting.

Councilmember Dickinson noted the lack of a staff planner and commented on the Planning Commission's apparently finished initial discussions on drafting an update of the Comprehensive Plan. She suggested that the Planning Commission be requested to begin review of the Land Use Ordinances.

Town Administrator Fitch noted he has not received a proposal to draft the Comprehensive Plan update from previous Town Planner Otto Miller. He also noted that the Planning Commission still hasn't hired a secretary so minutes of the Planning Commission meetings were not available.

At 7:45 PM, Mayor Pro tem Nash opened the Public Hearing for the Village Grove Long Plat application and instructed the audience in the procedure that would be followed.

Mr. Bill Percich, Friday Harbor, challenged Councilmember Roberts on an Appearance of Fairness issue due to Councilmember Roberts participation in the introduction on 4/19/90 of draft ordinance #794 ("building moratorium").

Councilmember Roberts declined to comment on the challenge and choose not to step down.

Attorney Eaton commented on Appearance of Fairness procedures.

At 7:52 PM, Town Administrator Fitch gave a brief review of action on the proposal to date and presented the staff report. He noted his 2/25/91 memo to the Mayor and Town Council clarifying his position in regard to the staff report.

Mayor Pro tem Nash again informed the audience of a sign-up list near the door for those who wished to comment at the Public Hearing for the Village Grove Long Plat application.

At 7:59 PM, Jeff Iverson, surveyor for the proponent, spoke of the positive working relationship between staff and applicant. He expressed dismay over the recommendations of the staff report and noted the applicants voluntary reduction of the number of proposed lots to 57. He stated the applicants only concerns with the staff report was the further reduction in the number of lots and deeding an expanded park to the Town. Mr. Iverson distributed a drawing to the Council showing the possible division of the property into 86 lots.

At 8:03 PM, Mayor Pro tem Nash instructed the audience on the procedure to be followed and opened the hearing for public input.

Linda Campbell, 6040 Yacht Haven Road, representing the Forest Committee of the Friends of the San Juans, read a statement stressing the need for conservation. She asked for further reduction in the number of lots and retention of natural habitat.

Bill Percich, one of the applicants, commented that approximately 10% (2.8 acres) of the original parcel was designated as park land. Additionally, that portion was where the bulk of the trees are located.

Lee Sturdivant, Friday Harbor, spoke of the need for cooperation in the public hearing process. She felt it was "a terrific development" and spoke of the "rural" nature of her neighborhood. She noted that trees in the area absorb aircraft landing noise. She spoke of the need to retain green belts and wildlife corridors in Town. She commented on the potential impact of the proposal on Town services.

Nancy DeVaux, Friday Harbor, Friends of the San Juans, asked for careful planning. She felt there was not enough water to serve all possible connections in Town. She provided interpretation of various studies relating to water and sewer system capacity. She asked that the costs of growth be made available to the public and mentioned implications of the Growth Management Act.

Jeff Iverson stated that the project is designed as a 3 phase development. He noted the existence of a mobile home park adjacent to the property on the north.

Tom Metke, KSM, engineer for the project, noted the applicants have kept the number of lots to two-thirds of what they could have applied for.

Forbes Powell, adjacent property owner to the south, expressed concerns about potential pedestrian traffic across neighboring properties. He asked for a dedicated pedestrian path between lots 2 & 3 to connect with an existing public ROW.

John Donahue, Friday Harbor, mentioned Section 7 of the Growth Management Act requiring transportation facilities and expressed concerns about ferry service.

Nichole Cruck, University Road, spoke about the number of proposed developments in the area. She noted the need for affordable housing but felt development was being concentrated in the area. She expressed concern over the availability of future water hookups.

Claudia Mills, Sutton Road, spoke of the need for a green belt/forest along Roche Harbor Road.

Tom Schroeder, Sutton Road, noted his visitors think Friday Harbor is "the armpit of the San Juans". He felt the property should be divided into 3 lots.

Claudia Mills, Sutton Road, asked that the proposed water retention pond not be fenced.

Mayor Pro tem Nash read from page 7 of the staff report which explained the need for fencing the pond.

At 8:35 PM, John Wilson, one of the applicants, spoke of positive aspects of the proposed development. He mentioned the need for nice residential areas in Town. He stated he plans to keep every tree possible for a buffer area and aesthetic reasons.

Lee Sturdivant thanked Mr. Wilson for expressing his desire to save trees on the property.

At 8:39 PM, at Mayor Pro tem Nash's request, Town Administrator Fitch commented on earlier remarks concerning the Town's water supply.

Administrator Fitch reported the receipt this date of letters from Scott Schwinge and Richard Kneipp commenting on the proposal.

Administrator Fitch spoke of the necessity for accountable apportionment of capital improvement costs necessitated by the proposal as stated in a report by Jim Santroch, KCM. He requested, that if the Council approves the project, that time be allowed for KCM to determine the per lot utility costs.

At 8:44 PM, Mayor Pro tem Nash asked for questions and comments from the Council.

Councilmember Dickinson spoke of a sewer line easement through the property and inquired as to the developers intentions regarding same.

Tom Metke noted that the developer plans to relocate and use the sewer main and provide appropriate easements. He state that the bulk of the sewer main would be in the public ROW.

Councilmember Roberts inquired about the phased nature of the project.

Administrator Fitch responded that the development and the utilities infrastructure would be phased in 3 year increments and that the applicants have agreed to same in writing.

Attorney Eaton noted that the above will be stated on the plat. The final plat will approve Phase I for development. The applicants must return for approval of subsequent phases.

Mayor Pro tem Nash requested clarification of water use projections on page 6 of the staff report. Attorney Eaton provided his interpretation.

Councilmember Roberts asked for clarification of deliberation procedures.

Attorney Eaton recommended that when the public input portion is closed, questions should not be directed to the applicants, audience or staff with the exception that clarification of previously stated information could be requested from the staff.

At 8:58 PM, Mayor Pro tem Nash noted that the hearing was extending past the time specified by the agenda and requested the intent of Council.

The Council allotted an additional 6 minutes for public input.

The Council discussed water system improvement costs and vehicle and pedestrian access provisions.

Bill Percich noted that the project requires 57 lots to be economically feasible as middle income housing. He also noted that he would like to keep the park private.

Forbes Powell felt the project was a good use of the property and would be a good neighbor.

Bob Vynne, Friday Harbor, asked where stormwater overflow would go. Bill Percich noted that the engineered design explains the details.

Councilmember Roberts asked for clarification on "impact fees" for utility services.

Town Administrator Fitch explained how the connection fee is calculated. Approval of a subdivision carries with it new, identifiable fees for capital improvements. Attorney Eaton added that assessment is made, as appropriate, to each subdivision.

At 9:13 PM, Mayor Pro tem Nash, hearing no further comments, closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later date if necessary.

The consensus of the Council was to continue their deliberations to Tuesday March 12th at 7:00 PM.

At 9:17 PM, the Council began consideration of a petition for annexation of county properties from the Kwan Lamah property to the Town limits.

Attorney Eaton explained the procedures to be followed in consideration of the petition for annexation. He noted the Council may ask questions of the applicants and staff and request additional information as to the merits of the proposed annexation. Mr. Eaton noted that annexation is not a quasi-judicial process, it is essentially a legislative proceeding.

Town Administrator Fitch commented that the property may be applying for a Substantial Development Permit if annexed.

Town Clerk Dubail gave a brief review of staff actions to date and stated that he had certified the Notice of Intent and certified the signatures on the Petition for Annexation. He noted that the next step, if the Council wishes to proceed, is to set a date for a public hearing and, if desired, request additional information from the proponents.

Councilmember Roberts asked David Kinderfather, architect for the proponents, about the zoning of the property in the proposed annexation. Councilmember Roberts stated he was against more commercial property on the periphery of Town but approved of the proposed restoration of the resort.

Mr. Kinderfather remarked that SFR zoning would be downzoning and financially dis-advantageous to his clients. He spoke of recreational aspects of the waterfront.

Attorney Eaton noted that zoning is a separate issue. He recommended against attempting a concurrent rezone. He noted that property outside of 500 feet from the Town limits is unzoned when annexed.

At 9:45 PM, Councilmember Potter moved and Councilmember Dickinson seconded to accept the petition as sufficient and set a date for a public hearing. The motion passed unanimously.

Councilmember Potter moved and Councilmember Dickinson seconded to set the date for a public hearing to consider the annexation of county land into the Town to April 4, 1991 at 7:45 PM. The motion passed unanimously.

At 9:50 PM, Mayor Pro tem Nash introduced draft resolution #793, a resolution authorizing the Mayor to execute an agreement between the Town and KCM to complete Phase I, a predesign study for options for water treatment methods.

Town Administrator Fitch explained the intent of the resolution.

Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #793. After discussion the motion passed unanimously.

Mayor Pro tem Nash asked the Council if they would consider previously introduced draft ordinances #820, 821, and 822 at their proposed March 12th meeting after their deliberations. The Council agreed.

The Council introduced themselves to a new reporter for the Journal.

At 10:00 PM, Councilmember Dickinson moved and Councilmember Potter seconded to go into executive session to discuss current litigation. The motion passed unanimously. The Council noted that they may take action after the executive session.

At 10:47 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to return to regular session. The motion passed unanimously.

No action was taken in executive session.

Councilmember Roberts moved and Councilmember Potter seconded to not appeal Judge Carlson's decision in the Gary Franco case. The motion passed unanimously.

NB

At 10:50 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn and continue the meeting to Tuesday March 12, 1991 at 7:00 PM for deliberation on the Village Grove Long Plat application. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - March 12, 1991 @ 7:00 PM**

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

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

Others present: Town Administrator Fitch, & Attorney Eaton

The meeting was a continuation of the March 7, 1991 7:45 PM Public Hearing Council deliberations for the Village Grove Long Plat Application for a 57 lot residential subdivision.

Mayor Cahail informed the Council and audience that he had reviewed the tapes and exhibits of the previous meeting. There was no objection to Mayor Cahail serving as chairperson for the remainder of the hearing.

The Council began their deliberations on the above topic.

Councilmember Nash commented on the proposed number of lots and lot size. He noted that all but 4 of the proposed lots are larger than 10,000 square feet. He mentioned the addition of a pedestrian ROW as proposed at the 3/7/91 meeting.

The Council discussed the pedestrian ROW and considered alternate and additional locations such as between lots #23 & 24.

Town Administrator Fitch noted the land use ordinance requires 10 foot building setbacks for utility easements.

Councilmember Potter commented on provisions for emergency access.

Councilmember Dickinson noted that alternate access for emergency vehicles could become an unintended thoroughfare.

Drainage concerns were discussed.

Councilmember Dickinson noted that with the "intense" development to the north, the subdivision may act as a buffer.

Councilmember Athearn commented on the phrase "Town Park Dedication" in the 10/17/90 letter from Braun Engineering to the Town. The Council discussed the nature of a public or private park.

Councilmember Roberts expressed concern about the future availability of water. He inquired as to whether the Town could provide services to this and other developable parcels. He noted that Council has not voted to raise the dam and that the gravel pit hasn't closed. He felt the Town would not have enough water for all developable parcels.

Councilmember Dickinson noted that the Council has voted to accept the 1990 Update to the Comprehensive Water Plan. Additionally, the nature of future development of all in-town lots was not certain.

Councilmember Nash noted the proposed subdivision has a considerably lower density than assumed in the Verburg & Associates Land Use Compendium. He commented that every time 10,000 square feet is put into parking a potential water use is eliminated.

Councilmember Athearn noted that the applicant stated, with phased development, that 19 units will be initially built. She added that the utility connection fees will contribute their fair share to utility development.

Councilmember Roberts commented on overall development impacts on the Town. He expressed the need for long range planning and asked if the development is going to be beneficial, benign, or detrimental to the Town.

Councilmember Potter noted that the Council is entrusted to do what is in the public interest and best for the Town.

Councilmember Dickinson expressed sentiments in favor of leaving the park as a private, natural wooded buffer area for the subdivision. Councilmember Athearn concurred.

Councilmember Roberts wanted to assure that the designated park land remain park land. Councilmember Nash concurred.

Councilmember Roberts noted the Town needs to be fair about water to current and future applicants.



Councilmember Dickinson reiterated that the proposal is substantially less dense than possible. "Its a nice plan."

Councilmember Nash inquired about possible provisions for emergency access use only.

Town Administrator Fitch noted a fire apparatus road is required to be at least 20' clear width with turnaround and improved gravel surface. Break-away posts or gates can be utilized to limit vehicle access to emergency vehicles. In addition, the Town requires 15' clear vertical access.

At Councilmember Nash's inquiry, Attorney Eaton noted that the Final Plat has to be "essentially" the same as the Preliminary Plat. Significant changes are not permitted.

Concerns as to the ownership and maintenance of the private park were discussed.

Attorney Eaton remarked that as a condition of approval on the face of the plat, the park could not be used for any other purpose. Eventually, ownership of the park could be turned over to a homeowners association.

At 7:58 PM, Councilmember Nash moved that the Village Grove Subdivision be given preliminary approval as applied for, with the following conditions:

- 1) The mylar be labeled so that the park must be maintained in perpetuity so that it cannot be sold for any other use.
- 2) Limited access for walking, biking, and emergency vehicles be created to the south.

Councilmember Dickinson seconded the motion and inquired if the stormwater detention pond could be converted to park use if not needed for its intended purpose.

Attorney Eaton noted that it is specified on the plat.

Councilmember Roberts expressed support of the report from the previous staff planner.

Attorney Eaton suggested that the preliminary approval be additionally conditioned to state on the face of the plat the 3 phase nature of the project.

Additionally, Administrator Fitch noted that sewer mains not in the public ROW would be in utility easements along lot lines. An easement may need to be specified for the sewer main crossing the south portion of the plat.

Attorney Eaton noted that the 3 phases are stated on the plat but that no dates are attached to the phasing. A 4/3/90 written statement to the Town Administrator and a statement to the Council at the previous meeting from the applicants specify that Phase I would be in 1990, Phase II in 1993, Phase III in 1996. Mr. Eaton felt it would clarify the matter if the timing was stated on the face of the plat.

At Councilmember Roberts' inquiry, Attorney Eaton noted that phasing referred to the request for final Council approval for each phase. The individual lots would not be created for each phase until approved.

At 8:14 PM, Councilmember Nash moved to amend the original motion to add the condition that the phases be stated on the face of the plat. Councilmember Athearn seconded. The motion to amend passed unanimously.

Town Administrator Fitch reminded the Council of concerns regarding determination of costs of utility service. Also, the location and number of pedestrian/emergency service accesses may need to be specified. Additionally, limits on tree cutting were stated by the applicants but are not a condition on the face of the plat.

Town Administrator Fitch noted a letter from KCM to Mr. Bill Percich giving estimated per lot connection costs of approximately \$2,700 for water and approximately \$1,100 for sewer service.

Councilmember Athearn moved and Councilmember Dickinson seconded to amend the amended motion to state that the applicants shall contribute their "fair share" of water and sewer hook-up costs. The motion passed unanimously.

Councilmember Nash inquired about the time required for subsequent phase approval. Ordinance #761 and the appropriate RCW were referred to.

At 8:27 PM, Councilmembers Athearn, Dickinson, and Nash voted in favor of the amended motion to approve the subdivision application. Councilmembers Potter and Roberts voted against. The amended motion passed to grant preliminary approval to the Village Grove Subdivision.

At 8:30 PM, Mayor Cahail gave second and final reading to draft ordinance #820, an ordinance amending FHMC Section 12.02.010, "Construction Standards - Adopted".

Councilmember Roberts moved and Councilmember Potter seconded to adopt Ordinance #820. The motion passed unanimously.

Mayor Cahail gave second and final reading to draft ordinance #821, an ordinance amending FHMC Section 13.08.020, "Water Line Specifications - Adoption of Document - Amends Section D--Construction Detail Specifications".

Councilmember Dickinson moved and Councilmember Nash seconded to adopt Ordinance #821. The motion passed unanimously.

Mayor Cahail gave second and final reading to draft ordinance #822, an ordinance amending FHMC Section 13.24.020, "Sewer Pipe Specifications - Addition--Use of Polyvinyl Chloride Pipe and Fittings which conform to ASTM D 3034 SDR 35 Permitted".

Councilmember Potter moved and Councilmember Roberts seconded to adopt Ordinance #822. The motion passed unanimously.

Town Administrator Fitch will work with Councilmember Nash on the Facts & Findings for the Village Grove Subdivision.

Administrator Fitch reminded the Council he will be on vacation for 2 weeks beginning 3/14. The Council packets will be available for the next meetings.

The staff report on the Foxhall Subdivision application will be distributed to Council on 3/25. Copies of the EIS are available at Town Hall.

At 8:36 PM, at Councilmember Potter's suggestion, the Council asked that efforts be directed to hiring a new full time planning person. Contracting with San Juan County for planning services was determined not to be a viable option.

Councilmember Roberts noted work needs to go forward on the Comprehensive Plan Update; perhaps a consultant would be appropriate.

Councilmember Athearn expressed hope for a timely response submitting a proposal to draft an updated Comprehensive Plan from previous Town Planner Miller. Town Administrator Fitch noted he has had no response to date to his 2 inquires in that regard.

Councilmember Nash suggested the Town should look for somebody already in the County, a local person would be up to speed on local issues in the community.

Mayor Cahail noted that a one person Planning Department, by necessity, is required to spend approximately 75% of the time processing permits.

Permit processing and long range planning goals were discussed.

The Council intentions for planning staff and job description were discussed.

Councilmember Athearn noted that Treasurer Picinich has requested suggestions for amending the budget.

Town Administrator Fitch will begin the hiring process for a new staff planning person.

Mayor Cahail thanked the Council for their understanding of his previous absence for medical reasons.

At 8:50 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - March 21, 1991 @ 7:30 PM**

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

Members Present: Athearn, Nash & Potter

Others Present: Treasurer Picinich and Maintenance Supervisor Reitan.

Mayor Cahail informed the Council that Councilmember Dickinson would absent due to a family illness. The consensus of the Council was that Councilmember Dickinson's absence be excused.

Councilmember Potter informed the Council that Councilmember Roberts had called her and told her that he would be off island and was not sure he would return in time for the Council meeting. The Council decided to wait and see if Councilmember Roberts would arrive later.

The minutes of both the March 7, 1991, 12:30 PM meeting and the March 7, 1991, 7:30 PM meeting were approved as presented.

Fire Chief Galer was unable to attend the meeting.

The Council reviewed the Claims against the Town. An 1989 invoice for the Fire Department was questioned. Treasurer Picinich will ask Fire Chief Galer for an explanation.

Councilmember Nash moved and Councilmember Potter seconded to approved the Claims. The motion was unanimously approved.

Mayor Cahail presented Resolution No. 792, a resolution adopting the "Local Hazardous Waste Management Plan for San Juan County".

Councilmember Potter moved and Councilmember Athearn seconded to adopt Resolution No. 792. The motion was unanimously approved.

Mayor Cahail presented Resolution No. 796, a resolution authorizing the Mayor to offer for public sale such used vehicles and equipment deemed surplus.

Councilmember Nash moved and Councilmember Potter seconded to adopt Resolution No. 796. The motion was unanimously approved.

Mayor Cahail presented Resolution No. 795, a resolution authorizing the Mayor to accept the bid from Smith Tractor & Equipment Company to provide a new backhoe loader and to execute a lease purchase agreement between the Town of Friday Harbor and Smith Tractor & Equipment for the purchase of the backhoe loader.

Councilmember Potter moved and Councilmember Nash seconded to adopt Resolution No. 795. The motion was unanimously approved.

Mayor Cahail presented Resolution No. 794, a resolution by the Council authorizing the Mayor to execute a contract with Skagit County Medical Bureau.

Councilmember Nash moved, Councilmember Potter seconded to adopt Resolution No. 794. The motion was unanimously approved.

Mayor Cahail presented Resolution No. 797, a resolution authorizing the Mayor to execute a contract between the Town of Friday Harbor and the engineering firm of Kramer, Chin & Mayo to prepare a sludge treatment & storage engineering report and a wastewater facilities review.

Councilmember Potter moved and Councilmember Athearn seconded to adopt Resolution No. 797. The motion was unanimously approved.

Mayor Cahail introduced Ordinance No. 824, an Ordinance amending Ordinance No. 574 and Chapter 10.04.070 Friday Harbor Municipal Code, Concerning Time Limit Parking for first reading.

The Council discussed the continued use of the Town's refuse incinerator. Councilmember Potter reported that she had contacted staff members in both Representatives Spaniel and Johnson's offices. These staff members talked to Jay Willenberg of the Department of Ecology. Presently there is no State funds available to help pay off the remaining incinerator Revenue Bonds or to upgrade our present incinerator. It is very unlikely that air quality standards will be relaxed to allow the present incinerator to meet current and/or future air quality standards.

Councilmember Nash expressed his frustration that when the present incinerator was built it was approved by the Department of Ecology as the "best available technology" and now the DOE will not accept our incinerator.

Councilmember Athearn suggested that a workshop with the Town Administrator and full Council be held in the near future to discuss the future of the incinerator.

The Council will set a date for this workshop at their April 4th meeting.

At 8:03 PM Councilmember Athearn moved and Councilmember Nash seconded to adjourn. The motion was unanimously approved.

H. James Cahail, Mayor

Wendy J. Picinich, Clerk Pro Tem

### **Town Council - April 4, 1991 @ 12:30 PM**

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

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

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

The Council reviewed the claims against the Town.

At 12:48 PM, Councilmember Potter moved and Councilmember Dickinson seconded to pay the bills and approve the payroll. The motion passed unanimously.

Maintenance Supervisor Reitan reported:

94 households have signed up for recycling so far and the recycling truck is outfitted for service.

The Solid Waste Facility staff is doing a nice job. The facility looks the best in its history.

At the Town reservoir there is 1« inches of water running over the spillway.

The Town received a check from DCD Emergency Funds for FEMA Disaster Assistance and DCD Emergency Grant for \$17,056.50 for operations and repairs due to last winters flooding; \$11,013.75 to the Water Department for repairs, \$1,094.25 to the Wastewater Department for pump station repairs, and \$4,948.50 for Street Department activities.

The Street Department is repairing potholes and refinishing downtown and park benches as weather permits.

Repair and maintenance is underway on the traveling bridge at the Wastewater Treatment Plant.

The Water Department office at the Town Shop is almost completed. Work is underway on the Top of the Harbor booster pump.

Sidewalk construction should begin soon on Caines Street. The sewer main on Price Street will be replaced this month.

Maintenance Supervisor Reitan outlined various cleanup and maintenance activities at Town facilities and properties.

At 1:04 PM, Helen Winters gave a presentation concerning "Spring Rally '91" and planned Earth Day activities.

At 1:08 PM, Mayor Cahail proclaimed the week of April 13-21, 1991 as Spring Rally '91 Week in Friday Harbor.

Helen Winters, the Council and Town Administrator Fitch discussed a proposed project to stencil Town stormdrains reminding people that the stormdrains flow into the bay. The Council approved the proposal.

Treasurer Picinich distributed the 1990 Annual Report to the Council and noted it was completed 2 months before the deadline.

Councilmember Athearn suggested that the scheduled presentation of draft Ordinance #825 be rescheduled.

Councilmember Athearn noted that she will be unable to attend the next SWAC meeting scheduled for 4/8/91 from 5:30 to 8:00 PM at Town Hall. Councilmember Nash will try to attend.

Councilmember Roberts recounted a story about an apparently bewildered tourist trying to park in Town. The Council discussed the advantages and drawbacks of informational signage for visitors getting off the ferry. Long term parking was mentioned.

Town Administrator Fitch spoke about his recent vacation to North Carolina and Florida. He reported on visiting municipal officials and facilities. Visitor information centers at municipal facilities were very effective. He mentioned observing various methods of sludge storage and disposal. He noted that in one of the cities he visited all commercial/industrial wastewater is pretreated at the source.

Town Administrator Fitch presented a medallion from the Mayor of Morganton, NC to Mayor Cahail.

Town Administrator Fitch noted the March 21 receipt of a letter from Jay Wallenberg, DOE, concerning scheduling a meeting about the incinerator within 30 days.

Town Administrator Fitch reported that the site selection for the new water tank is complete. He would like to schedule an executive session to discuss same with the Council.

Administrator Fitch noted receipt of a letter from Capron's Landing Marina asking for relief from a large water bill due to broken pipes. The consensus of Council was to reaffirm their previous determination that once water is through the meter it is the customer's responsibility.

Administrator Fitch noted a request that the Council consider legislation concerning noise abatement of loud car radios. After discussion the Council declined to pursue the issue.

Administrator Fitch noted that he had reviewed the tape of the 3/28/91 Planning Commission meeting. He mentioned hearing unsubstantiated rumors concerning previous Town Planner Miller. He has drafted a professional services agreement for Council consideration for submission to Mr. Miller.

Councilmember Athearn remarked that Mr. Miller had called her and stated that he did not want to deal with the Town Administration, he would deal with the Planning Commission. Councilmember Athearn asked that a written statement of interest be requested from Mr. Miller.

Town Administrator Fitch noted that at this time there are no minutes of the Planning Commission meetings. Mr. Miller claims that the notes he made at the Planning Commission meetings are his personal property.

The Council directed staff to draft a letter for the Mayor's signature asking for return of the above mentioned agreement within 10 days.

The Council discussed procedures for this evenings scheduled public hearings. Councilmember Dickinson suggested a small recess between hearings.

®NB

At 1:57 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - April 4, 1991 @ 7:30 PM**

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

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

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

The minutes of the March 12th and March 21st, 1991 meetings were approved as submitted.

The Council discussed various dates for scheduling a work session. Thursday April 11th at 7:00 PM was determined to be mutually agreeable for a 2 hour work session on solid waste issues.

Consideration of draft ordinance #825 was rescheduled to April 18th with 1/2 hour allotted for discussion. The Council will review the pertinent material before the meeting.

Mayor Cahail noted that there were 3 public hearings scheduled for the evening and asked that all cooperate so that all who wished to speak could be heard. He announced that sign-up sheets for those who wished to comment were available at the rear of the chamber. There was no objection to the Mayor or any Councilmember being involved in the proceeding.

At 7:45 PM, Mayor Cahail opened the Public Hearing for the request for annexation of county properties from the Kwan Lamah property to the Town limits and outlined the procedure to be followed.

Attorney Eaton reiterated his previously expressed concern that, as the Lohreys have been his clients, his involvement be limited to procedural questions. He noted the annexation procedure is legislative, not quasi-judicial.

At 7:48 PM, Art Lohrey, proponent, summarized the history and intent of the annexation request and provided a historical information packet (marked Exhibit "D") to the Council. He noted that the facility is a "pre-existing known use" and spoke of his intent to preserve the historical nature of the area and the uncluttered aspect of the waterfront. He remarked that the project needs to be economically feasible. **Mr. Lohrey spoke of economic benefits to the Town and his desire to construct a mainline extension to the Town sewer system to serve his property.** He noted that the property is already connected to the Town water system with a 2" meter. He also noted that upon annexation the annexed properties would take on a portion of the Town's indebtedness. Mr. Lohrey also remarked on implications of annexation in the Growth Management Act. He felt that the Town "knew what they were getting" in this proposal. Additionally, he remarked that, whether annexation was approved or not, the impact would be the same on the Town water system. He also spoke of transportation alternatives including a planned shuttle service to the Town and ferry. Mr. Lohrey spoke of general benefits to the community from the annexation. He mentioned zoning concerns and reiterated his intent to keep the property as Kwan Lamah and asked that the property be zoned Commercial. He thanked the Town staff for their assistance.

At 8:13 PM, noting the time, Mayor Cahail inquired as to Council intent regarding public input.

The Council noted that 6 people had signed up to speak and asked that comments be limited to 5 minutes. If further time for comments is desired, the public input portion of the hearing will be continued to a future date.

At 8:15 PM, Bud Geneste, 160 Harrison, expressed concern about present and future water availability and referred to Town water studies by KCM. He felt the reports indicated a lack of water to accommodate possible maximum future water demands. He noted traffic congestion on Harrison Street and Warbass Way and felt the Town would be incurring hidden costs if the annexation was approved. He recommended against annexation.

At 8:20 PM, Paul Ahart, SJ Island, felt that if there was a water shortage the proposed subdivision application scheduled later on this agenda should be denied. He spoke of benefits to the Town and the environment if Kwan Lamah was on the Town sewer system and supported annexing the property into the Town.

At 8:22 PM, John Linde, attorney representing adjoining property owners Myron & Barbara Little, stated that the Littles supported the proposal. He spoke of benefits to the environment of hooking to the Town sewer system and felt there would be a financial benefit to the Town.

At 8:24 PM, Ken Lloyd, Hyko, Inc., read a letter of support (marked Exhibit "E").

At 8:25 PM, Lou Chorba, Warbass Way, spoke of the need to preserve historic buildings and areas and supported the annexation request.

At 8:26 PM, Mayor Cahail asked for further comments or questions from the Council.

At 8:30 PM, after discussion, the Council decided to continue the hearing to Monday April 8, 1991 at 7:00 PM. The public input portion of the hearing to remain open.

At 8:36 PM, following a short recess, Mayor Cahail opened the Public Hearing for the Islands West Conditional Use Permit application to operate a Bed & Breakfast establishment at Islands West Retirement Apartments and outlined the procedure to be followed. There was no objection to the Mayor or any Councilmember being involved in the proceeding.

Town Administrator Fitch presented and summarized the sections of the 3/13/91 staff report. He noted that the staff report expresses certain concerns but recommends approval with conditions.

At 8:41 PM, Doreen Carter, proponent, read a letter from the applicants to the Islands West residents explaining the intent, scope, and financial reasons for the Conditional Use request for a Bed & Breakfast (B & B) operation. She noted a letter distributed to the Council (marked Exhibit "B") signed by Islands West residents supporting the request. Mrs. Carter briefly spoke of the intent of the proposal.

At 8:45 PM, Mayor Cahail opened the hearing for comments from the public and asked that comments be limited to 5 minutes.

At 8:46 PM, John Linde, attorney for the applicants, thanked the staff for their help with the project. He asked for a definition of "late night arrivals" and noted problems inherent with ferry travel and scheduling. He referred to the previously mentioned letter from the residents and asked that the recommended curfew be moved to 11:00 PM. He stated that the intent of the request is to allow Islands West to "continue to serve the community".

At 8:50 PM, Raphael Remus, Islands West resident, stated he felt the retirement home was a "community treasure" and spoke of the economic necessity for continued operation of Islands West.

At 8:53, Dick Robinson, Friday Harbor B & B owner, asked if a 62 room B & B was transferable to a possible future purchaser. He felt the number of rooms should be limited.

At 8:54, Bob Greenway, Friday Harbor, spoke against the proposal.



At 8:55, Joan Corliss, Islands West resident, spoke in favor of the proposal.

At 8:56 PM, Jessica Thayer, San Juan Island, asked how a 62 room B & B was legal. She felt a time limit should be put on the permit.

At Councilmember Nash's inquiry, Mrs. Carter stated the Islands West "has about a 50% occupancy".

Councilmember Athearn felt the hours of operation should be a matter of internal control.

At 9:00 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing. He noted that Council reserves the right to re-open the hearing for public input at a future time or date if necessary. He then opened the hearing for Council deliberations.

Councilmember Dickinson suggested that recommended Condition #2, the curfew on late arrivals, be deleted. She also commented on the potential for the facility becoming a 62 unit B & B.

Councilmember Athearn suggested the permit be conditioned to specify a maximum of 50% of the units for B & B use with a limited time period.

Councilmember Roberts felt consideration of a 62 unit "B & B" was absurd. Islands West's financial situation was not the Council's concern. The proposal was not the intent of the B & B designation. A hotel may be the appropriate designation.

The Council discussed zoning concerns in regard to B & B's.

Councilmember Potter spoke of the commonly understood nature of B & B's.

Town Administrator Fitch noted that the applicants had initially applied for a rezone of the subject property to Commercial but that former Planner Miller had dissuaded the applicants from pursuing a rezone.

Councilmember Nash stated he was in favor of the application with a limit on the number of room available for B & B use.

At 9:10 PM, Councilmember Dickinson moved and Councilmember Nash seconded to accept Conditional Use Permit Application #29 with recommended Condition #1 changed to 50% of the rooms of the primary building on the subject property and recommended Condition #2 deleted.

Councilmember Roberts felt approval was contrary to previous Council decisions concerning B & B's. Also, approval set a precedent for future, untemplated uses elsewhere in Town.

Councilmember Potter expressed reservations about approval.

At 9:14 PM, the motion passed with Councilmembers Athearn, Dickinson, and Nash voting in favor and Councilmembers Potter and Roberts voting against. A formal finding of facts will be drawn up.

At 9:20 PM, after a short recess, Mayor Cahail opened the Public Hearing for the Foxhall Subdivision application and outlined the procedure to be followed.

Tom Metke, engineer for the applicants, asked that Councilmember Roberts step down for appearance of fairness reasons due to his introduction of previous litigation and alleged statements that the proposed subdivision should be half the size.

Councilmember Roberts declined to step down.

Peter Eglick, attorney for Friends of the San Juans, asked if any member of the Council had made a statement to the effect that since people had paid taxes on the property for a period of time they were entitled to subdivide. If so, those Councilmembers should step down.

After consideration, none of the Councilmembers stepped down.

Hearing no further challenges, Mayor Cahail asked Town Administrator Fitch to introduce the planning consultants who would present the staff report.

Town Administrator Fitch summarized procedural actions on the project to date and introduced Sandra Westin-Butler of Richard Butler & Associates. Ms. Butler introduced Mr. Jay Ward of the above firm who participated in development of the staff report.

Ms. Butler reported on surface water drainage concerns and recommended utilizing the "King County 1990 Surface Water Design Manual" for design purposes. She also recommended that all areas used for drainage be incorporated into "Tract X". Ms. Butler noted the need to condition the proposal so that required drainage facilities are designed to accommodate the ultimate build-out potential of the site.

Ms. Butler noted that the proposed roads do not meet Town standards. She felt that 40 foot wide roads may be excessive and recommended 36 foot wide roads with a 32 foot wide road section and sidewalks on both sides.

Ms. Butler reported on problems with the designed access to Beaverton Valley Road utilizing an unacquired access easement from OPALCO. If the easement is not obtained, access will have to be entirely on the applicant's property.

Ms. Butler spoke of problems with collector roads and access to adjacent parcels in the proposed subdivision. The current design is not conducive to a strong residential use. She suggested keeping options open for an access connection with the Village Grove subdivision. She also recommended requiring pedestrian pathways. Parks and opens space requirements should be a minimum of 4.7 acres, the same ratio as the Village Grove subdivision.

Ms. Butler recommended that the applicants should bear the full expense of needed onsite water and sewer system improvements and should deed same to the Town. She noted the recommendation of the KCM study for a \$2,700 per lot water connection fee. She also recommended that the Town Administrator be given flexibility in specifying roadway alignments to minimize impacts to the area.

At 9:42 PM, Don Galt, applicant, introduced Tom Metke, KSM, engineer for the project.

Mr. Metke note that the project was started approximately 3 years ago. He stated that the applicants had very little problem with the staff report and noted recent changes in storm water management procedures. He stated that the applicants were willing to design to the recommended King County standards. Also, the applicants were willing to set aside the suggested 4.7 acres. Additionally, he stated the applicants were not interested in a through connection with Village Grove.

Mr. Metke asked for a 36 foot wide roadway with a single sidewalk. He noted a similar impact with a 32 foot wide roadway with sidewalks on both sides of the road. He also noted that the road is not intended for through use.

At 9:50 PM, Mayor Cahail opened the hearing for public comment and asked that comments be limited to 5 minutes.

At 9:53 PM, Mrs. Lee Sturdivant, Larsen Street, asked for "softening" of impacts on the neighborhood and timing of impact on the Town. She thanked the Town Administrator for his efforts and spoke of the importance of the trees on the subject property. She felt drainage in the area was "a disaster". Mrs. Sturdivant distributed pictures (marked Exhibit "B") taken this morning to the Council showing drainage problems in the area. She also expressed concerns over present and future water supply.

At 9:58 PM, Dick Robinson, 365 Carter Avenue, felt the compromises in the project were equitable. He also expressed concern over future water supply requirements.

At 10:00 PM, Nancy DeVaux, Executive Director - Friends of the San Juans, Friday Harbor, stated that serious issues raised by the proposal have not been adequately addressed. The "Friends" have brought Attorney Peter Eglick to address legal concerns with the project. Ms. DeVaux felt the Town does not have adequate planning tools to deal with development. She noted Community Survey recommendations for slow growth and expressed concern over available water supply, sewage treatment, solid waste, and surface water drainage. She asked that consideration of the project be delayed until the above concerns are adequately addressed.

At 10:05 PM, John Donahue, Friday Harbor, distributed a letter (marked Exhibit "C") to the Council. He noted he is an engineer for the San Juan County Public Works Department but is speaking on his own behalf. He expressed concerns with, and provided his analysis of, the available water supply. He felt the Town has a current water capacity for approximately 130 more water hookups and recommended raising the dam. He suggested that plat approval be conditioned to provide for mitigation of future water shortages. He also stated that storm water management needs to be adequately addressed.

At 10:11 PM, Nichole Kruck, University Road, expressed concern over growth in the islands. She remarked that she moved here for the beauty of the rural environment and was worried she would not be allowed to hookup to Town water when she was ready.

At 10:13 PM, Peter Eglick, Attorney for the Friends of the San Juans, spoke of specific issues on plat approval. He cited FHMC subdivision regulations necessary for preliminary plat approval. Mr. Eglick felt the Town had not received a complete plat application. "The application may be in legal jeopardy." He itemized the needed information that the Town did not have and stated that surface water management in the plat and the surrounding area was totally lacking. Mr. Eglick noted that the Town can be sued for negligently approving a plat that results in downstream damage to others. He distributed a copy of Town Administrator Fitch's 9/8/89 memo (marked Exhibit "D") and asked the Council to ask if questions in the memo have been answered. Mr. Eglick asked that he be given time to continue with his comments later in the evening.

At 10:23 PM, Tom Metke spoke of the nature of subdivisions in Town and the importance of phasing the project. He agreed that drainage in the area was a problem and stated that surface water drainage would have to be redesigned to meet King County standards. He noted that Town standards were nowhere near as stringent. As to water, hookup charges from the lots would help fund water system improvements and that hookup charges will be determined by needed improvements. He stated that the developers were willing to pay.

At 10:27 PM, Don Galt spoke of phasing the project according to a feasible financial plan. He estimated that a maximum of 5 to 10 houses would be built per year. He stated that the project would provide long term employment for his children and he would be willing to contribute to improve Town systems. He said he was not trying to create impacts on the Town and that "spec" building 72 houses would be foolish.

At 10:30 PM, Bonnie Morrow, 491A Roche Harbor Road, adjacent property owner, spoke of the large amount of surface water in the area. She spoke in favor of the project and felt storm water could go into the existing ditch.

At 10:33 PM, Kerwin Johnson, Friday Harbor, spoke of the need for affordable housing in the community and noted the need for the community to work together. He felt siting housing in Town would preserve the beauty of the rest of the island.

At 10:34 PM, John Linde, attorney for the applicants, spoke of efforts by the developer to meet Town requirements. He remarked on early efforts in this century to drain Beverton Valley. Mr. Linde noted that the applicants has agreed to design to the best available standards and felt conditioned preliminary plat approval was appropriate. He commented that phasing, as stated by Mr. Galt is a part of the process. He noted that the project was applied for in 1988, that an EIS had been done and that others had benefited. He cautioned against empty threats of a lawsuit and felt the application was suitable for preliminary approval.

At 10:41 PM, Peter Eglick said he had not threatened a lawsuit, what he has stated are the standards of the law. No plat should be approved until it has made adequate provision for drainage and water supply. Additionally, what is intended for the lots designated #73 & 74? A complete application must be received before preliminary approval is granted. He felt that the King County standards are not exotic, they were developed primarily for rural areas of King County. Mr. Eglick felt that the Foxhall EIS was inadequate and stressed the need for provision of an adequate water supply. He cited a September 1989 quote from Don Galt in the Journal of the San Juans suggesting conditioned phase approval. Mr. Eglick spoke of wastewater treatment capacity as stated in the EIS and the possibility of exceeding NPDES (National Pollutant Discharge Elimination System) treatment standards.

Mr. Eglick felt the Council should postpone the decision for a month or two until design is completed and water and sewer concerns are addressed. The application should be denied and, when resubmitted, phased development should be conditioned. Mr. Eglick submitted a letter dated this date (marked Exhibit "E") summarizing his statements.

Attorney Eaton noted that the displayed map of the proposal is marked Exhibit "A".

At 10:56 PM, Mr. Eaton recommended the Council consider if the application meets the criteria set forth in the Town's subdivision ordinance and reiterated that this is a quasi-judicial hearing and that the Council needs to conduct themselves accordingly. Any additional information to the Council needs to be presented in the context of the Public Hearing.

At 11:00 PM, Councilmember Nash asked if Exhibit "A" is the proposal before the Council. It was stated that it was.

At 11:04 PM, noting the hour, Councilmember Roberts moved and Councilmember Potter seconded to continue the hearing with the public input portion to remain open to 4/8/91 following the Kwan Lamah annexation deliberations. Said continued hearing not to start before 8:00 PM. The motion passed unanimously.

®NB

At 11:05 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn to 4/8/91 at 7:00 PM. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - April 8, 1991 @ 7:00 PM**

The Town Council met in a session continued from their April 4, 1991 7:30 PM meeting, Mayor Cahail presiding.

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

The purpose of the continued session was to allow for additional public input and Council deliberation on the Kwan Lamah Annexation request and the Foxhall Residential Subdivision request. The public input portion of the public hearings for the above requests was not closed at the previous meeting.

At 7:03 PM, Mayor Cahail reopened the Public Hearing for the Kwan Lamah Annexation request.

Art Lohrey, applicant, presented the Mayor and Town Council with a petition in support of the annexation request (marked Exhibit "F"). Town Administrator Fitch read the text of the petition into the record. Letters concerning the annexation request from Steven H. Buck and Chita Miller were marked Exhibits "G" & "H" respectively.

At Councilmember Roberts inquiry, it was noted that the annexation procedure is legislative rather than quasi-judicial. Councilmember Roberts expressed concern over possible future uses of the property and impacts on Town utilities depending on the zoning if annexed.

Councilmember Dickinson raised the issue, and the Council discussed, amending the Shoreline Master Program (SMP) to take in the additional shoreline at Kwan Lamah.

Councilmember Nash asked if a lesser portion of the property could be annexed. He noted that the Kwan Lamah property is already served by a 2" Town water service.

Town Clerk Dubail noted that RCW 35.13.150 as paraphrased in the Annexation Handbook states; "It [the legislative body] may annex all or any portion of the are proposed for annexation, but may not include any property not described in the annexation petition."

Councilmember Dickinson referred to the March 19, 1991 letter from Ron Loewen, Director of Public Works for San Juan County, asking the Town to annex the road and the upland adjacent property to "square off" the Town boundaries.

In regard to expansion of water service, Town Administrator Fitch cited FHMC 13.04.080.

The Council continued discussion of concerns with possible expansion of water use and zoning.

At 7:35 PM, Attorney Eaton joined the meeting.

Councilmember Roberts noted that whether the property is annexed or not the water use will change and most likely increase. He expressed concerns over zoning and future potential uses and mentioned possible financial and environmental benefits.

Attorney Eaton noted that upon annexation, the Land Use Ordinance could be amended to provide zoning for the annexed property outside the current 500' adjacent property zoning statute limit.

Mr. Lohrey noted that, if the property stays in the County, a future owner could build condos or multi-family uses under current County zoning.

Councilmember Roberts stated that his primary concern was the impact on Town services.

Councilmember Athearn said that if the property comes into the Town, she would like the Town to control which uses are allowed.

Attorney Eaton spoke about zoning and SMP land use designations.

Councilmember Roberts suggested the creation of another land use zoning designation to allow and control resort uses.

Councilmember Potter asked if the staff could be directed to research possible sewer impacts and various zoning options. The zoning questions to be researched are: creating a new land use zone and possibly a different shoreline designation.

Councilmember Athearn asked if there was any way to bring the property in with the zoning agreed upon but before the Land Use Ordinance is amended.

Attorney Eaton felt a enforceable concomitant agreement could be arrived at to accomplish the above.

Councilmember Nash noted a previously denied rezone in the area due to Council concerns over water pressure.

Town Administrator Fitch spoke of existing, constricting, 4" water mains in portions of the Town system and noted that water pressure is not good in the area at higher elevations.

Councilmember Roberts asked that research be directed to a "resort" type zone that does not allow MFR use.

At 8:05 PM, Mayor Cahail reminded the audience that the public input portion of the hearing was still open.

Mr. Lohrey spoke of his intentions for the property and mentioned his concern over future property values if "down zoned". He asked that enough latitude be allowed to make keeping the property economically feasible.

At 8:13 PM, Mayor Cahail asked the Council to summarize the questions to be researched by staff.

Councilmember Roberts - The build out capacity based on SFR zoning of the property in relation to water, sewer and traffic?

Councilmember Dickinson - The revenue potential to offset impacts to the sewer system?

Councilmember Nash - Possible GMA/urban growth considerations?

Councilmember Potter - Are current Town services adequate to serve the property?

Additionally, the Council would like information on "squaring off" the Town boundaries in the area and annexing the appropriate portion of the County road.

At Town Administrator Fitch's suggestion, the Council will continue the hearing to Thursday April 11th at 7:00 PM. The Council will set a date at that time for continuation of the hearing. The public input portion of the hearing to remain open.

At 8:35 PM, after a short recess, Mayor Cahail reopened the Public Hearing for the Foxhall Subdivision application.

Don Galt, applicant, summarized the applicants actions to date.

Jeff Roberson, Friday Harbor, on behalf of George & Nancy Adkins, property owners of 40 acres adjacent to the proposed subdivision, read a letter (marked Exhibit "F") dated 4/4/91 supporting the proposed subdivision.

Town Administrator Fitch read a letter (marked Exhibit "G") from Melissa & Robert Vynne, Friday Harbor, to the Town Council into the record.

At Councilmember Nash's inquiry and reference to Appendix H of the Foxhall EIS, Mr. Galt spoke to phasing of development based on economic feasibility. He stated that first phase construction was planned for 1992, second phase - 1994, third phase - 1996, and the fourth phase 2 to 4 years later.

At Councilmember Dickinson's inquiry, Attorney Eaton provided clarification on phased development preliminary approval. He noted that while the FHMC allows up to 12 years for preliminary approval, the Council may set a shorter deadline. If significant changes are made between phases the application for subsequent preliminary approval would have to be treated as a new plat application.

The Council and staff discussed phasing options and preliminary approval.

Sandra Westin-Butler expressed that phased preliminary approval was altering the subdivision process. She noted inherent difficulties with planning infrastructure improvements and lack of understanding of total build-out impacts.

Mr. Galt spoke of the financial necessity for phasing.

Councilmember Nash asked if specific dates can be set on the phasing.

Mr. John Linde, attorney for the applicants, stated that the applicants are willing to do so.

Sandra Westin-Butler spoke of concerns raised about drainage and tying design to the 1990 King County Surface Water Design Manual. Drainage facility design phasing needs to be stated. Sediment and erosion management provisions need additional clarification. Open space development and siting needs review. She noted that the final drainage configuration is unknown at this time. An interim plan was needed to serve the 72 lots with a provision for additional facilities, if needed, for development of lots #73 & #74. She noted that 4.7 acres of open space is required for the total 40 acres, ie 12% exclusive of the drainage area. Development of lots #73 & #74 would be submitted to the Council for approval as only SFR or conditional uses in the SFR zone, MFR use would not be allowed. Ms. Butler noted that the applicants have agreed to meet the requirements of the staff report and provide the requested additional information.

At 9:15 PM, Councilmember Dickinson expressed concern over stormwater run-off and down stream impacts.

Tom Metke, KSM, explained design provisions for timed stormwater release from the retention pond.

Sandra Westin-Butler spoke of the need for cooperative stormwater solutions.

At Councilmember Nash's inquiry, Attorney Eaton stated he did not have a problem with the indefinite location of the 4.7 acres of open space as long as the 4.7 acres are within lots #73 or #74. Stormwater handling and facility design must be very specific.

Town Administrator Fitch asked that a minimum of 14 days be provided for public review after the applicants provide the revised information for the application.

Mr. Metke stated he will submit the revised drainage plan and calculations to the Town by 4/18/91.

Councilmember Nash asked for a staff recommendation on specific phasing dates. Consideration should be given to conditioning approval of the application to state same.

The applicants will respond with suggested minimum phasing dates.

At 9:30 PM, the Council decided to continue the Public Hearing to 5/2/91 at 7:45 PM with the public input portion to remain open.

ⓂNB

At 9:31 PM, Councilmember Potter moved and Councilmember Nash seconded to adjourn to reconvene on 4/11/91 at 7:00 PM. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - April 11, 1991 @ 7:00 PM**

The Town Council met in a session continued from their April 8, 1991 7:30 PM meeting, Mayor Cahail presiding.

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

Others present: Town Administrator Fitch

After discussion, the Council scheduled the continued Public Hearing and Council deliberations for the Kwan Lamah annexation request to 5/2/91 at 8:45 PM.

At 7:12 PM, Mayor Cahail asked Town Administrator Fitch to summarize the topic of the work session, discussion of solid waste issues. Mayor Cahail noted that the executive session scheduled for 8:30 PM was canceled.

Administrator Fitch read and explained a letter from Jay Wallenberg, DOE, regarding the incinerator and options open to the Town concerning same.

At 7:16 PM, Councilmember Roberts joined the meeting.

Administrator Fitch remarked that DOE is awaiting scheduling within 30 day of a requested meeting.

Administrator Fitch asked Councilmember Potter to discuss her 3/23/91 memo to the Council concerning her conversations with state legislators and officials.

Administrator Fitch noted that 110 SFR households have signed up for the recycling program so far. He summarized the current status of solid waste operations.

Mr. Ed Stuhr, San Juan County Solid Waste & Recycling Manager, stated that the County does not support continued operation of an incinerator that is not in compliance. He noted that DOE would like a draft of the Joint Solid Waste Management Plan in May. At Councilmember Robert's inquiry, Mr. Stuhr noted that the County could have an ash cell at the Orcas landfill. At Councilmember Athearn's inquiry, Mr. Stuhr felt the worst case estimated life of the Orcas landfill would be in excess of 20 years. He commented that the County's opinion is that solid waste disposal must be an in-county operation, long haul is not an option under consideration.

Solid Waste Department Leadman Robert Erickson reported on initial recycling pick-up quantities, the truck was filled twice today. Public interest is increasing as the operation gains visibility.

The Council discussed diverting cardboard from the incinerator waste stream.

Administrator Fitch noted that the recycling program was started "from scratch" 11 weeks ago and is progressing very well. The indication from the Council was to encourage people to put out their recycling bins whether full or not.



Leadman Erickson noted that Seattle's incentive for recycling is higher refuse rates, \$4.00 for a small can and \$20.00 for a large can. At Mayor Cahail's inquiry, Mr. Erickson stated that cardboard pick up and a cardboard bailer would significantly reduce the waste stream and would not be difficult to implement.

Councilmember Nash felt raising the refuse rates would reduce the waste stream. He spoke of misconceptions, over reaction, and simplifications regarding environmental programs and regulations.

Councilmember Roberts noted that the Council needs to make a decision on whether to upgrade or shut down the incinerator.

At Councilmember Potter's inquiry, Administrator Fitch estimated that building a new incinerator for the Town would cost around \$400,000. He noted changing solid waste disposal priorities at the state level.

Councilmember Nash mentioned correspondence from DOE, less than 10 years ago, calling our incinerator the Best Available Control Technology (BACT). Administrator Fitch noted that incineration/co-generation technology has "fallen from grace" at the state level.

Councilmember Potter asked if there was a consensus of the Council to eliminate long haul of solid waste as an option open to the Town.

Councilmember Roberts felt that any option that "leans toward air pollution" is a mistake.

The Mayor and Council discussed solid waste disposal options in relation to perceived environmental effects and financial impacts on Town residents.

At 8:20 PM, Councilmember Athearn suggested meeting with DOE representatives before deciding which path to take with the incinerator.

Councilmember Nash suggested that the Town undertake improvements to the incinerator, reduce use, and reduce the waste stream to meet DOE requirements. He noted that the point is to reduce unwanted emissions and reduce waste. Additionally, Town acquisition of a cardboard compactor could significantly reduce the amount of material to be incinerated. Councilmember Nash noted storage and transfer problems with compaction and suggested subsidizing a private operator.

Councilmember Potter would like to talk with DOE before making a decision. Also, having an emission test at the incinerator should be considered.

Town Administrator Fitch noted that if you can see smoke from the incinerator, the incinerator is not operating correctly.

Conditions of the initial DOE construction permit were discussed. Administrator Fitch noted that the incinerator does not have the controls to make it operate as designed or permitted.

Mr. Erickson spoke of misconceptions as to the purpose of the controls. He recommended a vigorous recycling program to reduce the amounts incinerated and improvements to the stack.

Mayor Cahail spoke of the Town's obligation to the people who funded the incinerator and the need to move forward sensibly with solid waste disposal.

At Councilmember Dickinson's inquiry, Town Administrator Fitch noted that the Town has in excess of 12 months of ash fill capacity.

Administrator Fitch recommended that the Council move forward on emissions testing, proceed with plans for future phase out, and have Ed Stuhr draft a closure schedule for the incinerator and landfill. He noted DOE is asking the Town to "fix what its got" and proceed with a plan to eventually phase out the incinerator.

Councilmember Roberts would like to see the costs associated with the various options.

Mayor Cahail suggested that staff put together various scenarios and costs. Town Administrator Fitch will give an interim report at the May 2nd meeting and the Council will schedule a meeting with DOE at that time.

®NB

At 8:55 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - April 18, 1991 @ 7:30 PM**

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

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

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

Under non-agenda items presented by the public; Mr. Dick Robinson, Friday Harbor, San Juan Island Bed & Breakfast Association, addressed the Council in regard to referring to the Island's West 31 unit transient lodging facility as a Bed & Breakfast (B&B) operation. He asked that the Council reconsider their decision and felt the "Facts & Findings" for the above should have been approved at the meeting at which the Conditional Use Permit was approved. Mr. Robinson presented a letter from the B&B Association expressing said association's concerns.

Mrs. Doreen Carter, Island's West, stated that the proponents had prepared and submitted a rezone application for the subject property to the Town. At previous Town Planner Otto Miller's recommendations on January 4 & January 8, 1991 the Carter's withdrew their rezone application.

Mayor Cahail noted that the Council has voted and approved the CUP and that the Findings & Conclusions are approved separately.

Attorney Eaton stated that the decision could be reconsidered by a motion to reconsider made by one of the Councilmembers on the prevailing side. Mr. Eaton explained that approving the Findings & Conditions was to verify that they accurately reflect the Council's reasons for action.

No motion to reconsider was forthcoming from the Council.

At 7:44 PM, Fire Chief Galer reported:

There are currently 16 firefighters in the Town of Friday Harbor Fire Department.

There were 17 fire calls in the 1st quarter, 45% of same were to areas in Fire District #3.

The Easter egg hunt was a big success, over 700 cans of food were collected for the food bank.

The fire boat is back in operation.

Chief Galer reminded the Council that the time is approaching for consideration of acquisition of a new fire truck.

At 7:49 PM, Mayor Cahail introduced draft resolution #798, a resolution stating the support of the Council of the Town of Friday Harbor for increasing the U.S. harvest of Fraser River Sockeye and Pink salmon as established by the Pacific Salmon Treaty for the years 1993 and beyond.

After discussion, Councilmember Nash moved and Councilmember Roberts seconded to approve Resolution #798. At the Council's request, Mr. John Jackson, Vice President - Puget Sound Gillnetters Association, representing said association and island fisherman, explained the need for, and the intent of, the proposed resolution.

At Councilmember Potter's inquiry, Mr. Jackson noted that the information he provided to Council was obtained from state and private sources.

Mayor Cahail and Councilmember Nash spoke of the long history of commercial fishing in Friday Harbor. Councilmember Nash noted that the sockeye salmon is not a sport fish.

At 8:02 PM, the motion to adopt Resolution #798 passed unanimously.

At 8:03 PM, Mayor Cahail opened the Public Hearing for the Gould's Meadow Long Plat Application, a 15 lot residential subdivision, submitted by Gene Gearhart and Jack Jenkins. Hearing no objection to his or any Councilmembers participation, Mayor Cahail instructed the audience in the procedure that would be followed.

Town Administrator Fitch summarized the history of this long plat application and introduced Sandra Western-Butler, Richard Butler & Associates, planning consultants, to provide the staff report.

Ms. Butler remarked that stormwater management design concerns regarding the project can be remedied by following the standards set forth in the 1990 King County Surface Water Design Manual.

Ms. Butler spoke to recommended changes to roadway design and access requirements. She noted that if the Council decides that Larsen Street should "go through", the applicants should pay their "fair share" of all costs. If said street is not desired now, the Town should acquire a 30' right of way for future road use and current use as open space. She noted that the design has an approximate 12% open space ratio. Ms. Butler went on to summarize further recommendations as noted in the staff report.

Susea McGearhart, proponent, commented on expressions of community support and stated that the applicants agreed to all provisions and recommendations of the staff report.

Darryl Sorenson, engineer for the applicants, spoke of technical aspects of storm water management and noted revision of the proposed storm water management plan to utilize a grassy swale. He recommended that utilization of a settling pond during construction be specified as part of conditional approval.

John Thalacker, SJ Surveying, expressed approval of the staff report and suggested that the Council give consideration as to their intentions regarding Larsen Street.

Susea McGearhart mentioned the "Town Survey" and the need for affordable housing.

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

Lee Sturdivant, Larsen Street, felt the Council was really considering 15 rental units and associated traffic. She thought an "innovative" design was being prepared, not a "southern California" type subdivision. She was against

opening Larsen Street as a through street. She asked for a screen of trees in front of the subdivision and felt the lots were too small for the neighborhood.

Dick Robinson, 365 Carter Avenue, expressed concern over drainage, the possibility of street lights, and the need for repair of Carter Avenue. He asked if the application states the numbers associated with affordable housing.

Town Administrator Fitch noted receipt of 7 letter concerning the application. He additionally mentioned that repair of Carter Avenue was dropped from the 1991 Town Budget.

Councilmember Roberts asked the applicants who was funding the affordable housing.

Gene Gearhart responded that the project was financed through private funding and that the intent was to construct year round rental homes, not vacation rentals.

At Councilmember Potter's inquiry, Mr. Gearhart said that this would be a phased project and stated he would try to keep rental costs as low as possible.

At Mayor Cahail's inquiry, Attorney Eaton noted the purpose of the hearing was to consider the subdivision application, not housing.

At Councilmember Nash's inquiry, Sandra Western-Butler noted the reasons for the recommended changes in the stormwater management design, the intent was to provide for biofiltration rather than just retention.

Councilmember Nash asked Lee Sturdivant where she wanted the trees she asked for. Ms. Sturdivant replied that she would like them along the Carter Avenue frontage.

Darryl Sorenson explained changes in roadway design.

At Councilmember Athearn's inquiry, Susea McGearhart responded that "Mr. Kede's plan" did not meet Town requirements.

Town Administrator Fitch noted that placement of a fire hydrant may be required. Also, the proposed street name, "Calle Facil", may be in conflict with existing street or road names and that the applicants should submit a list of alternatives.

At Councilmember Nash's inquiry, Attorney Eaton stated he felt that the proposed changes were not sufficient to delay consideration of the application.

Sandra Western-Butler noted inclusion of a "Native Growth Protection Easement" in the open space area, shown on the preliminary plat - lots #7 & #8 as "Restricted Building Area."

At Councilmember Nash's inquiry, Attorney Eaton and John Thalacker spoke of the intent and implementation of the "Native Growth Protection Easement."

Mayor Cahail asked if the Council wished to continue the hearing before he closed the public input portion. The Council indicated they would like to discuss future use of Larsen Street.

At 8:51 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing, noting that the Council reserves the right to reopen the hearing for public input at a later time or date.

The Council discussed the advisability of retaining the option of opening the rest of Larsen Street. Option "b", as stated in Section B, paragraph #3, page 4 of the staff report, was decided upon.

Councilmember Roberts expressed concern over water supply considerations. He felt there was lots of evidence that the Town could not continue to develop at the present rate. Also, he inquired about traffic and parking impacts and the associated commercial water requirements.

Councilmember Dickinson mentioned that the Town does not have a water hook-up rationing system in place.

Councilmember Roberts felt that review of a plat includes consideration of the "health and welfare" of the citizens of Friday Harbor.

Councilmember Nash noted that the last 2 subdivisions considered had significantly less lots than was allowable or assumed by previous studies that addressed water.

Councilmember Potter referred to Section D - Municipal Utilities, paragraph 4, page 6 of the staff report, which addresses impacts to the Town Water system.

Town Administrator Fitch noted that the updated Land Use data base may be ready for query in approximately 60 days.

Councilmember Athearn mentioned that the applicant stated that the construction would be phased.

Councilmember Roberts suggested that phasing be made a condition of approval. He also mentioned transportation impacts of the proposed subdivision.

Mayor Cahail noted that whether the homes are built in or out of Town, the people will still drive through Town. Additionally, he mentioned that the Council does need to move forward on water, transportation and parking issues.

Councilmember Roberts stated that his constituents have clearly asked him to work to control growth.

The Council requested that additional information be provided on stormwater management and water supply.

At 9:20 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to continue the deliberations with the option of reopening the hearing for public input to May 9, 1991 at 7:30 PM. The motion passed unanimously.

At 9:27 PM, after a short recess, Mayor Cahail introduced draft ordinance #825, an ordinance for the purpose of establishing water, sewer, and refuse rate reductions for low income senior citizens.

Town Administrator Fitch summarized the development history of the draft ordinance, noted the inclusion of the requested financial data prepared by Treasurer Picinich, and introduced Nancy Larsen, author of the draft ordinance.

Ms. Larsen stated that 11 to 15 people in Friday Harbor are currently receiving assistance from the Whatcom Opportunity Council. An estimate of 25 eligible residents was used for developing the financial projections.

Treasurer Picinich explained the methodology she used to project lost revenue as shown in her 4/18/91 memo to the Council.

At Councilmember Athearn's inquiry, Ms. Larsen remarked that most communities in the state have similar programs.

Qualification standards and program procedures were discussed.

Ms. Larsen noted that the state guidelines are considered equitable and easily implemented.

The Council discussed including "low-income disabled persons" as well as "low-income senior citizens". The consensus of Council was to include "low-income disabled persons".

Town Administrator Fitch noted that the costs would be reflected in the remainder of customer utility charges.

Councilmember Potter suggested that the rate reduction not be available to residents of subsidized housing. The Council agreed.

After discussion, the consensus of Council was to specify a rate reduction of 50%.

Attorney Eaton will re-draft the proposed ordinance and include the changes made by the Council.

At 9:57 PM, draft ordinance #825 was considered to have had first reading.

At 9:59 PM, after review, Councilmember Dickinson moved and Councilmember Nash seconded to pay the additional claims. The motion passed unanimously.

Attorney Eaton explained that the scheduled executive session was to discuss current and pending litigation and property acquisition.

Mayor Cahail noted receipt of a proposed professional services agreement from former planner Otto Miller to provide a draft comprehensive plan. The Council will consider the proposed agreement at the 5/2/91 afternoon meeting.

At 10:02 PM, Councilmember Dickinson moved and Councilmember Potter seconded to go into executive session to discuss the above referenced topics. The motion passed unanimously.

At 10:57 PM, Councilmember Dickinson moved and Councilmember Potter seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

®NB

At 10:58 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - May 2, 1991 @ 12:30 PM**

The Town Council met in regular session.

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

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

Councilmember Nash moved and Councilmember Dickinson seconded to appoint Councilmember Potter, Mayor Pro tem for this meeting. The motion passed unanimously.

Town Clerk Dubail reported that Councilmember Roberts had informed his office that he was ill and may be unable to attend today's meetings.

Town Administrator Fitch noted that Maintenance Supervisor Reitan was attending a seminar.

At the Council's request, time will be allotted on the agenda of the third regularly scheduled Council meeting for consideration of additional claims.

Revision of the Town Personnel Manual was discussed. Town Clerk Dubail added that the Town was waiting for receipt of an updated model personnel manual being prepared by the Association of Washington Cities Local Government Personnel Institute.

At 12:40 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to pay the bills and approve the payroll. The motion passed unanimously.

At Councilmember Athearn's inquiry, Administrator Fitch noted that Caines Street reconstruction is scheduled after the Park Street reconstruction project.

At 12:44 PM, Town Administrator Fitch explained a claim from Mr. Greg Hertel, a property owner in the area of the AUG II project. Mr. Hertel feels that the AUG II project has adversely impacted his access roadway. The Council discussed the situation and tabled the issue pending consultation with Maintenance Supervisor Reitan.

At 12:55 PM, Town Administrator Fitch reported that, per the Council minutes of April 11, 1991 concerning the incinerator, a request for Statement of Qualifications for Evaluation and Modification of the Municipal Waste Incinerator was issued. Responses are available for Council review.

At 1:00 PM, Councilmember Roberts joined the meeting.

Town Administrator Fitch noted a scheduled Wastewater Treatment Facility onsite review with DOE on Friday May 10th.

At 1:04 PM, Mayor Pro tem Potter introduced for second reading draft ordinance #824, an ordinance amending Ordinance #574 and Chapter 10.04.070 FHMC, concerning time limit parking on the south side of Nichols Street from Argyle Avenue to "A" Street.

At the Council's request, Mr. Mike Adams, owner of "Funk & Junk" on Nichols Street, explained the need for 2 hour time limit parking in the area.

At 1:06 PM, Attorney Eaton joined the meeting.

Councilmember Dickinson moved and Councilmember Nash seconded to adopt Ordinance #824. The motion passed unanimously.

At 1:08 PM, Mayor Pro tem Potter introduced draft resolution #799, a resolution establishing a petty cash fund for the Wastewater Treatment Facility in the amount of \$50.00 to be used for the sole purpose of receiving payments for waste pump-out services.

Treasurer Picinich explained the need for the above petty cash fund.

Councilmember Nash moved and Councilmember Athearn seconded to adopt Resolution #799. The motion passed unanimously.

At 1:10 PM, Town Administrator Fitch presented the Findings & Conclusions for Conditional Use Permit #29, Islands West Associates Bed & Breakfast Use. Attorney Eaton commented that he felt the proposed Findings & Conclusions were adequate.

Councilmember Roberts asked that staff enforce the requirements of FHMC 17.08.070 which defines "Bed & Breakfast" as "... a business which provides nightly lodging accommodations for transient guests in presently existing dwellings which at the same time serve as the primary residence of the owners and operators of said business ..." Discussion of conditional use requirements followed.

Councilmember Dickinson moved and Councilmember Nash seconded to accept the Findings & Conclusions for Conditional Use Permit #29, Islands West Associates Bed & Breakfast Use. The motion passed with Councilmembers Athearn, Dickinson, & Nash voting in favor, Councilmembers Potter & Roberts - No.

At 1:15 PM, the Council began consideration of the proposed professional services agreements from Otto Miller and Richard Butler & Associates for preparation of a new Comprehensive Plan.

Attorney Eaton noted that a new Comprehensive Plan which addressed the requirements of the Growth Management Act (GMA) must be in place by July 1, 1992.

Councilmember Dickinson pointed out that the Butler proposal will address the GMA, the Miller proposal will not.

Councilmember Athearn noted that if Miller's proposal is followed, the Comprehensive Plan would have to be revised in about a year.

The Council, Administrator Fitch, & Attorney Eaton discussed plan elements required under GMA and the general implementation of same.

Mayor Pro tem Potter noted that Mr. Miller has worked on the task with the Planning Commission.

Administrator Fitch noted that the State Department of Community Development (DCD) is looking to future funding for development of local plans.

Treasurer Picinich noted that Section G of the Miller proposal was contrary to accepted practice and Town policy. Also, the work product should come to the Town.

Councilmember Dickinson & Attorney Eaton concurred with Treasurer Picinich's comments and expressed concern about the provisions of Section H of the Miller proposal.

At Councilmember Athearn's inquiry, Town Administrator Fitch remarked that public input is paramount to the development of a Comprehensive Plan.

Discussion continued on plan development procedures. Planning Commission chairman Tim Gambrel commented on his discussions with Mr. Miller and Planning Commission efforts to date.

Attorney Eaton noted that the plan Mr. Miller is proposing to draft will not be usable a year from now.

Utilizing the information from the Community Wide Survey as a component of public input was discussed.

Treasurer Picinich left the meeting due to a previous commitment.

Town Clerk Dubail, on behalf of Treasurer Picinich, asked that Section G of the Miller proposal be revised to specify "Miller" instead of "Client", that Section H be deleted in entirety, and that Section J specify that all written material



be sent to the Town of Friday Harbor. Additionally, Town Clerk Dubail requested that, due to the draft nature of the proposed product, all material be additionally submitted on magnetic media (MS-DOS disks). Attorney Eaton concurred with the Town Clerk's suggestions.

Councilmember Dickinson spoke of the reduced scope of work specified by Mr. Miller.

Attorney Eaton noted that the Miller proposal offers a draft, the Butler proposal is much more comprehensive.

The Council discussed the nature of Mr. Miller's proposal.

Councilmember Roberts suggested that the "petty" items be deleted from Mr. Miller's proposal.

Councilmember Roberts moved and Councilmember Potter seconded to resubmit the proposal to Mr. Miller with the deletion of Sections G & H, Section J to specify that all material be sent to the Town and that all material be submitted on MS-DOS disks.

The need for a staff planner was discussed. Councilmember Roberts expressed his opinion that "the Council dictates" to staff.

At 2:07 PM, Councilmembers Potter & Roberts voted in favor of the motion. Councilmembers Dickinson, Athearn, & Nash - No. The motion failed.

At Councilmember Athearn's request, Town Clerk Dubail read the pertinent portion of the minutes of the March 12th Council meeting at which the Mayor's and Council's intentions for the planning staff were discussed.

@NB

At 2:11 PM, Councilmember Roberts moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

Bonnie C. Potter, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - May 2, 1991 @ 7:30 PM**

The Town Council met in regular session.

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

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

Councilmember Dickinson moved and Councilmember Potter seconded to appoint Councilmember Nash, Mayor Pro tem. The motion passed unanimously.

The minutes of the 4/4/91 - 12:30 PM & 7:30 PM, 4/8/91 - 7:00 PM, 4/11/91 - 7:00 PM, and the 4/18/91 - 7:30 PM meetings were approved as submitted.

At 7:35 PM, Fire Chief Galer briefly reported on the status of the Fire Department. He then reported on the recent fire at the Victoria Crossing apartment complex on Guard Street.

At 7:36 PM, Councilmember Roberts joined the meeting.

Fire Chief Galer remarked that "modern" construction practices (no fire walls in the attic space) contributed to the severity of the fire. Engine #6 was invaluable in combating the fire. Investigation reveals that the source of combustion was at or near an electric wall heater. Chief Galer reported there were no injuries to the occupants, one firefighter suffered from minor smoke inhalation. Chief Galer commented on the good response and cooperation his department received from elements of Fire District #3.

Councilmember Roberts asked why there was not a tree in the bubble in front of the Drug Store. Town Clerk Dubail will look into the matter.

At 7:47 PM, Mayor Pro tem Nash opened the continued public hearing for the Foxhall Long Plat Application. Hearing no objection to his or any Councilmembers participation, Mayor Pro tem Nash instructed the audience in the procedure to be followed.

Mayor Pro tem Nash asked Sandra Western-Butler, Richard Butler & Associates, planning consultants for the Town, to present her review of new information submitted by the applicants.

Sandra Western-Butler referred to her memo to Town Administrator Fitch of 4/29/91 and explained that Richard Butler & Associates had the engineering firm of RH2 do the preliminary review.

Administrator Fitch noted that the submitted 4/18/91 revised plat drawing (Exhibit "A") indicates dates for the approximate commencement of phases.

At Councilmember Athearn's inquiry, Sandra Western-Butler stated that the plat needs to use the same phrasing as in her memo of 4/15/91 in regard to phasing and final approval.

Tom Metke, KSM, engineer for the applicants, spoke of the necessity to determine details of surface water management calculations as plat design is finalized.

At 8:01 PM, Mayor Pro tem Nash opened the hearing for non-repetitive public input.

George Adkins, adjacent property owner, expressed concern that additional surface water runoff to his property would exceed the capacity of his pond.

Nancy DeVaux, Executive Director, Friends of the San Juans (FSJ), read a letter (Exhibit "B") from Peter Eglick, FSJ attorney, expressing concern over timing of the hearing in regard to the previously requested 2 week review period for the additional requested information. The letter suggested that there had been a delay in obtaining the requested information. **Additionally, the letter expressed concern over surface water management design and water and sewer utility availability.** Consideration of preliminary approval of the phases at the dates on the face of the plat rather than preliminary approval of the entire plat was suggested. **The letter also asked that approval be deferred until adequate water and sewer services are available and surface water management design is complete and additional time has been provided for public review.**

Tom Metke explained that the surface water management system is designed not to increase the runoff into Mr. Adkins' pond.

Mr. Adkins stated that if the design would not increase the runoff to his property he had no other objections to the proposal.

Sandra Western-Butler explained that each phase of the proposed 74 lot plat would be required to meet the specified design standards. If each phase is considered separately, the design could be specified only for the number of lots in that phase. Preliminary approval is not necessarily approval of the engineering drawings, the engineering design must meet Town standards before the plat may proceed. She noted that historical surface

water drainage may not be diverted from a downstream property without that property owner's consent. Diversion of upstream surface water drainage should also be addressed.

Lee Sturdivant felt that, per the KCM 1990 Water Comprehensive Plan Update, the Town did not have enough water to serve the proposed subdivision. Also, trees should be added to screen the subdivision.

Nancy DeVaux, FSJ, mentioned possible litigation if the proposal is approved. Also, the Foxhall property could be redesigned as a Planned Unit Development (PUD). Additionally, the project should be carefully phased. The Town needs to change its philosophy in regard to development.

John Donahue, Friday Harbor, noted the challenge of trying to be a good neighbor when developing property upstream. He asked the Council to consider the proposal as if they lived downstream. Also, he inquired if the retention basins could be some shape other than rectangles. Additionally, fencing alternatives and additional uses for the retention basins were worth consideration.

Don Galt, proponent, stated it would be a "futile effort" to try to build 72 houses in 1 year. He noted the extensive discussions concerning the project with Town planning personnel. Mr. Galt pointed out the efforts of the applicants to meet all Town requirements and address community concerns. He felt that "5 to 10 houses" constructed per year would be the maximum and expressed the desire to work with the Town as each phase was developed.

Administrator Fitch noted that the Town received a revised print of the plat on 4/19/91, supporting calculations were received on 4/22/91 as stated in Mr. Eglick's letter.

Attorney Eaton stated that the phasing language on the face of the plat should be the same as in paragraph 3(F) of the Richard Butler & Associates memo of 4/15/91.

Sandra Western-Butler stressed the necessity of Town review of the project at each phase of development.

Councilmember Dickinson asked that the Council be given copies of Mr. Eglick's letter. (Said letter was duplicated and distributed.)

Councilmember Athearn asked Sandra Western-Butler about specifications of street design such as roadway width, rolled curbs, etc for the plat. Ms. Butler replied that those design standards can be specified by the Council.

At 8:52 PM, noting the scheduled time for another public hearing, Mayor Pro tem Nash requested the Council's intentions as to continuing the hearing.

The Council discussed various options. At Councilmembers Athearn's & Robert's inquiry, Attorney Eaton will research if Councilmembers may submit written comments to be read into the record. Sandra Western-Butler said that written comments from Councilmembers may be entered into the record if the hearing is still open for comment.

The Council decided to continue the public hearing for the Foxhall Long Plat Application with the public input portion to remain open to 5/9/91 at 9:00 PM.

At 9:04 PM, after a short recess, Mayor Pro tem Nash opened the continued public hearing for the "Kwan Lamah" annexation request and instructed the audience in the procedure to be followed.

Town Administrator Fitch gave a brief review of action on the request to date and summarized the scope of reports from staff; memo of 4/27/91 from Town Clerk Dubail and memo of 4/29/91 from J. M. Lord, Richard Butler & Associates.

Sandra Western-Butler reported for Richard Butler & Associates on their response to Council questions about zoning, use of the property under County regulations, shoreline concerns, and alternate zoning classifications. Ms. Butler stated that if the Town desires "destiny control" of the property, annexation is the best course. Also, the County wishes to retain the adjacent County road until such time at the Town were to annex the upland property across the road to "square off" the Town boundaries. The Town would not be able to process a Shoreline Substantial Development Permit in the subject area until the Town's Shoreline Master Program was revised and accepted by DOE. Additionally, Council consideration of a "resort type" zoning classification was suggested as a viable course of action.

Town Clerk Dubail explained the methodology and projections of his report concerning Council questions on SFR build-out capacity, water, sewer, and traffic impacts, and utility revenue potential for the subject property.

At 9:30 PM, Art Lohrey, proponent, commented on the zoning alternatives suggested by Richard Butler & Associates. He requested that an alternate use to resort use be allowed in any new zoning as a "fail-safe" if the resort operation were to prove unfeasible.

At 9:34 PM, Mayor Pro tem Nash asked for public input.

At Lee Sturdivant's inquiry, Administrator Fitch replied that the property is currently served by the Town water system.

At Councilmember Robert's inquiry, Sandra Western-Butler noted that land uses in a new zoning designation could be specified by the Council.

At Mayor Pro tem Nash's inquiry, Ms. Butler stated that the Town could not annex property and deny Town services.

Town Administrator Fitch noted that the existing 2 inch water meter for Kwan Lamah is currently being relocated.

At Mayor Pro tem Nash's inquiry, Ms. Butler stated that the existing 2 inch water meter has enough capacity to serve any of the allowed County uses.

Councilmember Roberts commented that Town policy precludes expansion or change of out of Town water uses.

Town Administrator Fitch noted that the original water hookup was for a resort use. Councilmember Roberts remarked that the Council had previously agreed to accept the resort water use designation but not an expanded use.

Sandra Western-Butler suggested that the Council be very precise in saying that the current water use is a "resort" use in that that could be interpreted to mean "commercial" use. She noted that if the town annexes the property the Town could control the water uses.

At 9:51 PM, hearing no further comment, Mayor Pro tem Nash closed the public input portion of the hearing, noting that the Council reserves the right to reopen the hearing for public input at a later time or date, and opened the hearing for Council deliberation.

The Council, Attorney Eaton, and Sandra Western-Butler discussed the intention of allowed and possible pre-existing water use designations.

Town Administrator Fitch read from the April 13, 1920 Council minutes which allude to the intended classification of the Kwan Lamah water use.

The Council discussed possible future uses of the property. Councilmember Dickinson noted the scarcity of waterfront in Town for commercial use.

At the Council's inquiry concerning procedure, Attorney Eaton responded that the Council had previously decided not to require pre-zoning, a concomitant agreement to specify to amount of development, expansion, or change of use of the property while the Land Use Ordinance and the Shoreline Master Program could be required. Development could be processed by the Town under the County Shoreline Master Program if the Town desired.

At Councilmember Robert's inquiry, Sandra Western-Butler responded that case law indicates that when the date for the annexation public hearing is set, jurisdiction for the annexation petition passes to the Town. As to zoning, under the proposed new designation conditional uses as well as permitted uses may be an appropriate resolution of Council and proponent concerns.

Administrator Fitch noted that the Town Clerk's report indicates that SFR use would have a higher impact than the currently proposed resort use on Town utilities.

Ms. Butler reiterated that conditional use alternatives could be provided in the suggested "Commercial Public Accommodation" zone. Additionally, a concomitant agreement is a common tool used to address unzoned land pending zoning designation.

Councilmember Athearn suggested that the planning consultants draft the appropriate language for permitted and conditional uses in the proposed zone. The Council discussed the general types of uses they would consider for the area.

Mr. Lohrey stated he had no objection to entering into a concomitant agreement with the Town specifying permitted and conditional uses. Staff will work with the applicants to draft same for Council consideration.

The Council decided to continue deliberations to 5/16/91 and will consider action on the above draft agreement at that time.

At 10:32 PM, draft ordinance #826, an ordinance fixing salaries of officials and Town employees, was given first reading.

At 10:35 PM, Councilmember Potter moved and Councilmember Dickinson seconded to go into executive session to discuss current litigation. The motion passed unanimously.

At 10:45 PM, Councilmember Potter moved and Councilmember Roberts seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

®NB

At 10:47 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn to reconvene on May 9, 1991 at 7:30 PM for continued public hearings and Council deliberations on the Gould's Meadow Long Plat Application and the Foxhall Long Plat Application. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem

Steven Dubail, Town Clerk

**Town Council - May 9, 1991 @ 7:30 PM**

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

Members present: Dickinson, Nash, Potter, & Roberts

Others present: Town Administrator Fitch & Attorney Eaton

Councilmember Athearn's previously scheduled and announced absence from May 7 through May 27 was excused.

Mayor Cahail proclaimed May 17 & 18, 1991 American Legion "Poppy Day" in the Town of Friday Harbor.

Mr. Arthur Lumkes, 470 Hillcrest #4, made a presentation concerning his application for a For Hire Permit for White Whale Tours, conducting tours of the island in a classic car.

At Councilmember Dickinson's inquiry, Mr. Lumkes described additional aspects of his planned operation. The Council expressed no opposition to Mr. Lumkes' proposal.

At 7:38 PM, Mayor Cahail opened the continued public hearing for Council deliberation on the Gould's Meadow Long Plat Application. Mayor Cahail noted that the public input portion of the hearing was closed and would require public notice before it could be reopened.

The Council and Attorney Eaton discussed allowing input concerning revised surface water management design submitted by the applicants at the Council's request. The revised design was determined not to be new public input.

Sandra Western-Butler, Butler & Associates, planning consultants for the Town, noted that the intent of the submittal by the applicants is to meet the previously stated Town requirements for this project.

In regard to domestic water supply, Town Administrator Fitch distributed a 4/11/91 letter from Arthur H. Benedict, Kramer, Chin, & Mayo, Inc. (KCM) clarifying the 140 gallon per customer day (gpcd) water use estimate in the 1990 Comprehensive Water Plan Update (Complan). The 140 gpcd figure includes both residential and commercial consumption as described in Section 5.1 of the Complan.

Councilmember Roberts indicated he would like more time to review and for public review of the implications of the above mentioned letter. Also, was this new information or clarification of existing information?

Attorney Eaton noted it was a Council decision on whether to admit the letter into the record.

Councilmember Dickinson felt it was a new perspective on an "age old" question.

Councilmember Nash remarked that he had previously seen the letter.

The Council discussed the nature and implications of the letter.

Councilmember Nash noted that the staff "Kwan Lamah Report", reviewed at the 5/2/91 evening Council meeting, addresses average SFR water consumption.

Administrator Fitch noted the intent of the letter was to clarify the 140 number in the Complan, the 140 gpcd number includes residential and associated commercial use.

Councilmember Roberts expressed his concern that the Town should determine how many more water hookups the Town has the capacity to allow.

The Council discussed the potential for future water system expansion and present capacity.

Councilmember Nash felt the letter was clarification of a point in the Complan, not new information. He noted that the Town has accepted the current Complan update as well as the previous Plan.

Councilmember Roberts felt that the Council's actions were obligating future Councils to expand the capacity of the water system.

Sandra Western-Butler noted that one of the requirements for approval of this subdivision was that they pay their "fair share" for the right to connect to the water system. Current users were not to be penalized for system expansion costs due to development.

Councilmember Roberts suggested that the Council pass an ordinance or resolution stating present users won't have to pay for system expansion necessitated by development.

Mayor Cahail noted that most utility system enhancements generally benefit all users, not just new users.

Councilmember Nash spoke of improvements made over the years to the Town water system. Also, the Town now kept its rate structure current with revenue requirements.

Councilmember Dickinson asked if the KCM letter changed anything about the subdivision application under consideration. She noted that the 485 units stated in the letter were with current system capacity.

Attorney Eaton expressed that, after review of the KCM letter and the Complan, he felt the letter was not new information.

Councilmember Potter commented that the letter reflects projections under Scenario #2 in the Complan.

Town Administrator Fitch noted that water use projections use SFR equivalents. The historical use numbers in the Complan came from Town utility records.

Councilmember Roberts felt the projections did not accurately reflect possible future uses. The Council needed to consider the water supply for the entire Town, not just the current proposed subdivision.

The basis for the water supply calculations in the Complan were discussed.

Councilmember Roberts stated he would base his decisions on water availability projections for a "50-year drought" year.

Councilmember Nash noted that the current applications for subdivision asked for a lower density than previous studies assumed in their projections.

Councilmember Roberts felt a units per acreage ratio should be developed and utilized in considering new subdivisions.

Councilmember Nash felt that an ordinance stating same should be adopted before applying the proposed ratio to current subdivision applications.

Tree planting along Carter Avenue was suggested as a condition of approval.

At Councilmember Potter's inquiry, Sandra Western-Butler estimated that about 18 lots could be placed on the property.

At 8:42 PM, Councilmember Nash moved for adoption of the Gould's Meadow preliminary Plat as conditioned in the staff report with the addition of plantings along Carter Avenue. Councilmember Dickinson seconded the motion.

Councilmember Nash stated that the plantings are intended as the start of a green belt. Staff is to bring a recommendation as to the nature of the plantings.

The Council discussed the motion. Councilmembers Potter and Roberts would like Council consideration of the previously mentioned lots/acre ratio. The staff will report on the matter.

Attorney Eaton noted that the Council needed to make a decision on the options for improvements to Larsen Street as listed in the Butler & Associates staff report of 4/8/91, page 4, B(3).

At 8:48 PM, Councilmember Dickinson moved to amend the original motion to specify Option B as defined in the above referenced staff report. Councilmember Nash seconded the motion to amend. The motion to amend passed with Councilmembers Dickinson, Nash, and Potter in favor, Councilmember Roberts against.

At 8:50 PM, The motion to approve the subdivision, as amended, passed with Councilmembers Dickinson, Nash, and Potter in favor, Councilmember Roberts against.

At 9:00 PM, after a short recess, Mayor Cahail opened the continued public hearing for the Foxhall Long Plat Application. Mayor Cahail noted he had reviewed the tapes of the previous hearing and that the public input portion of the hearing was still open.

Attorney Eaton referred to a list of questions and comments submitted by Councilmember Athearn (Exhibit "C", received 5/7/91). Said list was duplicated and distributed to the Council and audience and was made part of the record.

Sandra Western-Butler stated that the 12 year phasing begins at the final approval of the first phase.

Phasing language on the face of the plat shall be as stated in the Butler & Associates memo of 4/15/91, paragraph 3(f).

Surface water management design shall be as stated in paragraph 1 of the above referenced memo.

The agreed resolution of drainage concerns mentioned at previous meetings were discussed.

At Councilmember Potter's inquiry, Sandra Western-Butler noted preliminary approval was for 74 lots, the applicants need Town approval of engineering drawings at each phase. Further, if water and sewer facilities are not available at each phase, the phase may not be approved until such facilities are available. The Town does need to make said facilities available when the Town provides the facilities. The applicants will have to pay their "fair share" of any related facility expansion costs.

Sandra Western-Butler noted "concurrency" typically means being able to deliver the facilities within 6 years, the Council may define "concurrency" more stringently. Also, if the Council delays phasing, such delay must be done by Council action. If the applicants do not finish the project within 12 years the applicants must start the application process again for the uncompleted portion of the project.

A transportation plan as an element of a Comprehensive Plan for determining impact fees was discussed. Parking would be an element of such a plan.

At Councilmember Potter's inquiry, Sandra Western-Butler noted that the proposal is for 74 lots on 40 acres. Lots #73 & 74, at this time, are large SFR lots. Ms. Butler noted that the average density is .5 acre lots, approximately 12% of the area is open space.



Possible future uses of lots #73 & 74 were discussed. Attorney Eaton noted condition #2 on the face of the plat precludes further subdivision of lots #73 & 74 until phase 4 has commenced.

Attorney Eaton noted that phrasing concerning lots #73 & 74 on the face of the plat is not consistent with the recommended requirements of paragraph 3(c) of the 4/15/91 Butler report. The phrasing of the phasing requirements is also not consistent.

Sandra Western-Butler suggested that the requirement recommended in paragraph 3(c) be expanded to include allowing educational use.

Tom Metke, KSM, engineer for the applicants, concurred with Ms. Butler's suggestion.

Town Administrator Fitch asked if the Council wished to consider allowing additional conditional uses provided for SFR property by the Land Use Ordinance.

Sandra Western-Butler noted that the intent of the suggestion was to allow a recreational/educational use on lots #73 & 74 before phase 4. A Conditional Use Permit would still have to be applied for and approved.

Allowing additional uses provided for by the Land Use Ordinance was discussed.

At 9:45 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing, noting the Council reserves the right to reopen the hearing for public input at a later time or date.

Councilmember Roberts felt lots #73 & 74 should remain open space because of water availability concerns.

Councilmember Potter expressed reservations about water availability and concurred with Councilmember Roberts suggestion that lots #73 & 74 should be designated for open space/recreational use.

Sandra Western-Butler noted that lots #73 & 74 are part of the 74 lot subdivision and are each single lots. The plat is conditioned to not allow further subdivision of lots #73 & 74 before phase 4.

Councilmember Nash commented that his house is situated on 5 lots, not all lots in Town are going to be built on.

The Council discussed lot size in various areas.

Councilmember Nash expressed support for the proposal with the recommended conditions.

Councilmember Dickinson noted the contribution to the utility systems of utility hookup fees for each lot.

At 10:03 PM, Councilmember Dickinson moved to approve the Foxhall Long Plat Application with the recommendations of the Butler & Associates staff reports of 3/20/91 and 4/15/91. Provided that; Phasing is to be stated on the face of the plat as specified in paragraph 3(f) of the 4/15/91 report. Concerning lots #73 & 74, the word "educational" to be added to Note 3 on the face of the plat as recommended in paragraph 3(c) of the 4/15 report. That the conditions recommended in paragraph B(2)(c) & B(2)(d) (as renumbered) and the rolled curb option (B(3)) of the 3/20/91 Butler & Associates report be accepted. That clearing limits to save as many trees as possible be approved by staff.

Councilmember Nash seconded the motion.

Councilmember Roberts felt that the proposal would exceed the available water supply. Also, standards for tree removal should be established.

Sandra Western-Butler noted that the motion could be amended to address trees.

After discussion, Councilmember Roberts felt that tree removal standards should be in policy form.

At 10:17 PM, Councilmembers Dickinson and Nash voted in favor of the motion. Councilmembers Potter and Roberts voted against. The motion was approved with Mayor Cahail breaking the tie with an affirmative vote. Findings and Conclusions will be drawn up.

At 10:21 PM, after a short recess, Mayor Cahail presented draft ordinance #826, an ordinance fixing salaries of officials and Town employees, for second reading.

Councilmember Nash moved and Councilmember Dickinson seconded to adopt Ordinance #826.

Councilmember Roberts stated that he had reviewed the tapes of the March 12, 1991 Council meeting and felt the Council had directed staff to hire a planner.

Councilmember Dickinson felt that the successful applicant for any position should be someone you can have full confidence in.

Councilmember Potter concurred with Councilmember Roberts.

Ordinance #826 was adopted with Councilmembers Dickinson, Nash, and Potter voting in favor, Councilmember Roberts abstained.

@NB

At 10:27 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - May 16, 1991 @ 7:30 PM**

The Town Council met in regular session.

Members present: Dickinson, Potter, & Roberts

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

Councilmember Roberts moved and Councilmember Dickinson seconded to appoint Councilmember Potter Mayor Pro tem. The motion passed unanimously.

The minutes of the 5/2/91 - 12:30 PM & 7:30 PM, 5/9/91 - 7:30 PM meetings were approved as submitted.

As a non-agenda item presented by the public, Mr. John Burke asked the Council to give consideration to annexation of certain portions of Fire District #3 for fire protection purposes. Mr. Burke mentioned previously submitted petitions with 240 signatures of residents of the pertinent areas. He felt that these people were paying their fire protection taxes to Fire District #3 but that, by contract, the Town of Friday Harbor Fire Department provided the fire protection response. Mr. Burke presented an overview of the history of the inter-local agreements between Fire District #3 and the Town of Friday Harbor. He remarked that, if that portion of the fire protection taxes had gone to the Town of Friday Harbor Fire Department, the Town would have a better fire department.

At Councilmember Robert's inquiry, Attorney Eaton briefly spoke of possible legal mechanisms to accomplish the purpose recommended by Mr. Burke. He noted that the Town cannot levy taxes outside its jurisdiction.

Town Administrator Fitch noted that Mayor Cahail is currently in discussions with Fire District #3 representatives concerning the inter-local fire protection agreement.

Mr. Burke commented that there was no monies to the Town in the last inter-local agreement. By his estimate, Fire District #3 was getting approximately \$60,000 per year from the areas where the Town was providing the fire protection.

Councilmember Dickinson noted that the issue required legal research.

At Councilmember Robert's request, Attorney Eaton will do some preliminary research and report options to the Council.

At 7:48 PM, Town Administrator Fitch gave a brief background review and referred to his 5/13/91 memo to Council concerning a request by Mr. Robert Carrieri for private use of the public right of way at the corner of First Street & "A" Street.

Mr. Carrieri, PO Box 1566, Friday Harbor, presented Council with an artist's rendition of his proposal to utilize a small triangle of land adjacent to the old Truesdell Building in conjunction with a proposed restaurant. He referred to his letter to the Council of 5/9/91 describing his proposal.

Attorney Eaton explained how the Town can lease an unused portion of the public right of way for private use. He noted that such leases are typically set up to be terminable on relative short notice, 60 to 90 days.

Town Administrator Fitch reported that he could find no mention of previous agreements about the subject property in Town records. Administrator Fitch suggested, as an alternative, that the proponent could donate the necessary funds so that the property could be developed as a "pocket" park. The property would remain open to the public and the proponent would have access to additional space.

Administrator Fitch noted that he is having identifying signs prepared for other Town parks.

The Council discussed uses of the property that would be in the public's best interest.

Councilmember Roberts noted financial constraints of the Town's Park budget. He suggested that perhaps development of the property by private enterprise would best serve the public as long as open access to the public was maintained.

Previous Council discussion concerning public access, in particular, access on the upper level of the planned Front Street building, were mentioned.

Councilmember Dickinson noted that the property is not very usable to the public now, private development would make it usable.

Mr. Carrieri stated that his intention is to provide seating, both for the public and patrons of his proposed restaurant. He felt development would lessen the hazard of the rock hillside.

The Council and proponent discussed various ways to develop the property and the nature of the proposed restaurant. Mr. Carrieri stated he did not intend to apply for any type of liquor license.

Town Administrator Fitch noted that, if the property is kept public, liquor could not be served or consumed in the area. He also mentioned, on the applicant's behalf, that the summer season is rapidly approaching and that a decision in a timely manner would be appreciated.

Discussion continued on not leasing the land but allowing the applicant to donate funds to the Town to pay for the requested improvements.

Mr. Carrieri remarked that he would like to be open for business by the middle to end of June.

Councilmember Dickinson noted that the Council needed to consider possible consequences of setting a precedent in leasing public property.

The Council would like a report on the options discussed for consideration at their June 6th evening meeting.

Councilmember Roberts notified the Council that he will be off the island for 2 weeks beginning June 1st.

At 8:22 PM, Town Administrator Fitch introduced a request by Mr. Robert Greenway for placement of a private street lighting system within the public right of way in the Evergreen II subdivision. Administrator Fitch referred to his memo to Council of 5/10/91 on the subject and noted current Town commercial street lighting standards and inventory and maintenance considerations.

Councilmember Roberts suggested that the Town develop a Town residential street lighting standard. The Council discussed various means of providing for residential street lighting.

Attorney Eaton noted that if private lighting systems are allowed the agreement must be with the appropriate homeowners association.

The consensus of Council was to require Mr. Greenway to form a homeowners association as a precursor to the Town entering into a franchise agreement for a private street lighting system in the public right of way in the Evergreen II subdivision.

Town Administrator Fitch will investigate development of residential street lighting standards.

At 8:45 PM, Mayor Pro tem Potter introduced for second reading draft ordinance #825, an ordinance establishing reduced base rates for water, sewer, and refuse services to low income senior citizens and low income disabled citizens of the Town of Friday Harbor.

Treasurer Picinich requested clarification of the intent of specifying only "minimum universal charge" in Section 2(3)(c) of the draft ordinance. Section 2(3)(c) was amended to add "or the monthly rates".

At Councilmember Robert's inquiry, Attorney Eaton stated that with 3 Councilmembers present, if a Councilmember abstained from voting, a quorum for a vote was maintained. Councilmember Roberts noted that he was not in opposition to the proposed ordinance but felt that low income people of all ages should be considered.

At 9:04 PM, Councilmember Dickinson moved and Mayor Pro tem Potter seconded to adopt Ordinance #825. Ordinance #825 was adopted with Mayor Pro tem Potter and Councilmember Dickinson voting for the motion, Councilmember Roberts abstained.

At 9:05 PM, Mayor Pro tem Potter noted receipt of a letter dated 5/14/91 from David Kinderfather, architect for the Kwan Lamah annexation applicants. The letter requested a continuance of Council deliberations of the annexation request due to an illness in the Arthur Lohrey family. The Council continued the deliberations to their June 6th evening meeting.

The Council reviewed for payment additional claims. The Council requested additional information on certain items.

Administrator Fitch and the Council briefly discussed refuse rates and the need to better assess refuse quantities.

Administrator Fitch distributed his memo to Council dated 5/15/91 concerning developmental densities.

Administrator Fitch noted receipt of a letter from San Juan CableVision informing subscribers that a \$3.00 per month surcharge will be added to in and out of town subscriber bills to help offset undergrounding costs.

Administrator Fitch noted receipt of a copy to the Town of a memo from the San Juan County Board of County Commissioners to Dick Grout - Planning Director, Ron Loewen - Public Works Director, Fred Canavor - Prosecuting Attorney, and Bill Cumming - Sheriff, reporting no progress on a proposed noise abatement ordinance. Attorney Eaton and the Council discussed jurisdiction and enforcement considerations of a noise abatement ordinance.

Councilmember Dickinson moved and Councilmember Roberts seconded to pay the bills. The motion passed unanimously.

Mayor Pro tem Potter congratulated Treasurer Picinich on her election to the office of Secretary of the Washington Municipal Treasurers Association.

@NB

At 9:25 PM, Councilmember Dickinson moved and Councilmember Roberts seconded to adjourn. The motion passed unanimously.

Bonnie C. Potter, Mayor Pro tem

Steven Duball, Town Clerk

### **Town Council - June 6, 1991 @ 12:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, & Potter

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

At 12:30 PM, Councilmember Athearn moved and Councilmember Potter seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

The Council reviewed and discussed the claims against the Town. Councilmember Potter moved and Councilmember Athearn seconded to pay the claims and approve payroll. The motion passed unanimously.

At 12:40 PM, Maintenance Supervisor Reitan gave his report. The asphalt paving plant is moving to Orcas until September, so the town crew will not be completing any large paving jobs until then; smaller loads of asphalt can be obtained from Orcas, if necessary. All crews are busy. Marguerite Street paving is 75% complete. Price Street is 50% complete with the sewer line installation and will be ready for the County to oil and rock in mid-July. Street flower baskets are up, painting of curbs is done and all sprinkler systems are working. The solid waste facility is in good shape. The water in Trout Lake is somewhat high in acid. The pH is low enough to disrupt the chlorine level and soda ash is being added for balancing. Rod Whitfeldt is being groomed to maintain the water plant full time as this is anticipated to be a new requirement. Logging at the watershed is proceeding with caution and under my guidance as there are so many rules and regulations governing this type of activity. The water crew is working on

a leak in the Pear Point line. The report concluded with discussion of the liability problem involving Greg Hertel who owns property near the AUG II plant.

At 12:53 PM, Town Administrator Fitch gave his report. Phase 2 of the curbside recycling program will begin July 1 and includes collection for multifamily residences. DOE cannot meet with the Council on June 13th regarding the town incinerator and would like to reschedule to June 27th. The first Thursday in July is the 4th, therefore the council meeting will be rescheduled to July 11th. The town staff and the crew request permission from the Council to obtain group dental insurance through a payroll deduction paid by themselves, not the Town. The Council gave approval for this item. Concluding the report was a discussion on the affordable housing project on University Road.

At 1:00 PM, Mayor Pro tem Dickinson opened the hearing for proposed amendments to the 1991 budget. There was no public input. Highlights mentioned were the creation of a "rainy day fund" and increased savings for a new fire truck. Other noted items included changes in the Planning Department, the fact that no money was set aside for the revised comprehensive plan in 1991, and that cash carry over in the water department was due to results of the winter storms.

**Councilmember Athearn** questioned who is hydroseeding the Town park at the Evergreen Subdivision. Town Administrator Fitch replied that the Town is hydroseeding approximately 2 acres @ \$800.00/acre and that numerous trees were being privately donated to provide a natural screen.

Installation of a new waterline from the intersection of Park and Guard Streets to the OPALCO line extension was discussed. A ditch is being dug for telephone, cable TV, and OPALCO. The Town could participate. The Council discussed costs and will consider joining in on this project.

**@NB**

At 1:15 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Andrea Avery, Deputy Town Clerk

### **Town Council - June 6, 1991 @ 7:30 P.M.**

The Council met in regular session.

Members Present: Athearn, Dickinson, & Potter

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

**@BB**

At 7:30 PM, Councilmember Potter moved and Councilmember Athearn seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

Deputy Town Clerk Avery called the roll. Councilmember Nash's and Councilmember Robert's absences were noted and excused.

Minutes of the Town Council May 16, 1991 7:30 PM meeting were approved as submitted.

There were no non-agenda items.

At 7:35 PM, Mayor Pro tem Dickinson introduced Resolution #800 which would authorize the mayor to execute a loan agreement with the Washington State Public Works Trust Fund to help fund improvements to the domestic

water supply system. Town Administrator Fitch explained the resolution, saying that the Town needed to spend over \$1,000,000.00 on improvements required by the Department of Health, including a 1,000,000 gallon water storage tank. He also said that the Washington State Public Works Trust fund loan would be an integral part of the financing; it has been used satisfactorily in the past. After adoption of the resolution, Attorney Eaton will review the loan agreement.

Councilmember Athearn moved and Councilmember Potter seconded to adopt Resolution #800, a resolution authorizing the Mayor to execute a loan agreement with the Washington State Public Works Trust Fund to help fund improvements to the domestic water supply system. The motion passed unanimously.

Town Administrator Fitch followed up, stating he has not received confirmation of a Department of Health grant for \$330,000.00, which is part of the financial plan for the planned improvement. Other sources of funding will have to be investigated.

In the 5 minutes before the scheduled Moose Hall Rezone Public Hearing, Council read over the Resolution and Lease Agreement drafted for Bob Carrieri's project - private use of public right-of-way at the corner of First Street and "A" Street.

At 7:45 PM, Mayor Pro tem Dickinson opened the public hearing for the Moose Lodge rezone request from single family to light industrial zoning at 850 Spring Street. Administrator Fitch reviewed events leading to the rezone application. All Councilmembers stated they had had prior contact with the applicant, Lou Dickinson, but no discussion regarding the rezone project had occurred. Planning Consultant Sandra Butler presented the staff report recommending the rezone, as requested, saying it would be an appropriate use because of other surrounding uses in the area. She continued with a discussion of the following issues:

®IPO,3®TS8,11

1. A survey of the property corners was performed by San Juan Surveying.
2. Instead of dedicating 10' along Spring Street to the Town now, it would be more appropriate to request that when the Town begins to improve the road, that the applicant pay his fair share in the cost of improvements to that road.
3. Staff would prefer to be responsible for locating the water line which goes through the subject property, and to have the applicant be responsible for the cost of mapping the location of the line. The applicant requests to have the utility easement relocated to the rear of the property, if and when the water line needs to be replaced.
4. The drainage plan appears to be consistent with King County standards.

®IPO,0

Applicant Lou Dickinson said he was opposed to Condition #2 of the Butler staff report and that at the time of road construction, he would be open to discussion of deeding, exchanging land, or "participation payment."

Speakers included Gary Innesbee of the Moose Lodge in Bellingham and Darrell Sorenson. Town Administrator Fitch read a letter from Steve Simpson, Port Commission, favoring the rezone. Samantha Bryner and Kent Meeker also spoke in favor of the rezone.

After continued discussion on time limits; right-of-way location, size & acquisition methods; road and lot development; sidewalks; expense; utility use; road improvement funding depending on right-of-way; water mains; compensations; condition clarifications and previous situations, Councilmember Potter moved and Councilmember Athearn seconded a motion to grant the Moose Hall a rezone from single family to light industrial with conditions as stated in Consultant Butler's staff report dated May 17, 1991 and with changes in Condition #2 to read "at such time as application for TIB funding that the applicant dedicate the necessary right-of-way up to 10' or equivalent square footage of property along the entire west property line abutting Spring Street for road right-of-way purposes" and changes in Condition #3 to read "the Town shall identify the exact location of the Town's 10" water line which crosses the applicant's property and the applicant shall provide the Town a temporary 10' utility easement for the waterline at its present location and a permanent 10' utility easement at which time it is relocated

to the rear of the property." The water line and easement location shall be shown on the site plan which the applicant is required to submit to the Town. The motion passed unanimously.

Town Administrator Fitch told Mr. Dickinson he could open for business when he received an occupancy permit from the Town Building Official, Jim Hodges.

At 8:42 PM, Mayor Pro tem Dickinson called for a staff report on the Kwan Lamah Annexation. Planning Consultant Sandra Butler, who authored a draft pre-annexation agreement and draft changes to the FHMC in the land use section, presented the changes in the pre-annexation agreement. She also introduced two new proposed zone areas to the FHMC in the land use section - Shoreline Public Accommodation Zone and Non-shoreline Public Accommodation Zone - and explained various aspects of how the agreement and the zoning changes would affect the Town. Discussion continued for approximately one hour and included: methods of payment the applicant could use to pay his fair share contribution to the utility system; public access; public accommodations; purpose; zoning; expanded vs reduced uses; density; allowable area development; height limits; development scale; hook-up requirements; intensity of development along the shoreline; separation of the passing of the pre-annexation agreement and the decision on zoning; an alternate attorney to check the agreement; a generic site plan to accompany the annexation ordinance; and lastly, whether the annexation proposal should be heard by the Planning Commission.

Consultant Butler pointed out that her work remained consistent with the FHMC land use sections and the Shoreline Master Program. The pre-annexation agreement limits what can be done with the property until it is zoned. She said that the proposed draft zoning changes are actually more restrictive than the current FHMC, the Shoreline Master Program and the present County use.

Ms. Butler noted that the decisions before the Council were; did they wish to annex the property? If yes, then the staff would refine the agreement and bring it back to the Council with the draft annexation ordinance. The staff is to provide options in regard to utility right-to-connect charges. A separate agreement addressing the Little property would be necessary if the Littles wish to submit a proposal before the land use ordinance is amended. She suggested that the Little property be considered for inclusion in the proposed Shoreline Public Accommodation Zone.

Town Administrator Fitch relayed Councilmember Nash's comments regarding the pre-annexation agreement and the proposed new land use zones.

At Councilmember Potter's inquiry, Ms. Butler replied that the draft pre-annexation agreement had been reviewed by Attorney Steve DeJulieo of Foster, Pepper, & Sheffelman.

Attorney Eaton stated that he had contacted Mr. DeJulieo and that Mr. DeJulieo indicated he would be happy to review the revised draft.

Council discussed utility right-to-connect fees.

Ms. Butler noted that right-to-connect fees are a matter separate from annexation and could be discussed in a meeting at the Council's convenience.

Councilmember Athearn remarked that the annexation process had "dragged on much too long."

Mayor Pro tem Dickinson noted that an annexation was a momentous decision to make for the Town.

Councilmember Athearn commented that most of the Councilmembers have been approached by people for or against the annexation. These people have their reasons but they haven't seen the whole perspective. Few people realize the complexity of this type of proposal.



Town Administrator Fitch noted that the Town makes a considerable investment of time and money in processing a proposal.

Councilmember Athearn, Town Administrator Fitch, and Ms. Butler summarized that accepting the pre-annexation agreement would:

®IPO,3

1. Allow Ms. Butler to make the language changes to the pre-annexation agreement.
2. Allow the applicant to move forward on the issues outlined.
3. Allow Town staff to draft an annexation ordinance.
4. Allow time so that the proposed new zoning can be discussed by the Council.

®IP

Town Administrator Fitch inquired as to the consequences to the applicant if the provisions of the proposed Shoreline Public Accommodation Zone are radically altered in the public approval process.

Mayor Pro tem Dickinson noted that the proposed zone must be considered, not for a specific project, but in light of what the future uses of the project may be.

Ms. Butler suggested a "generic site plan" be considered. She also remarked on the difference between annexation and land use concerns. Ms. Butler commented that the Council seemed to be expressing reservations about the wording of the proposed Shoreline Public Accommodation Zone, not the concept.

Potential and projected utility impacts were discussed.

Ms. Butler noted that the Town had previously chosen for consideration, bringing the subject property in unzoned. The pre-annexation agreement was drafted to characterize the Council's intentions so that they could move forward on zoning that would further reflect those objectives. It was in this regard that the annexation/zoning issues were separated.

Councilmember Potter commented that her concerns on the pre-annexation agreement had been answered. Although she still had concerns about the proposed new zones, they were separate issues, and she would like to see the Council move forward. Councilmember Athearn concurred.

At Councilmember Athearn's inquiry, Town Administrator Fitch replied that he felt it would be inappropriate at this juncture to forward the proposed revisions to the land use ordinance to the Planning Commission. Considering the number of meetings and discussions already held, the Council has a significant amount of information. He would check with the Town Attorney to see if the Council can hold the required public hearing to amend the land use ordinance.

At Councilmember Potter's inquiry, Ms. Butler noted that the next step is to act on the annexation. If the Council accepts the request, staff would be directed to make the agreed upon changes to the pre-annexation agreement so that the Council could consider it for approval at the time the ordinance for annexation was adopted.

At 9:55 PM, following discussion as to the proper wording of the motion, Councilmember Potter moved to accept the request for annexation, as proposed, of county properties from the Kwan Lamah property to the Town limits and that prior to the Town accepting or processing any land use applications, that all property owners must enter into an annexation agreement with the Town. Councilmember Athearn seconded the motion. The motion passed unanimously.

At 10:00 PM, after a report from Town Administrator Fitch and discussion, Councilmember Athearn moved and Councilmember Potter seconded a motion to pass Resolution #802 authorizing the Mayor to execute a lease with

Robert Carrieri (dba Roberto's) for a portion of the unopened right-of-way area of "A" Street and First Street. The motion passed unanimously.

At 10:05 PM, Mayor Pro tem Dickinson opened the public hearing to amend the 1991 Town budget and requested comments from Treasurer Picinich and the public regarding the proposed amendments. There were none. Town Administrator Fitch said he would bring an enabling ordinance to adopt the amended budget to the June 20, 1991 Council meeting.

At 10:12 PM, Mayor Pro tem Dickinson brought before the Council Resolution #801 which authorizes the Mayor to execute an agreement with Environmetrics, Inc., a private engineering firm, for the purpose of evaluation and modification of the Town's municipal waste incinerator. Town Administrator Fitch said that the DOE is going to be looking for a shut down schedule and less reliance on incineration to dispose of our refuse and that he was receiving a second draft of the 1991 Solid Waste Plan.

Councilmember Potter moved and Councilmember Athearn seconded to adopt Resolution #801. The motion passed unanimously.

Councilmember Potter asked to be excused from the June 20th council meeting so that she may attend an AWC Association Meeting in Spokane. The Council excused her scheduled absence.

At 10:25 PM, Councilmember Athearn moved and Councilmember Potter seconded that the Council go into executive session to discuss pending and current legislation. The motion passed unanimously.

At 11:12 PM, Councilmember Potter moved and Councilmember Athearn seconded to return to regular session. The motion passed unanimously.

At 11:13 PM, Councilmember Potter moved and Councilmember Athearn seconded to authorize the Town Attorney to accept the offered settlement to the Town of Friday Harbor from Shirley Nielsen regarding the Top of the Harbor subdivision and remove a lien on a lot within the subdivision.

®NB

At 11:15 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Andrea Avery, Deputy Town Clerk

### **Town Council - June 20, 1991 @ 7:30 P.M.**

The Town Council met in regular session.

Members present: Athearn, Dickinson, & Roberts

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

Councilmember Athearn moved and Councilmember Roberts seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

At Mayor Pro tem Dickinson's suggestion, the reading of the minutes of the June 6th meetings was deferred to the next meeting.

As non-agenda items:

Fire District #3 Chief Potter spoke to concerns previously raised by Mr. John Burke regarding tax assessment for fire protection services provided by the Town of Friday Harbor Fire Department to certain areas in the county.

Mr. Greg Hertel, San Juan Island, asked that the Council consider alternate and/or reduced street lighting requirements for new subdivisions. Mr. Hertel spoke of the impact of street lighting on amateur astronomers.

Mr. Ted Lehn, SJ Affordable Housing Group, requested funding for a required computer model of fire flow and residential water use for a proposed affordable housing project. He indicated that Kramer, Chin, & Mayor, Inc. can provide the site specific analysis for approximately \$850.00. The Council questioned Mr. Lehn on various aspects of his request and asked staff to look into the matter.

At 7:47 PM, Fire Chief Galer presented the Fire Chief's Report. Chief Galer reported that the Fire Department currently has 30 firefighters. An additional 4 recruits are ready for training. The department is out of pagers and bunker gear. A newsletter is being produced and an updated training manual is being distributed. The department has responded to 39 fire calls this year, there were 49 fire calls to date last year. Additionally, Chief Galer reported on fire boat call and on-going training operations. He noted that Engine #5 is incurring increased maintenance costs due to age. Engine #5 has about 2 more years of service life. The current resale value of Engine #5 is approximately \$17,000. He recommended that Engine #5 be sold and the proceeds be used for a down payment on a new engine.

The Council thanked Chief Galer for his report.

The Council reviewed for payment additional claims against the Town.

At 7:59 PM, Councilmember Athearn moved and Councilmember Roberts seconded to approve the claims for payment. The motion passed unanimously.

At Councilmember Roberts' inquiry, Town Administrator Fitch noted that staff, at the request of Council, is developing draft residential street lighting standards.

The Council heard a presentation by Mr. Skip Allen regarding the proposed fish hatchery to be located adjacent to the Wastewater Treatment Facility. Mr. Allen spoke of continuing State involvement and preliminary commitment by the State, along with community volunteers, to contribute to the project. He briefly outlined future plans and development progress to date on the project. Mr. Allen stated his group is ready to submit a grant application to the State. He will have a comprehensive information packet available in about a week.

Town Administrator Fitch noted land use permit considerations in regard to the proposed project and inquired as to whether the project was intended as an educational facility.

Mr. Allen stated that the project was conceived as an "interpretive center" and could be portable for at least the first two years of operation. The Town will not need to be a co-sponsor of the grant application.

Councilmember Roberts suggested that Mr. Allen's group be the lead agency and seek a lease agreement with the Town. Councilmember Roberts expressed support for the project.

Mr. Allen noted support by community landowners for the project.

The Council thanked Mr. Allen for his presentation.

At 8:20 PM, Sandra Western-Butler, Butler & Associates, Planning Consultants for the Town, made a presentation regarding the proposed Binding Site Plan ordinance. The topic was outlined in Town Administrator Fitch's June 17th memo to the Council, and the attached documents. Ms. Butler summarized the General and associated Specific Binding Site Plan processes. She noted this approach allow the Council to predetermine the permitted uses of a specific property. It is an attempt to give the Town a chance to look at cumulative impacts while giving consideration to the economic realities faced by the applicant.

The proposal, including the general SEPA procedure and General and Specific Binding Site Plan process flowcharts are included in the above noted documents. Ms. Butler noted the process is intended primarily for non-residential uses. Multi-family uses as part of a project can be accommodated in the process.

The Council questioned Ms. Butler on various aspects of the proposal.

Ms. Butler noted the process is an "overlay" of the Town's current land use regulations. The Binding Site Plan can be more restrictive. She felt the process was appropriate for property intended for multiple users. The Council would need to determine the criteria as to when a Binding Site Plan would be required. The process is intended for land division projects, not single user proposals. Ms. Butler noted the plans are very useful for evaluating potential impacts. The plans generally give developers flexibility to respond to the market. The Specific Binding Site Plan portion of the process is very specific and requires another SEPA determination. The Town could specify a maximum number of phases of a project to ensure timely project completion.

The Council indicated that they wished to give the proposal further consideration. Ms. Butler will provide additional information for the Council on Binding Site Plans.

At Mayor Pro tem Dickinson's inquiry, Attorney Eaton stated that, due to the absence of Councilmembers who had voted on the Foxhall and Gould's Meadow subdivision proposals, and that these are quasi-judicial decisions, the Council did not have a voting quorum for those two issues. He noted that the Councilmembers present were eligible to vote on the Village Grove subdivision.

Although Councilmember Roberts was not present for all of the "Kwan Lamah" annexation request discussions, this was not a quasi-judicial procedure and Councilmember Roberts could vote on the issue.

Councilmember Athearn apologized to the Foxhall and Gould's Meadow applicants for the delay and suggested the Council consider scheduling additional meetings.

The Council and Attorney Eaton discussed which members must be present to vote on the above noted issues. The Council will consider continuing the meeting to June 27th at 3:00 PM to take action on said issues.

At 9:00 PM, the Council reviewed the draft Findings & Conclusions for Preliminary Plat approval for the Village Grove Subdivision application. Sandra Western-Butler explained additional clarifying text on the face of the proposed preliminary plat. She outlined changes in the draft Findings & Conclusions. The draft approving ordinance was assigned number 830 and various corrections were made to the text.

Attorney Eaton and the Council discussed the advisability of requiring a first, second, and final reading of the draft ordinance. Attorney Eaton felt that the above readings were not required or necessary in these cases as all concerned, including the public, were well aware of these proposed actions.

Corrections and additions were made to the draft Conditions of Approval. Attorney Eaton noted that the Protective Covenants & Restrictions are not a part of the Conditions of Approval and such should be noted on the face of the plat. The addition of a note on the face of the plat to the effect that "The Town is not a party to, and will not enforce the Protective Covenants & Restrictions", if necessary, was approved by the Council.

At 9:25 PM, Mayor Pro tem Dickinson moved to accept the Findings & Conclusions for Preliminary Plat approval for the Village Grove Subdivision application dated June 19, 1991 as amended and adopt Ordinance #830 as revised. Councilmember Athearn seconded the motion. The motion carried with Mayor Pro tem Dickinson and Councilmember Athearn voting in the affirmative and Councilmember Roberts voting against.

The Council reviewed and amended the draft Pre-development Agreement for Kwan Lamah Resort and revised the draft of ordinance #833.

The pre-development agreement and possible changes to the proposed Shoreline Public Accommodation Zone were discussed. Councilmember Roberts indicated that he would suggest changes, at the appropriate time, to some provisions of the proposed new land use zone.

At 9:49 PM, Councilmember Athearn moved and Mayor Pro tem Dickinson seconded to adopt Ordinance #833, an ordinance annexing contiguous unincorporated territory, generally described as the "Kwan Lamah Annexation," pursuant to the petition method set forth in RCW 35.13.125; requiring said property to be assessed and taxed at the same rate and basis as property within the Town; amending the Town of Friday Harbor Comprehensive Plan to include the annexed property; directing amendments to the Town zoning map; providing for pre-development agreements; and fixing the effective date of the annexation, as revised. The motion carried with Mayor Pro tem Dickinson and Councilmember Athearn voting in the affirmative, Councilmember Roberts abstained.

The Council directed Attorney Eaton to draft a resolution authorizing the Mayor to enter into a pre-development agreement concerning the above annexation.

Mr. John Burke made a presentation requesting Council action regarding Town fire protection services in certain areas of the County. Mr. Burke introduced Ms. Elaine Beaubien, 1010 Terrace Drive, President of the Hillview Terrace Homeowners Association. Mr. Burke stated that said association wishes to pay their fire protection taxes to the Town. He pointed out that the Town of Friday Harbor Fire Department has first response fire protection responsibility in certain areas outside the Town limits and that a large number of residents in those areas wish to pay their fire protection taxes to the Town. Mr. Burke commented that those people consider the Town Fire Department "their" fire department.

Councilmember Roberts noted that the negotiation of the fire protection interlocal agreement is being handled by the Mayor and that the Council is not privy to all particulars of the situation.

Mayor Pro tem Dickinson suggested that the San Juan Island Fire District #3 commissioners be made aware of the situation.

Mr. Burke stated that Fire District #3 is not inclined to "give a dime" to the Town for fire protection services. He suggested that perhaps the matter be brought before a judge.

Attorney Eaton noted that the voters in the concerned areas could form their own fire protection district and conceivably contract with the Town for fire protection services.

Mr. Burke asked for an indication from the Town that the Town would commit to a fire protection agreement with the proposed new district.

Attorney Eaton stated that the Council cannot "pre-commit" to such an agreement.

Mr. Burke felt the Town should "find a way" to accept money from areas for which it provides fire protection.

The Council thanked Mr. Burke for his presentation.

At 10:10 PM, Attorney Eaton read draft resolution #803, a resolution authorizing the Mayor to enter into a pre-development agreement concerning that portion, generally known as "Kwan Lamah Resort", of the area annexed into the Town by Ordinance #833, adopted earlier this evening.

Mayor Pro tem Dickinson moved and Councilmember Athearn seconded to adopt Resolution #803. The motion carried with Mayor Pro tem Dickinson and Councilmember Athearn voting in the affirmative, Councilmember Roberts abstained.

At 10:14 PM, Treasurer Picinich joined the meeting.

Mayor Pro tem Dickinson introduced draft ordinance #827, an ordinance amending the 1991 Budget for the Town of Friday Harbor. Two public hearings were held on 6/6/91 on the proposed amendments.

Councilmember Athearn moved and Councilmember Roberts seconded to adopt Ordinance #827. The motion passed unanimously.

Mayor Pro tem Dickinson introduced draft ordinance #828, an ordinance to establish a Capital Cumulative Reserve Fund and to repeal Ordinances #758 and #790 in their entirety.

The Council and Treasurer Picinich discussed the intent of the proposed ordinance.

At 10:18 PM, Mayor Pro tem Dickinson moved and Councilmember Roberts seconded to adopt Ordinance #828. The motion passed unanimously.

Town Administrator Fitch informed the Council that the Town would be applying a oil & rock surface to Price Street beginning the week of June 24th.

At 10:19 PM, Mayor Pro tem Dickinson moved and Councilmember Athearn seconded to go into executive session to discuss existing litigation. The motion passed unanimously.

At 10:32 PM, Mayor Pro tem Dickinson moved and Councilmember Roberts seconded to return to regular session. The motion passed unanimously.

No action was taken in executive session.

®NB

At 10:34 PM, Mayor Pro tem Dickinson moved and Councilmember Athearn seconded to adjourn and continue the meeting to June 27, 1991 at 12:30 PM. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem  
Steven Dubail, Town Clerk

### **Town Council - June 27, 1991 @ 12:30 PM**

The Town Council met in a session continued from June 20, 1991, Mayor Cahail presiding.

Members present: Athearn, Dickinson, & Nash  
Others present: Town Administrator Fitch

Mayor Cahail noted that the purpose of the meeting was an informal discussion concerning the incinerator with representatives from the Department of Ecology (DOE). Mayor Cahail introduced the Council.

Mr. Douglas Brown introduced the DOE representatives; Douglas Brown & Jay Willenberg - Air Quality Program, Tamara Gordy - Solid Waste Division.

Mr. Mike Ruby, Envirometrics, Inc., was present as a consultant for the Town.

Jay Willenberg gave an outline of the situation with the incinerator and the draft Solid Waste Plan "from DOE's perspective." He spoke of perceived problems with the operation and maintenance of the incinerator as configured 2 years ago. Mr. Willenberg remarked on significant subsequent improvements at the facility. He noted the proposed estimated \$100,000 upgrade would help but additional air pollution control equipment would be necessary to meet the 0.08 grain per standard cubic foot permit requirements. DOE would like a commitment from the Town to either implement the suggested upgrades or plan to close the incinerator within approximately 18 months. If the upgrade option is pursued, a timeline must be agreed to and adhered to.

Mayor Cahail noted the Town is committed to improving the environment, time and funds are the limiting factors.

The Council discussed methods of reducing the solid waste stream.

Jay Willenberg commended the Town on the Town's curbside recycling program.

Ed Stuhr, San Juan County Solid Waste Manager, gave an outline of development and a status report on the draft Joint Town/County Solid Waste Plan (SWP).

Tamara Gordy noted most problems with the draft Plan have been resolved. The chapter concerning the incinerator has not been finalized. The Plan may be finalized before the ultimate determination on the incinerator is made.

Mayor Cahail remarked that the Town wants to do what is best for the environment and the community.

Mike Ruby, felt the incinerator could be made to work the way it is supposed to work. Achieving operation to meet the permit standards may be a different matter. He noted that the DOE grant section had approved the standards and specifications in the Town bid request.

At 12:57 PM, Councilmember Roberts joined the meeting.

Mr. Ruby continued, that at the time the permit was issued, the specifications stipulated by DOE were approximately 20% more stringent than specified in the bid request. The incinerator could be upgraded without Pollution Control Equipment (PCE) to meet the standards typical for this type of incinerator. A new incinerator to meet the 0.08 requirement would cost approximately twice as much as an incinerator that meets the 0.10 requirement.

Jay Willenberg noted that the Town's incinerator is the only incinerator in the state without PCE. Also, it is the smallest municipal incinerator in the state. He felt that, with today's technology, the incinerator could be operated at 0.10. The permitted number was 0.08. The Town could apply for a short term variance or agree to a "compliance schedule." The incinerator, in its present configuration, was not acceptable to DOE.

Tamara Gordy noted that the Town and County landfills need to have permits. They currently do not.

Mike Ruby noted that DOE regulations call for 0.10, the permit calls for 0.08. A variance would just permit operation at the regulation level. A variance could be issued for 1 to 2 years. The operation of the whole solid waste program needs to be considered. He mentioned alternatives and the associated economic impacts.

Ed Stuhr noted that the SWP states that the County will be bringing the Orcas landfill up to minimum functional standards. Depending on classification of the Town incinerator ash, provision could be made for same at the Orcas landfill.

Mike Ruby stated that the Town should now be planning for closure of the Town landfill.

Town Administrator Fitch stated that the Town is setting money aside for the eventual landfill closure.

Mayor Cahail asked what progress was being made to solve the overall solid waste problem. Recycling and waste stream reduction were discussed.

Councilmember Athearn noted that the SWP need to be completed in short order. The Town needs to be prepared to utilize the proposed new waste cell at the Orcas landfill, if needed, when its ready.

Mayor Cahail noted that the Town has not chosen to take "the easy way out" and close the solid waste facility.

At Councilmember Robert's inquiry, Jay Willenberg said DOE would work with the Town to set up a compliance schedule with definite milestones but with an indefinite termination date.

Mayor Cahail and Jay Willenberg noted that any plan is subject to revision as technology and circumstances change.

Kevin Barry, San Juan County Public Health officer, stated, as the permitting official, that the current Town of Friday Harbor landfill site would not be a permitted site, the Orcas site almost certainly would be a permitted site. He noted that solid waste and air pollution regulations are not going to become less stringent.

Mayor Cahail remarked that the Town is well aware that situations change. Also, that the Town is looking for a better solution to the problem.

Councilmember Roberts noted that the Town is looking for a plan of action that is "least burdensome" to the residents of the Town.

Councilmember Athearn commented that the rest of the island does not have a recycling program but does have access to the Town incinerator.

Councilmember Nash spoke of incentives for recycling and the need to find markets for recycled materials.

Mike Ruby noted that, from a global perspective, incineration is approximately 13 time more environmentally beneficial than landfilling.

Tamara Gordy stated that the Town/County SWP would need to be reviewed/updated in 1992 and every 5 years thereafter.

The Council discussed a timed phase-out of the incinerator and utilization of the Orcas landfill.

Councilmember Nash noted that Town utility operations, by ordinance, must be paid for by those operations.

Town Administrator Fitch noted that Orcas residents may perceive the Town of Friday Harbor's waste stream as comparatively "industrial" waste.

Mayor Cahail asked that results of the incinerator ash analysis be obtained and that a timeline for a course of action be drafted.



At Councilmember Nash's inquiry, Tamara Gordy noted that, in her experience, large, hard to handle items and construction/demolition waste are the major components of illegal dumping.

With the concurrence of the DOE representatives, the Town will develop and submit for review, a schedule of commitment addressing the incinerator and the landfill, specifying time intervals, by September 30, 1991.

Jay Willenberg indicated that approximately 18 months to bring the facilities into compliance would be acceptable to DOE.

At 2:30 PM, Councilmember Nash moved and Councilmember Dickinson seconded to resolve, by Resolution #804, that the Town of Friday Harbor provide to DOE a time schedule for completion of the above noted solid waste schedule for the disposition of the incinerator by September 30, 1991. The motion passed unanimously.

Mayor Cahail and the Council thanked the DOE representatives for their help.

Councilmember Roberts left the meeting.

At 2:45 PM, after a short recess, Town Administrator Fitch reviewed the previously discussed revisions to the draft Findings & Conclusions, draft Conditions of Approval, and draft ordinance #831 adopting the Preliminary Plat for the Foxhall Subdivision.

At 2:53, after discussion, Councilmember Nash moved and Councilmember Dickinson seconded to adopt the Findings & Conclusions for the Foxhall Subdivision, dated June 20, 1991, as revised. The motion passed with Councilmembers Dickinson and Nash voting aye, Councilmember Athearn abstained.

Councilmember Nash moved and Councilmember Dickinson seconded to adopt Ordinance #831, an ordinance approving the application for a Preliminary Plat known as Foxhall. The motion passed with Councilmembers Dickinson and Nash voting aye, Councilmember Athearn abstained. The Conditions of Approval are adopted by reference.

At 2:56 PM, Town Administrator Fitch reviewed revisions to the draft Findings & Conclusions for the Gould's Meadow Subdivision. Mrs. Gene Gearhart, one of the applicants, indicated that the applicants had no problems with the draft Findings & Conclusions.

After discussion, Councilmember Dickinson moved and Councilmember Nash seconded to adopt the Findings & Conclusions for the Gould's Meadow Subdivision, dated June 20, 1991, as revised. The motion passed with Councilmembers Dickinson and Nash voting aye, Councilmember Athearn abstained. The Conditions of Approval are adopted by reference.

At 2:58 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adopt Ordinance #832, an ordinance approving the application for a Preliminary Plat known as Gould's Meadow. The motion passed with Councilmembers Dickinson and Nash voting aye, Councilmember Athearn abstained.

Mayor Cahail informed the meeting that the scheduled 3:10 PM executive session was canceled, the Town Attorney was unable to attend due to a schedule conflict.

Mayor Cahail, noting the need to pay the bills in a timely manner and that the first regularly scheduled July Council meeting fell on a holiday, asked the Council to consider continuing this meeting to July 3rd. The Council discussed the matter.

Mayor Cahail remarked on discussions at the recent Association of Washington Cities Convention, which he attended, concerning the roles of the Mayor and Councilmembers.

At Town Administrator Fitch's inquiry, the Mayor and Council indicated that it would be appropriate, in light of the upcoming election, to have a description of the duties and responsibilities for the position of Councilmember available for review at Town Hall for prospective candidates.

At 3:12 PM, Mayor Cahail suggested the Council consider weekly Council meetings.

Councilmember Dickinson suggested trying one additional Council meeting per month. The Council discussed various meeting times, schedules, agenda structure, consent agendas, and definite times for adjournment.

At 3:20 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adjourn and continue the meeting to July 3, 1991 at 12:00 Noon to pay the bills and hold an executive session to discuss current litigation. The executive session not to exceed 10 minutes. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - July 3, 1991 @ 12:00 PM**

The Town Council met in continued session.

Members present: Athearn, Dickinson, Nash, & Potter

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

Councilmember Dickinson moved and Councilmember Potter seconded to appoint Councilmember Nash Mayor Pro tem. The motion passed unanimously.

The Council reviewed the claims and requested additional information on certain items. Mayor Pro tem Nash asked the Town Clerk to review the terms of the Gestetner copier maintenance agreement.

Town Administrator Fitch and the Council discussed reducing the number of copies distributed to the Council. Staff will evaluate various copy reduction methods.

Town Administrator Fitch reported a malfunction in the main sewer line along the waterfront. All affected agencies have been notified. The line has been repaired and is in operation. Administrator Fitch recommended that the Council consider initiating a main line replacement fund in the 1992 budget.

Councilmember Athearn moved and Councilmember Potter seconded to pay the bills and approve the payroll. The motion passed unanimously.

At 12:09 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to go into executive session to discuss current litigation. The motion passed unanimously.

At 12:39 PM, Councilmember Potter moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

®NB

At 12:40 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - July 11, 1991 @ 7:30 PM**

The Town Council met in regular session.

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

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

Councilmember Roberts moved and Councilmember Athearn seconded to appoint Councilmember Nash Mayor Pro tem. The motion passed unanimously.

The minutes of the June 6, 1991 - 12:30 PM, June 6, 1991 - 7:30 PM, June 20, 1991 - 7:30 PM, June 27, 1991 - 12:30 PM, and July 3, 1991 - 12:00 PM Council meetings were approved as revised.

Town Administrator Fitch noted receipt of a petition with approximately 20 signatures asking for action regarding amplified music from vehicles in the commercial area.

The Council discussed the issue and reviewed the permit requirements of Chapter 12.20 "Amplified Music or Noise" FHMC. Attorney Eaton noted difficulties with enforcing noise abatement ordinances. The Council directed the Town Administrator to contact the San Juan County Sheriff regarding the situation.

At 8:40 PM, Fire Chief Galer reported that the Town of Friday Harbor Fire Department had responded to 15 fire calls in 6 days. The calls were primarily fireworks related. Chief Galer noted efforts by various local authorities to curtail or ban private discharge of fireworks.

Councilmember Potter asked Chief Galer to prepare a cost analysis of the recent fire calls.

Chief Galer informed the Council that the Firefighter's Association has acquired a block of tickets for the upcoming motion picture "Back Draft" concerning fire fighting. He distributed complimentary tickets to the Council.

At 7:47 PM, Mayor Pro tem Nash opened the Public Hearing for proposed new land use zones designated Shoreline and Non-shoreline Public Accommodation Zones (PAZ).

Attorney Eaton informed the Council that this issue is a legislative matter, not a quasi-judicial matter.

Town Administrator Fitch summarized previous discussions on the proposal and the proposed changes to Chapter 17.34 FHMC.

Sandra Western-Butler, Butler & Associates, Town Planning Consultants, outlined the intent and particulars of the proposed Shoreline and Non-shoreline Public Accommodation Zones.

The Council reviewed the suggested permitted, conditional, and prohibited uses.

Attorney Eaton commented that the term "Speciality" in "Speciality Sales", as used in the proposed Non-shoreline Public Accommodation Zone, requires definition. The way such use is structured in the proposed Shoreline Public Accommodation Zone adds definition in that zone.

Ms. Butler and the Council discussed allowing "Speciality Retail" as a permitted accessory use or a outright non-accessory conditional use.

The Council and staff discussed the potential impact and character of the proposed zones and in what areas of the Town such zoning may be appropriate.

Ms. Butler commented that the intent of the proposed zones are to provide for lower intensity, limited activity areas.

Councilmember Athearn noted that the proposed zones would give the Town additional control over Single Family Residential (SFR) and Multi-Family Residential (MFR) uses in said zones.

Changing residential density and the potential for "affordable" housing and suburban development were discussed.

Ms. Butler mentioned that concentrated SFR use and associated open space could be a tool to help the Town meet the mandate of the Growth Management Act (GMA). Growth under the GMA is balanced by resource availability. She reiterated that SFR & MFR uses are conditional uses in the proposed zones. Caps on residential density were discussed.

Mayor Pro tem Nash noted that the effect on the various property owners must be considered.

At Administrator Fitch's inquiry, Permit Coordinator Warren Jones indicated that, in his experience, a number of years would be required for market property values to adjust.

At 8:40 PM, due to other scheduled agenda items, the consensus of the Council was to continue the Public Hearing to a later time or date.

At 8:43 PM, Mayor Pro tem Nash again inquired if there was any input from the audience. Hearing none, Mayor Pro tem Nash adjourned the Public Hearing with the public input portion to remain open, to a time or date to be determined later in the meeting.

At 8:44 PM, Ms. Butler gave a presentation regarding a proposed Binding Site Plan ordinance. She outlined the intent and scope of the proposal.

The relative merits and applicability of binding site plans and long plats were discussed. Councilmember Roberts requested that Attorney Eaton look into the feasibility of requiring binding site plans rather than long plats.

Ms. Butler noted that binding site plans cannot be used for detached single family residences. Proposed SFR uses would have to follow the subdivision process.

Attorney Eaton stated that, per RCW 58.17, binding site plans are intended as an alternative to long plats, not a replacement.

The Council and staff discussed various ways that binding site plans may be implemented.

The Council will review the North Bend Binding Site Plan ordinance and provide comments to staff. The Council noted that at this time they did not have any serious reservations about the proposal.

At 9:17 PM, Mayor Pro tem Nash introduced draft ordinance #829, an ordinance amending Ordinance #675, #689, and Chapter 8.04 Friday Harbor Municipal Code, adjusting the rates for refuse collection and disposal services provided by the Town and repealing Ordinance #784 in its entirety.

Treasurer Picinich asked for a wording change in the procedure specified in Section 5 of draft ordinance #829. The appropriate portion of the draft ordinance was reworded as requested.

Town Administrator Fitch pointed out differences from the previous ordinance.

At 9:22 PM, Councilmember Roberts moved and Councilmember Athearn seconded to adopt Ordinance #829 as revised. The motion passed unanimously.

Mayor Pro tem Nash introduced draft ordinance #834, an ordinance changing the location of a certain land use zoning boundary on property bordering Spring Street in the Southwest Quarter of the Northeast Quarter of Section 14, Township 35N, Range 3 WWM, commonly known as 850 Spring Street. The zoning classification for said property was changed from SFR to IND.

At 9:25 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adopt Ordinance #834. The motion passed with Councilmembers Athearn, Dickinson, and Potter voting yes. Councilmembers Nash and Roberts abstained as they were not present at the pertinent previous meeting.

At 9:26 PM, Mayor Pro tem Nash reopened the Public Hearing for the proposed Public Accommodation Zones.

Attorney Eaton mentioned adding Educational, Religious, Health Care, Recreational, and Governmental uses to the proposed zones.

Ms. Butler remarked that the proposal had been consciously drafted to exclude general uses.

At Town Administrator Fitch's inquiry, Ms. Butler indicated that the Town needed to consider the Towns potential Urban Growth Boundaries, not the current Town Limits, when deliberating on new land use zones. Also, the proposed zones would most likely not be utilized in a large part of the Town.

Attorney Eaton suggested adding "Other public accommodations" as a conditional use.

After discussion, the Council decided to rename the proposed "Non-shoreline Public Accommodation Zone", "Public Accommodation Zone." They also decided to use the "permitted use as accessory" format for both proposed zones.

The Council, Ms. Butler, & staff discussed and revised the specified Performance Standards. Ms. Butler noted that the purpose of performance zoning is to obtain more open space, less impervious surface, and more flexible design. She illustrated differences between existing standards in the COM zone and performance standards in the proposed Shoreline PAZ.

Mayor Pro tem Nash expressed reservations about SFR densities in the proposed zones. He felt that the other suggested densities were acceptable.

The Council will give further consideration to the proposed density requirements.

At 10:03 PM, Mayor Pro tem Nash closed the Public Hearing for the proposed Public Accommodation Zone. The Council will schedule deliberations on this zone for 7:00 PM July 18, 1991. The Public Hearing for the proposed Shoreline Public Accommodation Zone was continued to the regularly scheduled July 18, 1991 meeting.

At 10:00 PM, the Council discussed returning the regular land use review duties to the Planning Commission.

Planning Commission member Gene Wilson spoke of Planning Commission efforts to update the Comprehensive Plan. He noted that the Planning Commission had lacked direction and guidance. Mr. Wilson stated that the Planning Commission would like to finish the Comprehensive Plan update and produce a draft document for Council consideration. He also expressed interest in having the Planning Commission resume their land use review duties.

Councilmember Dickinson noted that public hearings and work sessions have been accommodated by the Planning Commission in the past.

Mr. Wilson informed the Council that the Planning Commission has developed an outline for the updated Plan and are anxious to continue.

Councilmember Roberts felt that the updated Plan should be "home grown", a professional could be hired to do the final "fine tuning."

Councilmember Potter will indicated that possible assistance may be available from the Department of Community Development for completing the Plan.

Attorney Eaton recommended having an experienced individual do the actual drafting of the plan. Format and phrasing can be critical.

Mr. Wilson felt that the Planning Commission had accumulated the pertinent information for drafting a plan. It would need to be "fine tuned."

Mr. Eaton suggested obtaining the services of a legislative draftperson. Also, the Council has flexibility in what they send to the Planning Commission for consideration. Short and Long Plats, etc. do not have to be sent to the Planning Commission. The Council can consider recommendations from the Planning Commission on certain issues without holding further public hearings.

Councilmember Athearn suggested that the Council and Planning Commission roles be explained to the Planning Commission.

Attorney Eaton suggested a training course on land use review procedures for the Planning Commission.

The Council will decide, where appropriate, which issues will be sent to the Planning Commission. Asking the Town Attorney to attend certain Planning Commission public hearings was discussed. Town Administrator Fitch commented on making provision for additional staff support for the Planning Commission.

Mr. Wilson remarked that the Planning Commission is trying to develop a document that meets the requirements of the GMA.

Mayor Pro tem Nash suggested that the Planning Commission make any requests for support to the Town Administrator. The Town Administrator could then inform the Council of the resources requested.

The consensus of the Council was to not extend the moratorium on the Planning Commission reviewing land use issues and to follow the procedures specified by ordinance for referral of matters to the Planning Commission.

®NB

At 10:52 PM, Councilmember Potter moved to adjourn and continue the meeting to 7:00 PM July 18, 1991 for Council deliberations on the proposed Public Accommodation Zone. Councilmember Dickinson seconded the motion. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - July 18, 1991 @ 7:00 PM**

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

The Council meeting of July 11, 1991 reconvened at 7:00 PM on July 18, 1991 with Mayor Cahail presiding. The purpose of the meeting was to continue the Council deliberations on the creation of a Public Accommodation Zone.

Members present: Athearn, Dickinson, Nash, Potter and Roberts.

Others present: Administrator Fitch, Attorney Eaton and Treasurer Picinich.

The Council set the densities for the proposed Public Accommodations Zone Section 17.34.150, Performance Standards. Single family uses shall not exceed 3 dwelling units per acre; multifamily projects shall not exceed 15 dwelling units per acre; and public accommodations shall not exceed 20 units per acre. Attorney Eaton added that for mixed uses, the area dedicated to each use shall be limited in density by the specific density limitation set forth here above for such use.

At 7:28 PM, Councilmember Nash moved and Councilmember Dickinson seconded to continue the Council deliberations on the purposed Public Accommodation Zone. The motion was unanimously approved.

ⓂNB

At 7:29 PM, Councilmember Potter moved and Councilmember Dickinson moved to adjourn the meeting. The motion passed unanimously.

H. James Cahail, Mayor

Wendy J. Picinich, Clerk Pro tem

### **Town Council - July 18, 1991 @ 7:30 PM**

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

Members present: Athearn, Dickinson, Nash, Potter and Roberts.

Other present: Administrator Fitch, Attorney Eaton and Treasurer Picinich.

The minutes of the July 11, 1991 7:30 PM meeting were approved as corrected.

Mayor Cahail asked if the public wanted to present any non-agenda items.

Administrator Fitch reported that County Commissioner LaPorte would like the Council to consider using hotel/motel tax to finance public restrooms. The State Legislature has recently expanded the uses of hotel/motel tax revenues. Town staff will further investigate the new uses for this funding source.

Administrator Fitch brought to the Council's attention Town Permit Coordinator Jones' memo regarding off street parking. The Council will review the draft ordinance at its August 1, 1991 meeting.

At 7:45 PM, Mayor Cahail opened the Public Hearing for the rezone application of Gale and Doreen Carter dba Islands West Associates to rezone 680 Spring Street from Multifamily Residential to Commercial. All input is on tape.

Administrator Fitch introduced the rezone application. Sandra Western-Butler, Butler & Associates, Planning Consultants for the Town, presented her analysis of the proposed rezone.

Doreen Carter, proponent of the rezone explained the reasons for requesting the rezone.

Administrator Fitch read into the record letters received from Frank Morrison and Charles and Allison Chevalier supporting the rezone.

Sally Eaton Dunham and Sam Buck Jr. spoke in favor of the rezone.

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

Councilmember Roberts asked the Council to consider having the Town initiate a rezone of this property in the future to Public Accommodation Zone if and when such a zone is established.

Councilmember Dickinson moved and Councilmember Nash seconded to accept the recommendation of the Town's Planning Consultant and rezone 680 Spring Street from Multifamily Residential to Commercial. The motion was unanimously approved.

At 8:30 PM, Mayor Cahail opened the Public Hearing for the adoption of the Town's Six Year Street Improvement Plan for 1992/97. All input is on tape.

Administrator Fitch explained the Six Year Street Improvement Plan.

At 8:40 PM, Mayor Cahail asked for input from the public. Receiving no input, the Mayor closed the public input portion of the hearing.

At 8:41 PM, Councilmember Potter moved and Councilmember Nash seconded to adopt Resolution #805, a resolution by the Council providing for a six year transportation improvement program for the years 1992 through 1997. The motion was unanimously approved.

At 8:43 PM, Mayor Cahail opened the public hearing to consider the creation of a new land use zone called Shoreline Public Accommodations. Mayor Cahail asked the public for input. All input is on tape.

At 9:38 PM, it was decided to continue the Public Hearing on the proposed Shoreline Public Accommodations Zone to the August 1, 1991 Council meeting.

At 9:39 PM, Mayor Cahail presented draft Ordinance #835, a Ordinance adopting current Building and Other Uniform Codes and repealing, in its entirety Ordinance #804 for its first reading. Building Inspector Hodges explained Ordinance #835.

At 9:45 PM, Mayor Cahail introduced Ordinance #805, a Ordinance regulating the transporting of structures within or through the Town of Friday Harbor, and requiring a permit therefore. Attorney Eaton explained that Ordinance #805 was first introduced in September 1990.

Councilmember Nash moved and Councilmember Roberts seconded to adopted Ordinance #805. The motion was unanimously approved.

It was decided to continue the Council deliberations on the Non-Shoreline Public Accommodation Zone to the Council's August 1, 1991 meeting.

Administrator Fitch reported that Bill Carter of the Department of Transportation would like to meet with the Council to discuss changes at the ferry terminal.

A budget workshop is planned for the second week of August. The date will be set at the next Council meeting.



At 10:15 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn the meeting to executive session to discuss pending litigation. The motion passed unanimously. No action will be taken at this time.

At 11:00 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn out of executive session to regular session. The motion passed unanimously. No action was taken in executive session.

ⓂNB

At 11:01 PM, Councilmember Nash moved and Councilmember Roberts seconded to adjourn the meeting. The motion passed unanimously.

H. James Cahail, Mayor

Wendy J. Picinich, Clerk Pro tem

### **Town Council - August 1, 1991 @ 12:30 PM**

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

Members present: Athearn, Dickinson, Nash, & Potter

Others present: Town Administrator Fitch, Treasurer Picinich, Maintenance Supervisor Reitan

The Council reviewed and discussed the claims against the Town. Councilmember Dickinson moved and Councilmember Potter seconded to approve the payroll and pay the bills with the exception of Warrants #3613 & #3659. The motion passed unanimously.

Mayor Cahail read a memo from Councilmember Athearn noting that the next SWAC meeting will be Monday August 5th at 4:30 PM on Orcas Island. Councilmember Athearn will be unable to attend and asked if any other Councilmember would like to attend. The Council indicated they will consider the request.

At 12:45 PM, Maintenance Supervisor presented his report. He noted that increased turbidity at the Trout Lake Reservoir due to a temperature inversion has necessitated instituting a chemical feed, more frequent backwashing, and increased manpower requirements. Due to the extreme cold conditions experienced last winter the expected temperature inversion is occurring later in the year and is more intensive than usual. The increased pH level of the water is being counteracted by the addition of balancing chemicals. The latest turbidity of the treated water is .01. The water crew is currently backwashing 3 times a day; early morning, early afternoon, and late evening.

Known water leaks in the Argyle area, Evergreen subdivision, and gravel pit lines have been located using Rural Water Association equipment.

Work has started on the Guard Street water line and the Caines Street retaining wall and sidewalk.

The drive on the traveling bridge at the Wastewater Treatment Plant (WWTP) was recently replaced. Mr. Reitan mentioned ongoing problems with the marine main sewer line. He also mentioned plans to connect the Grover Street and Hunt Street water mains.

Mr. Reitan noted receipt of a new pick-up truck for his use. The previous truck served for 15 years and was purchased then as surplus for \$2,000.

The specifications for Calls for Bids to log windfall timber in the watershed are almost ready for publication.

The State Dam Safety Inspector has been contacted and will inspect the dam at the reservoir soon.

The Council thanked Maintenance Supervisor Reitan for his report.

At 1:00 PM, Jim Santroch, KCM, gave a presentation regarding sludge disposal options. Mr. Santroch referred to his letter of June 4, 1991. He noted that the Town of Friday Harbor sludge is "as benign as sludge gets" due to the primarily domestic source of the sewage. The sludge is approximately 99% water.

Mr. Santroch outlined possible alternatives for sludge disposal including; Aerobic Digestion, a Sludge Lagoon, Thickening, Composting, Forest Disposal, and Winter Application Equipment for agricultural land. Mr. Santroch noted that the ultimate objective is to return the nutrients in the sludge to the land.

Co-composting alternatives and de-watering processes were discussed. A 1:3 ratio of sludge to bulking agent (sawdust, etc.) is required for composting.

Mr. Santroch and the Council discussed various combination approaches to sludge disposal. They mentioned alternative operating procedures that may be feasible at the WWTP. Foam control at the plant will need to be addressed.

Mr. Santroch noted that the proposed KCM Engineering Report is not required if the Town decides on agricultural/forest land disposal. A different type of report would be required for land application.

Kevin Kirk, Town WWTP operator, estimated that approximately 60,000 gallons of sludge per month are currently being hauled.

Land acquisition and development costs for forest land application and public safety concerns with the various alternatives were briefly discussed.

Mr. Kirk expressed support for the forest land application alternative.

Mr. Santroch noted that regulations are more stringent for agricultural land application than forest land application.

The Council directed Mr. Santroch to pursue development of a report addressing forest land disposal. Co-composting as a possible future alternative was discussed.

The Council thanked Mr. Santroch for his presentation.

At 2:25 PM, Treasurer Picinich introduced draft resolution #807, a resolution authorizing an inter-fund loan from the Current Fund to the Fire/Refuse Bond Fund.

Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #807. The motion passed unanimously.

Town Administrator Fitch relayed a response from Town Attorney Eaton that Council discussion of proposed DOT modifications at the ferry terminal prior to possible submission of a Shoreline Substantial Development Permit Application was in the public's best interest and appropriate.

®NB

At 2:32 PM, Councilmember Athearn moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - August 1, 1991 @ 7:30 PM**

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

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

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

The minutes of the July 18, 1991 7:00 PM & 7:30 PM meetings were approved as amended.

The Council discussed scheduling work sessions and mentioned transportation difficulties associated with attending an evening GMA update conference scheduled to be held in Mt. Vernon on Thursday August 8th.

The Council will schedule a work session to be held Tuesday August 6th from 5:00 to 7:00 PM to meet with DOT representatives regarding proposed modifications at the ferry terminal.

Town Administrator Fitch mentioned a meeting on July 30th of the Town GMA Task Force and San Juan County Planning Department representatives regarding the Growth Management Act.

At 7:43 PM, Mayor Cahail gave draft ordinance #835, an ordinance adopting current Building and other Uniform Codes and repealing Ordinance #804, second and final reading.

Councilmember Athearn moved and Councilmember Nash seconded to adopt Ordinance #835. The motion passed unanimously.

At 7:45 PM, Mayor Cahail reopened the Public Hearing for the proposed Shoreline Public Accommodation land use zone. Mayor Cahail noted that Sandra Western-Butler, Butler & Associates, was at the meeting to answer any questions concerning the proposed zone.

Mr. Arthur Lohrey, Kwan Lamah Resort, asked that consideration be given to allowing yacht brokerage services in the proposed zone. He also asked for clarification of the Impervious Surface provision.

Ms. Butler remarked that a definition needs to be developed for "Speciality Retail" as well as "Impervious Surface". Because of compaction and other construction practices, gravel parking lots and driving areas are considered impervious surfaces.

At Mr. Lohrey's inquiry, Ms. Butler remarked that the Council may wish to differentiate between buildings and low visual impact impervious surfaces such as tennis courts. She noted that undeveloped, pervious areas are considered open space.

The Council discussed the intent of the specified maximum of 60% impervious surface. Councilmember Nash expressed concern about considering tennis courts and similar elements as open space.

Mr. Lohrey suggested that gravel drives and paths be considered using a ratio of open space/impervious surface.

Ms. Butler suggested such a ratio may be useful when considering visual impacts but not for surface water management.

Councilmember Roberts suggested that the matter could be considered on a project by project basis.

The Council did not modify the maximum 60% impervious surface / minimum 40% open space ratio.

The Council felt that yacht brokerage use may be an allowed accessory use as speciality retail.

Councilmember Nash suggested that public and private marinas might be better designated as a conditional use rather than a accessory use. After discussion, the Council indicated that public and private marinas and boat moorage could also be added and considered as a conditional use.

Attorney Eaton will draft a Shoreline Public Accommodation zone ordinance for Planning Commission consideration and public hearing.

The Council and Ms. Butler discussed the intent and possible uses of public and private marinas considered as an accessory use. The marina use, not the users of the marina, is the accessory use.

At 8:30 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing, noting the Council reserves the right to reopen the hearing for public input at a later time or date.

The Council continued deliberations on creation of a Public Accommodation zone.

At Councilmember Roberts inquiry, Attorney Eaton noted that a building could possibly be condominiumized in the proposed zone. Building size and density in regard to possible subdivision were discussed.

Attorney Eaton will draft a Public Accommodation zone ordinance to forward to the Planning Commission for consideration and public hearing.

At 8:40 PM, Mayor Cahail introduced draft ordinance #837, an ordinance providing for procedures and standards for the division of Professional Services Commercial, Commercial, or Light Industrial zoned land into lots by a binding site plan, for first reading.

After a brief discussion, the Council decided to hold further discussion on the proposed ordinance at their August 15th regularly scheduled meeting.

At 8:45 PM, Ms. Butler reviewed the draft Findings & Conclusions for the Islands West property rezone from Multi-family Residential to Commercial.

At 8:50 PM, Councilmember Nash moved and Councilmember Dickinson seconded to approve the Findings & Conclusions for the Islands West property rezone. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #838, an ordinance changing the location of a certain land use zoning boundary on property bordering Spring Street in the Southwest Quarter of the Northeast Quarter of Section 14, Township 35N, Range 3 WWM, commonly known as 680 Spring Street, to Commercial zoning.

Councilmember Nash moved and Councilmember Dickinson seconded to adopt Ordinance #838. The motion passed unanimously.

At 8:52 PM, Mayor Cahail introduced and gave first reading to draft ordinance #839, an ordinance amending Ordinance #574 and Ordinance #732 and Chapter 10.04 FHMC concerning time limit parking.

Town Administrator Fitch explained the changes from the current ordinances. Ms. Tookie Sandwith Estrada, business owner in the area, spoke in support of the proposed ordinance.

The Council discussed the recent Port of Friday Harbor resolution designating the entire upper Port parking lot as permit parking only.

At 8:59 PM, Councilmember Roberts asked to be excused and left the meeting.

Attorney Eaton and the Council discussed the jurisdictional considerations of parking enforcement in the area. Mr. Eaton noted that the Port can enter into an inter-local agreement with the jurisdiction in which they are geographically located for law enforcement.

Town Administrator Fitch noted that the staff had reviewed the Port Shoreline Permit and found no specific requirement for public parking.

Administrator Fitch and the Council discussed costs of parking enforcement.

Treasurer Picinich remarked that a review of old parking tickets indicate approximately 75% of those tickets were issued for violations in the upper Port lot.

At 9:07 PM, Mayor Cahail introduced and gave first reading to draft ordinance #840, an ordinance creating new requirements for off street parking and introducing a fee-in-lieu-of-parking element.

Warren Jones, Permit Coordinator, explained the intent of the draft ordinance and relayed Planning Commission concerns with the landscaping provisions of the ordinance. Mr. Jones mentioned expressed citizen support for Town beautification.

The Council discussed the intent of landscaping of parking lots and interior plantings or minimal planting strips.

**Councilmember Athearn pointed out that this draft ordinance addressed @MDUL off street@MDNM parking.**

Administrator Fitch pointed out the intent and provisions of Section 2.03 - Change of Use of the draft ordinance. He also mentioned less than successful efforts by elected officials and staff to elicit comments on parking from the business community.

Mr. Jones noted that implementation of certain "in-lieu-of" parking provisions requires that the Town have an adopted Parking Plan.

The proposed fees and the ratio of full sized to compact stalls was discussed.

Staff will provide for Council review implementation impact examples as the draft ordinance applies to representative local businesses. Staff will also research costs for construction of typical off street parking to meet the proposed standards. Values for purchase of land may be added to the fee structure after appropriate available Town owned land is developed for off street parking.

At 9:40 PM, Mayor Cahail introduced draft resolution #808, a resolution authorizing the Mayor to execute an intergovernmental agreement with the San Juan County Health Department for Public Health Services for 1991.

The Council and Treasurer Picinich discussed the necessity of the proposed agreement as required by RCW 70.05.020, 70.05.030, 70.05.132, & 70.05.145.

Treasurer Picinich and Mayor Cahail asked that, in the future, San Juan County provide to the Town copies of the San Juan County Budget & Annual Report and provide quarterly reports of services rendered.

At 9:47 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #808.

Councilmember Roberts rejoined the meeting.

Councilmember Nash suggested the Town review the formula used by the County to arrive at the yearly fee. Treasurer Picinich will verify the formula and results and provide an explanation to the Council.

At 9:54 PM, after discussion, the motion passed unanimously.

Town Administrator Fitch asked if the Council had considered a date for a budget retreat workshop.

The Council and staff discussed possible alternative dates and locations. A morning meeting at an alternate location will be specified by ordinance.

At 10:10 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adopt ordinance #841, an ordinance establishing the date, time, and place for a meeting of the Town Council, to take place at a location other than specified by Ordinance #556. The motion passed unanimously.

At 10:11 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to go into executive session to discuss potential property acquisition and pending litigation. The motion passed unanimously.

At 10:33 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:34 PM Councilmember Nash moved and Councilmember Potter seconded to authorize the Mayor to sign a pre-purchase agreement to purchase property for a planned storage facility for the Town water system. The motion passed unanimously.

Councilmember Roberts inquired as to the intent of Ordinance #806 establishing a seat on the Planning Commission for an out of town resident. Attorney Eaton noted that the wording of the ordinance specifies that one member "shall not be a resident of the Town of Friday Harbor." Mayor Cahail and the Council discussed future appointments to the Planning Commission.

®NB

At 10:40 PM, Councilmember Dickinson moved and Councilmember Nash seconded to continue the meeting to August 6, 1991 at 5:00 PM for a meeting with representatives of the Department of Transportation. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - August 6, 1991 @ 5:00 PM**

The Town Council met in a session continued from the August 1st regularly scheduled meeting, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Potter, & Roberts

Others present: none

Mayor Cahail noted that the purpose of the continued meeting was to meet with Department of Transportation (DOT) representatives to discuss proposed modifications at the ferry terminal. The DOT representatives had decided not to attend the meeting and had conveyed said decision, at the Town's inquiry, the proceeding day.

At 5:01 PM, there being no other scheduled items to consider, Councilmember Roberts moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

**Town Council - August 10, 1991 @ 7:00 AM**

The Town Council met for a budget work session at Islands West Retirement Center, 680 Spring Street, as specified by Ordinance #841, Mayor Cahail presiding.

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

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Cahail noted that the purpose of the meeting was to meet in an informal setting to discuss the basic direction of the 1992 Town Budget.

The Council discussed attending or viewing the video of the upcoming Association of Washington Cities (AWC) budget workshop to be held in Fife.

Town Administrator Fitch noted changes in the budget environment as outlined in Municipal Research & Services Center (MRSC) Budget Suggestions for 1992. Copies of same will be distributed to the Council.

Administrator Fitch asked for input from all Councilmembers on budget priorities and programs.

The Council and staff discussed budget development procedures, new and ongoing required expenditures, and possible new revenue sources.

At 8:06 AM, the Council recessed for breakfast in the dining room.

At 8:42 AM, the Council reassembled in the meeting room and continued with general discussion regarding the 1992 budget. Alterations to the utility rate structure and changing revenue requirements in the various utilities were discussed. Conservation philosophies and policies were expressed.

At 9:56 AM, Councilmember Dickinson left the meeting due to a prior commitment.

At 10:08 AM, Councilmember Athearn left the meeting due to a prior commitment.

The Council discussed the efficacy of holding further informal budget workshops. Mayor Cahail asked the Council to consider possible dates for scheduling at the August 15th regularly scheduled meeting.

Relocation of the World War 1 memorial fountain at Circle Park, recently damaged by a beer truck, was discussed. Mayor Cahail will contact local American Legion representatives.

®NB

At 10:40 AM, Councilmember Potter moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

**Town Council - August 15, 1991 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Nash, & Potter

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

Councilmember Nash moved and Councilmember Athearn seconded to appoint Councilmember Potter Mayor Pro tem. The motion passed unanimously.

The minutes of the August 1, 1991 12:30 PM & 7:30 PM, August 6, 1991 5:00 PM, and August 10, 1991 7:00 AM meetings were approved as submitted.

Mayor Pro tem Potter informed the Council that the Fire Chief's Report scheduled for 7:35 PM was rescheduled to 9:30 PM at Chief Galer's request.

The Council heard a presentation from Jim McDonald, Association of Washington Cities Risk Management Service, regarding the Town's participation in the AWC self insurance pool.

Mr. McDonald explained the structure and function of the pool. He also spoke of risk management services and training provided by the pool.

Council and staff inquired about various aspects of our insurance coverage and risk management policies.

The Council thanked Mr. McDonald for his presentation. Mr. McDonald will inspect Town facilities tomorrow.

Mayor Pro tem Potter presented draft ordinance #837, an ordinance providing for procedures and standards for the division of Professional Services Commercial, Commercial, or Light Industrial zoned land into lots by a binding site plan for second reading.

The Council discussed the proposed binding site plan ordinance. Councilmember Dickinson noted that it provides people with another choice.

At Administrator Fitch's inquiry, Sandra Western-Butler, Butler & Associates, planning consultants for the Town, noted that binding site plan costs are relatively the same or less than a comparable subdivision. The difference is timing rather than money. The fees are similar to review of a subdivision.

The Council, staff, and Ms. Butler discussed various definitions and procedures. Ms. Butler noted that the standards in a binding site plan are the other applicable land use regulations, the binding site plan is a subset of the land division regulations.

Attorney Eaton and Ms. Butler discussed standards for minimum lot size. Ms. Butler suggested that, if the Council chooses, it be expressly stated in the proposed ordinance that no minimum lot size is specified.

Councilmember Nash suggested parking standards could be added to the proposed ordinance. Ms. Butler noted that all other appropriate existing standards still apply.

Building Inspector Hodges asked for clarification of the intent of a binding site plan ordinance. Ms. Butler stated that the binding site plan is used in place of the Long Plat Ordinance.

Attorney Eaton felt that Section 6(B), "Standards", needs to be clarified. Ms. Butler noted that the intent is that the binding site plan is a substitute for the Land Division Ordinance.



At 8:42 PM, the Council decided to further consider the proposed binding site plan ordinance at a later date.

Mayor Pro tem Potter introduced draft resolution #806, a resolution authorizing the Mayor to execute a contract with the Washington State Energy Office for implementation and enforcement of the Washington State Energy Code.

Building Inspector Hodges explained the intent and gave a general overview of the Washington State Energy Code. He estimated that inspection and review under the Code will add about 2 hours per permit. Mr. Hodges noted that the Code applies to homes with an electrical primary heat source. He additionally noted that the Town must enforce the Code whether or not the Town enters into the implementation contract. He commented that he will be **asking for funding of a « time position in his department for 1992.**

At 8:59 PM, after discussion, Councilmember Athearn moved and Councilmember Dickinson seconded to adopt Resolution #806. The motion passed unanimously.

Mayor Pro tem Potter presented draft ordinance #839, an ordinance amending Ordinance #574 and Ordinance #732 and Chapter 10.04 FHMC, concerning time limit parking for second reading. The ordinance creates 2 hour time limited parking on the west side of Argyle Avenue from Spring Street to Caines Street and eliminates time limited parking in the Port upper parking lot resulting in permit parking only.

The Council and staff discussed the proposed ordinance and noted the lack of substantial public comment. The Council indicated that the Port should provide appropriate financial compensation to the Town. Staff was asked to derive a suitable amount and work to recover a couple of public parking spaces on Front Street in the area.

At 9:13 PM, Mayor Pro tem Potter presented draft ordinance #840, an ordinance creating new requirements for off street regulations and introducing a fee-in-lieu-of-parking element for further Council consideration.

Permit Coordinator Warren Jones spoke to revisions from the previous draft reflecting further research and Planning Commission input. He referred to his August 9, 1991 memo to Town Administrator Fitch which calculates the effect of the proposed ordinance on selected existing buildings and businesses in Town. Mr. Jones noted that the majority of comments he has received have been favorable.

The Council and staff discussed various provisions of the draft ordinance.

Staff will provide implementation examples of various parking requirement calculations.

At 9:40 PM, Mayor Pro tem Potter introduced draft ordinance #843, an ordinance establishing a small works roster.

Council and staff discussed the intent and implementation of a small works roster. The Council considered the proposed ordinance to have had first reading.

At 9:48 PM, Fire Chief Galer presented his report. There have been 75 fire calls this year to date. The Fire Department responded to a 75 gallon jet fuel spill at the airport. The fuel was from a Federal Express plane. The bill was sent to Federal Express. Chief Galer spoke about recent fund raising activities by the Firefighter's Association.

Chief Galer explained the particulars of 2 previously unpaid claims.

The Council thanked Chief Galer for his report.

At 10:00 PM, Town Administrator Fitch presented his report. He read a letter from the Washington Finance Officer's Association noting the Treasurer Picinich has been certified as a "Professional Finance Officer" by said association.

Administrator Fitch summarized for Council the Sheriff's Report for June 1991.

Administrator Fitch reported on meetings with San Juan County Planning Department representatives toward development of County-wide Planning Policies as required by RESHB 1025. He noted that he and Town Clerk Dubail were working with the County to prepare a draft memorandum of agreement on the process.

At 10:08 PM, Councilmember Nash moved and Councilmember Dickinson seconded to approve payment of warrants #3660 through #3704 totaling \$32,115.88. The motion passed unanimously.

Staff displayed a video on the Growth Management Act; "Meeting the Challenge", prepared by the Washington State Department of Community Development, Growth Management Division.

Town Clerk Dubail reported on his meeting today with Washington State Office of Financial Management representatives and San Juan County Planning Department GMA Task Force members regarding population projections.

Administrator Fitch noted that the Council needs to reach consensus regarding the incinerator and the Town/County Solid Waste Plan and respond to DOE by the agreed upon date.

Administrator Fitch asked the Council to review the Etta Egland drainage ditch situation. Documents are available in his office.

Administrator Fitch asked for further Council input on the 1992 budget. Councilmember Athearn felt the Council needed to set budget goals to be discussed.

@NB

At 10:35 PM, Councilmember Nash moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

Bonnie C. Potter, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - September 5, 1991 @ 12:30 PM**

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

Members present: Athearn, Dickinson, Nash, & Potter

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

Town Administrator Fitch distributed letters from the San Juan Island Chamber of Commerce concerning fireworks sales and the proposed parking regulations (draft Ordinance #840) to Council.

The Council reviewed the bills and asked staff to provide additional information on certain items. Administrator Fitch mentioned that the new scales at the solid waste facility "paid for themselves" with increased collections soon after installation.

At Mayor Cahail's request, Fire Chief Galer reported on a boat fire aboard the "Nancy M" at the end of the Don Todd dock on Friday Avenue. Chief Galer commented on difficulties with dispatch and access. The fire boat proved very effective in controlling the fire. The State Fire Marshal and the San Juan County Sheriff's Department are investigating the incident.

Administrator Fitch reported that he has requested that the Fire Chief curtail all non-emergency expenditures.

At 12:39 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to approve payment of claims warrants #3710 through #3814 totaling \$100,946.93 and payroll warrants #2134 through #2168 totaling \$63,068.82. The motion passed unanimously.

Mayor Cahail proclaimed September 17, 1991 as Citizenship Day and the week of September 17-23, 1991 as Constitution Week in the Town of Friday Harbor.

Maintenance Supervisor Reitan reported on a problem at the Wastewater Treatment Plant. The plant apparently received some toxic material which "shocked" the plant resulting in a noticeable odor. Mr. Reitan outlined the remedial options open to the Town. The plant is recovering.

Mr. Reitan stated that hydro-seeding is scheduled to start this month on the empty Town lot across the street from the Wastewater Treatment Plant.

Mr. Reitan reported that he is in the process of hiring a new Utility Worker I for the Water Department. He noted that the increased frequency of backwashing is having a deleterious effect on some old galvanized service lines. He also mentioned that construction of the planned new sidewalk on Caines Street is underway.

At 1:03 PM, Mayor Cahail noted a change in the agenda; the 9:50 PM agenda item - consideration of draft resolution #810 authorizing the Mayor to sign an agreement with Etta Egeland regarding a drainage easement on Argyle Avenue was rescheduled, at Mrs. Egeland's request, to this afternoon.

Town Administrator Fitch briefly summarized action to date on storm water drainage concerns for the Caines Street overflow and the proposed easement in the area. Mr. Fitch informed the Council about a possible dispute over the location of a property line which will be affected by the proposed easement. He noted that the adjacent property owner, Mr. Roger Owen, is, unfortunately, out of the country. Mrs. Egeland is asking the Town to install and maintain a storm drain and a fence.

Maintenance Supervisor Reitan estimated that a 6' slatted cyclone fence starting from 25' to 30' back from Argyle Avenue to the Presbyterian Church property would cost approximately \$3,300 to install. The storm drain would require approximately 200' of 12" culvert.

At 1:15 PM, Councilmember Nash joined the meeting and Councilmember Potter left the meeting.

Attorney Eaton summarized the situation and expressed concern that, by the proposed resolution, the Town was committing to take action on property whose ownership was in question. There is a 6' gap between the 2 legally described properties and that a third party may yet hold title to the property. He reported that the Town has hired Krabbe, Starr, & Metke (KSM) to perform a survey to clarify the issue. Mr. Eaton noted that Mr. Owen is currently making use of a portion of the property in question.

Attorney Eaton suggested revising the proposed agreement to allow the Town to delay action until agreement could be reached between the 2 property owners.

Stephanie O'Day, attorney for Mrs. Egeland, stated that Mrs. Egeland has used the property since 1965. She said that the previous owner of the Owen property, Jack Cory, supported Mrs. Egeland's claim.

Attorney Eaton briefly explained possible legal approaches to verify title to the property and reiterated that he felt the Town should consider an agreement that did not put the Town in a position of being a defendant.

Administrator Fitch suggested talking with Mr. Owen and also requesting from him a 5' easement for construction of the fence.

Ms. O'Day felt that Mr. Fitch's suggestion would not work. She offered her services to defend any title action, at her expense. She agreed that a revised agreement reflecting the same and holding the Town harmless would be acceptable.

Dave Ellingson, KSM, stated that the Owen's deed line had been monumented.

The location of the Argyle Avenue end of the proposed fence was discussed and a acceptable location was determined.

Attorney Eaton & Ms. O'Day will draft a revised agreement to reflect the above changes.

Mayor Cahail and Council discussed scheduling budget work sessions. Council will schedule a work session at the September 19th regularly scheduled meeting.

Treasurer Picinich and Administrator Fitch reported that the 1991 Town of Friday Harbor Budget had received the Washington Finance Officers Association "Distinguished Budget Presentation" award.

Ms. O'Day read the revised and additional sections of the above proposed agreement into the record: [Section 2(D) ...] "Fence should begin at the west end of the existing cement ridge of the existing driveway, which is approximately 25' west of the west edge of Argyle Avenue. The fence should then follow the property line, which is to say within 12" of the southerly deed line as described in Exhibit B, and continue along said property line all the way down to the far westerly boundary terminus." [Section 4] "The parties agree that should a neighbor instigate a Quiet Title or other action to assert a legal claim of ownership against Grantor or Grantee, then Grantee shall defer performance of this agreement until said action is resolved. Grantor agrees to assume all legal and monetary responsibility for defending such action."

At 1:50 PM, Councilmember Dickinson moved and Councilmember Nash seconded to approve Resolution #810. The motion passed unanimously.

@NB

At 1:51 PM, Councilmember Athearn moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - September 5, 1991 @ 7:30 PM**

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

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

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

The minutes of the August 15, 1991 7:30 PM Council meeting were approved as submitted.

Mayor Cahail read a letter stating that Treasurer Picinich has been certified as a Professional Finance Officer by the Washington Finance Officers Association.

Mayor Cahail introduced Ms. Darcie Nielsen, Planner with the San Juan County Planning Department.

The Town Planning Commission joined the meeting to hear Ms. Nielsen's presentation.

Ms. Nielsen explained the need for a Joint Planning Policy Procedure between the Town of Friday Harbor and San Juan County as required by the Growth Management Act (GMA) as updated by House Bill 1025. The Council has received a copy of a proposed Memorandum of Agreement which outlines the process the Town and County would follow in order to comply with HB1025. She noted that the draft agreement contains provisions for formation of a Joint Task Force and a joint public hearing of the Town and County Planning Commissions. Recommendations resulting from that hearing would be forwarded for adoption of the Joint Planning Policy at a joint Town Council / Board of County Commissioners (BOCC) public hearing.

Ms. Nielsen noted that the proposed Memorandum of Agreement would be adopted by BOCC resolution. Town Administrator Fitch suggested that the Town would follow a similar procedure.

The compliment and term of the Joint Task Force and staffing requirements were discussed. Having approximately 5 members from each jurisdiction was suggested. The Council, staff, Ms. Nielsen, and Dick Grout, San Juan County Planning Department Director, discussed various aspects of the proposed agreement.

The Council will consider adoption of a revised agreement at their September 19th meeting. The proposed agreement will be revised to specify the duties and goals of the Joint Task Force. Council will forward any additional comments on the proposed agreement to Administrator Fitch.

At 8:07 PM, Ellen Bolger and Harry Towne, Land Use Forum Partnership (LUF), presented a proposal for developing a Land Use Plan.

The Council inquired about various aspects of the proposal. Mr. Towne explained the process as an alternative to the existing land use regulations. Implementing the proposal would require enacting enabling legislation.

The workshop process as proposed can be used to just develop a land use plan or be additionally used for specific land development proposals.

Attorney Eaton mentioned the mandates of state law, ie public hearings, SEPA, etc.

At 8:31 PM, Councilmember Potter read an August 12, 1991 memo from the Planning Commission to Town Administrator Fitch regarding the discussion of the LUF proposal at the August 8th Planning Commission meeting. The recommendation of the Planning Commission was that the Town "not go with the LUF proposal".

The Council and Attorney Eaton discussed various possible methods of implementing the proposal.

Mayor Cahail noted an applicant can now hold neighborhood meetings on a voluntary basis.

The Council thanked Ms. Bolger and Mr. Towne for their presentation.

At 8:45 PM, the Council heard a request from Mr. Robert Carrieri, Roberto's Restaurant, "A" Street, for a Class EF liquor license. Mr. Carrieri stated that the application had been revised to request a Class AC license. He felt that a liquor license would be complimentary to his business and had been requested by patrons.

At Councilmember Robert's inquiry, Attorney Eaton stated that, although the property is owned by the Town, Mr. Carrieri has leased the property. He will look into possible implications of dispensing liquor on leased Town owned land.

The Council and Mr. Carrieri discussed the application. Councilmember Nash read pertinent sections from the May 16th Council minutes at which meeting Mr. Carrieri asked for the lease.

Councilmember Dickinson suggested that the Council defer consideration until an amended application has been received. After discussion, the Council decided to follow Councilmember Dickinson's suggestion. Councilmember Nash would like to review the lease in conjunction with the amended application.

At 9:00 PM, Mr. William Weissinger, Attorney, and Mr. Kwang Su Yoon, owner of the China Pearl restaurant on Spring Street, presented a request to install a cocktail lounge in lieu of the current service bar operation. Mr. Weissinger distributed a floor plan showing the upstairs location of the proposed lounge and dance floor. The galleria area downstairs proved unfeasible for bar use. He noted that access to the upstairs lounge area would be through the main dining area directly past the cashier's station. This access would help provide appropriate entry control on lounge patrons. Mr. Weissinger felt a Chinese restaurant was an important community asset.

Mayor Cahail explained that he brought the issue before the Council as a courtesy and to solicit comments from the Council.

The Council discussed the previous and current use of the location. It was mentioned that the application was a replacement of a previous use at this location.

At 9:12 PM, Councilmember Nash moved and Councilmember Potter seconded to approve the applicant and location. The motion passed unanimously.

Councilmember Roberts mentioned he would like the Council to review all liquor license applications.

Mayor Cahail introduced draft ordinance #839, an ordinance creating 2 hour time limited parking on the west side of Argyle Avenue from Spring Street to Caines Street and eliminating time limited parking in the Port upper parking lot resulting in permit parking only, for 3rd reading.

Bart Mathews, Harbor Master, Port of Friday Harbor, briefly commented on the Council request of 8/15/91 that the Port provide appropriate financial compensation to the Town and provide an additional 2 public parking spaces in the area.

Relocation of designated parking spaces in the area was discussed. Minimizing congestion in the area is a priority. Compensation for parking enforcement of the upper Port parking lot was discussed. Mr. Mathews stated that Port Administrator Simpson has contacted the Sheriff's Department in an effort to determine the appropriate amount. The Port will notify the Town as to where they propose to locate the 2 above mentioned parking spaces.

Councilmember Nash spoke to the need for short term parking for elderly and handicapped citizens. Administrator Fitch will work with the Port to provide short term parking in the upper lot.

At 9:30 PM, Mayor Cahail introduced draft ordinance #840, an ordinance creating new requirements for off street regulations and introducing a Fee-in-Lieu-of-Parking element for 2nd reading.

Town Administrator Fitch noted receipt of 2 letters from the Chamber of Commerce on the issue.

Mr. Mark Kendziorek, Chamber of Commerce President, spoke against the ordinance as proposed. He suggested a \$100 to \$150 per year "surcharge" on all business licenses to fund additional parking.

Karla J. Bernard, CPA, felt that new and existing small businesses could not afford the fees proposed in the draft ordinance. She felt that the problem had been many years in the making and that a solution will take time. She suggested a bond issue may be a partial answer.

Mr. Steve Buck, Rip Tide restaurant, concurred.

Mayor Cahail noted that the Town cannot solve the problem alone. Active assistance and participation from the business community is necessary.

Mr. Kendziorek asked what the Chamber of Commerce could do to help.

Attorney Eaton noted that the solution is money. The Council needs to hear from the Chamber of Commerce what they feel is the most equitable way to raise the necessary funds.

Mr. Dick Robinson, business owner, felt the solution was to deter people from bringing their cars to the island. Incentives for people to walk on the ferry should be provided.

Mr. Robert Carrieri felt there was no one solution to the problem. All island residents share in finding an answer.

Mayor Cahail reiterated that we all need to work together to solve the problem.

The Chamber of Commerce is forming a committee to develop proposed solutions. At Mayor Cahail's suggestion, Mr. Kendziorek felt that a elected representative from the Town to the committee would be helpful. He also mentioned that delivery parking must be addressed. At Administrator Fitch's inquiry, Mr. Kendziorek will try to have his committees proposed solutions conveyed to the Town within 90 days.

The Council will reconsider the issue within 90 days.

At 9:50 PM, Mayor Cahail presented draft ordinance #843, an ordinance establishing a Small Works Roster, for 2nd reading.

Councilmember Nash moved and Councilmember Potter seconded to adopt Ordinance #843. The motion passed unanimously.

On the Carrieri matter, Attorney Eaton, after researching the public right-of-way issue, felt that it was not a problem. The Council discussed the suitability of the location. Council will give the request further consideration at the next meeting.

At 9:57 PM, Town Administrator Fitch presented a request for clarification of the status of the vacation of Leslie Avenue as initiated by Resolution #641. Mr. Nate Howard, property owner in the area, has requested permission to open and take access on a portion of Leslie Avenue. Also, at an inquiry from Mr. Allen Carter, Administrator Fitch had researched and found that the conditions of Resolution #641 had not been met.

The intent of Resolution #641 was discussed. Attorney Eaton suggested that a resolution be adopted setting a time limit for fulfilling the conditions.

Councilmember Nash noted that the Council had previously decided not to vacate the portion of Leslie Avenue that abuts Argyle Park. He also noted that he is generally opposed to vacation of Town streets.

Councilmember Athearn commented that there currently is encroachment activity in the Argyle Park area.

Mr. Nate Howard felt that the time period from 1987 to 1991 was enough time for the Leslie Avenue vacation applicants to fulfill the conditions.

The Council will review the situation and give the matter further consideration. Attorney Eaton will draft a resolution setting a time limit for fulfilling the conditions.

At 10:15 PM, Mayor Cahail reminded the Council to give thought to scheduling a budget work session at the September 19th meeting.

Town Administrator Fitch asked for direction from the Council concerning a Skagit Valley College request for utility services at the San Juan County Fair Grounds.

After discussion, the consensus of Council was to deny the request for change of utility use. They noted that this decision does not preclude other solutions. They reiterated that they continue to support continuing education on San Juan Island.

Administrator Fitch distributed for Council review a proposed Description of Services, Application Fees, and Direct Costs for Land Division, Shoreline, and Land Use Applications. He mentioned that above proposal may be able to be enacted under Ordinance #803, posting by the Town Clerk.

@NB

At 10:25 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - September 19, 1991 @ 7:30 PM**

The Town Council met in regular session.

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

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

Councilmember Nash moved and Councilmember Potter seconded to appoint Councilmember Athearn Mayor Pro tem. The motion passed unanimously.

Mr. William Weissinger, attorney representing San Juan Fitness Center, made a non-agenda presentation regarding Resolution #810. Said resolution authorizes the Mayor to enter into an agreement with Mrs. Etta Egeland for a drainage easement and installation of a fence. Mr. Weissinger asked the Council to direct the Mayor to withhold his signature on the agreement for 30 days to allow time for the adjacent property owners to reconcile the issue. He felt that the proposed easement may have significant adverse effects on SJ Fitness Center. The Fitness Center may lose up to 5 off-street parking spaces. Additionally, he was of the opinion that there was lack of adequate notice to the Fitness Center. Mr. Weissinger felt that the ownership of the "gap" land was in question and would like the opportunity for San Juan Fitness Center to research the issue and respond with its position. He noted that Mr. Ted Hope, SJ Fitness Center, had regretfully declined Town Administrator Fitch's request to construct the proposed fence from the SJ Fitness Center side of the property line. Mr. Weissinger remarked that it would be a shame to construct the proposed fence from the Egeland side considering the time and effort Mrs. Egeland has put into landscaping the area over the years. He mentioned that, in his opinion, criminal trespass charges against the Town are not covered in the agreement.



At Councilmember Robert's inquiry, Administrator Fitch noted that there is a 30 day performance clause in the agreement.

After discussion, the consensus of the Council was to defer the issue until the Mayor and the Town Attorney are in attendance.

At 8:44 PM, the minutes of the 9/5/91 12:30 PM & 7:30 PM Council meetings were approved as submitted.

Fire Chief Galer reported that the Sheriff's Department had apprehended suspects in the "Nancy M" arson case.

Chief Galer noted that the Fire Department has lost some volunteers but has 5 new recruits. Volunteer fire departments nationwide report similar turnovers. He invited all to attend the Pig War bar-b-que to be held at the San Juan County Fair Grounds.

At 7:48 PM, Mayor Pro tem Athearn introduced draft resolution #813, a resolution adopting a Memorandum of Agreement regarding a procedure for development of a Joint Town and County Planning Policy.

Town Administrator Fitch pointed out a minor change in the proposed agreement suggested by Councilmember Nash.

Councilmember Nash moved and Councilmember Potter seconded to adopt Resolution #813. The motion passed unanimously.

Mayor Pro tem Athearn introduced draft resolution #809, a resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 1991.

Town Administrator Fitch gave a brief summary of the proposed resolution. He noted that the Town was currently receiving law enforcement services based on the continuation clause of the 1990 agreement.

Councilmember Dickinson moved and Councilmember Nash seconded to adopt Resolution #809. After discussion the motion passed unanimously.

Mayor Pro tem Athearn introduced draft resolution #811, a resolution establishing time limitations for the performance of the conditions set forth in Resolution #641, regarding vacation of a portion of Leslie Avenue.

Town Administrator Fitch explained the request for opening a portion of Leslie Avenue and the need for a resolution to specify a time period to fulfill the conditions set forth in Resolution #641 for vacation of same.

Mr. Nate Howard, applicant for opening Leslie Avenue, asked for a specification of a time period shorter than the proposed 120 days for fulfilling the conditions.

Mr. Allen Mason, 165 John Street, asked that consideration be given to vacating all of Leslie Avenue.

Mr. Allen Carter, 230 John Street, inquired how long a re-plat would take. Administrator Fitch noted that the Town would try to expedite the process. 60 to 90 day from receipt of a completed application should be sufficient.

Mrs. Chris Hagen, John Street, requested, and was provided, a copy of Resolution #641. Administrator Fitch explained the procedure for fulfillment of the conditions.

At Councilmember Robert's inquiry, Administrator Fitch noted that Condition #2 of Resolution #641 may be partially fulfilled.

Mrs. Chris Hagen asked if the land under George Avenue was purchased by the adjacent property owners when it was vacated. It was unclear if George Avenue was vacated, or of the conditions for vacation if it was.

The Council and Town Administrator Fitch discussed the proposed resolution, the suggested 120 day time period, and various performance scenarios. At Councilmember Nash's suggestion, the phrase, "and that an act of intent to continue action be completed within 90 days" was added to the proposed resolution.

At 8:20 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adopt Resolution #811 as revised. The motion passed unanimously.

The consensus of Council was not to take action on Mr. Allen Mason's suggestion.

Mayor Pro tem Athearn introduced draft resolution #812, a resolution authorizing the Mayor to execute a contract with Larry Johnson, General Contractor, to remodel a portion of the main floor of Town Hall.

Administrator Fitch explained the intent and scope of the remodel and gave a brief review of the contractor. He also asked the Council to consider an expenditure of approximately \$1,150.00 to recarpet the Council chambers. The carpet to be used in the remodel is a discontinued style.

The Council discussed the request.

Treasurer Picinich noted that sales tax revenues through August were 6.7% over last year.

At 8:33 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #812. The motion passed unanimously. The Council deferred Administrator Fitch's request until the end of the agenda.

Mayor Pro tem Athearn introduced draft resolution #814, a resolution authorizing the Mayor to execute a Letter of Agreement between the Town of Friday Harbor and San Juan County for the purpose of the design and construction of a 30' wide roadway from Price Street to the Town limits on Spring Street.

Town Administrator Fitch noted that additional TIB funding for completion of the Second Street/Guard Street project would require lobbying in Olympia by a Town official.

Administrator Fitch introduced Mr. Guard Sundstrom, engineer with San Juan County Public Works. The Town and County have proposed a "partnership" for design, ROW acquisition, and construction of upper Spring Street. The proposed letter of agreement is drafted to allow the Town to exit the agreement at each phase of the project if it so chooses.

Mr. Sundstrom estimated that the costs surveying would be about \$7,000 and design would be about \$1,500 to \$2,000. The combined costs for survey, design, and construction would be approximately \$100,000, ROW acquisition would be an additional cost. The Spring Street/SJ Valley Road project is scheduled to be built in the fall of 1992.

The Council, Administrator Fitch, & Mr. Sundstrom discussed road alignment, future reconstruction considerations, drainage, and traffic volume. Mr. Sundstrom noted that an average of 2,000 cars a day pass the airport turnoff.

At 8:55 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adopt Resolution #814. The motion passed unanimously.

Town Administrator Fitch reported on his attendance at a GMA conference sponsored by DCD at Lake Chelan. He noted that representatives from the San Juan County Planning Department also attended. The target date for

release of Office of Financial Management population projections has been moved back to February 1992. The NIMBY (not in my back yard) list will also be out in February. An Attorney General's Opinion on "takings" will be available in the next 6 months. Implementation workshops for elected officials and Town staff are being scheduled. Administrator Fitch noted that the chance for additional funding from the State is nil.

The Council & Administrator Fitch discussed various perceptions and possible problems with implementation of the act.

Administrator Fitch reported that he has requested a 30 day one-time extension of the 9/30 deadline for a response to DOE regarding disposition of the incinerator. He has asked Mike Ruby, Envirometrics, to compile the necessary data.

Councilmember Nash suggested the Town convey its intention to utilize the incinerator for up to 5 years and that the Town will continue to monitor its operation and research alternatives.

At 9:12 PM, Administrator Fitch informed the Council about a complaint by Officer Caputo regarding roller-blade use on Town sidewalks.

Mr. Fitch noted receipt this afternoon of an amended application for an AC liquor license by Robert Carrieri.

The Council reviewed the bills. Council and staff discussed audit costs for the recent 2 year State audit of the Town. Town Clerk Dubail & Treasurer Picinich commented that the State auditors are very helpful.

At 9:18 PM, Councilmember Nash moved and Councilmember Dickinson seconded to authorize payment of warrants #3816 through #3855 for a total of \$44,430.11. The motion passed unanimously.

Mayor Pro tem Athearn introduced the subject of budget workshops.

Town Administrator Fitch spoke of new commitments, goals, and increased funding demands from the County. He asked the Council to indicate how they wished to format the budget development process.

The Council discussed various aspects of reviewing departmental budget requests and possible new or enhanced revenue sources.

Treasurer Picinich spoke about development of a street utility, a B & O tax, or a gambling tax. She noted a recent revision in State rules regarding Hotel/Motel taxes. The new provisions, which include mitigating the impacts of tourism, specifically apply to San Juan County and the Town of Friday Harbor. She also noted a newly instituted 3% Hotel/Motel tax for certain jurisdictions. The Town and San Juan County qualify. If the Town does not enact the tax the County can collect it in Town as well as in the County.

The Council discussed collecting the Town's share of the Hotel/Motel tax.

Treasurer Picinich recommended that the Town collect the available additional .25% real estate excise tax. She note that said tax must be used for capital improvements.

It was mentioned that Town of Friday Harbor property tax revenues do not cover the cost of services incurred by those properties.

Town Administrator Fitch asked for an indication from the Council as to whether they would support any additional revenue sources.

Councilmember Nash requested that a list be prepared of potential taxes, projected yields, and allowable uses. He noted that the Town has been very frugal.

Mayor Pro tem Athearn asked for additional funding for professional and contract services.

The need for park improvements was discussed. It was noted that the Town needs to take pride in and make a commitment to parks.

Mayor Pro tem Athearn asked that a Council workshop be scheduled regarding becoming a Code city. Town Administrator Fitch is to try to obtain a representative from AWC and/or MRSC to give a presentation at the workshop.

Council will receive a proposed budget for 1 department at their October 3rd afternoon meeting.

ⓂNB

At 10:06 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

Ruth C. Athearn, Mayor Pro tem

Steven Dubail, Town Clerk

#### **Town Council - October 3, 1991 @ 12:30 PM**

The Town Council met in regular session at the Town Fire Hall upstairs meeting room, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Nash, & Potter

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

The Council reviewed the claims. Staff provided additional information on selected items.

At 12:39 PM, Councilmember Potter moved and Councilmember Nash seconded to approve payment of warrants #3857 through #3924 in the amount of \$54,415.21 and approve the payroll in the amount of \$62,868.85, warrants #2170 through #2210. The motion passed unanimously.

Mayor Cahail proclaimed the week of October 6 through 12, 1991 as Fire Prevention Week.

Maintenance Supervisor Reitan presented his report.

He reported that Trout Lake reservoir is currently 5 feet below the spillway.

Mr. Reitan spoke of the effects of backwashing and lower ph of the water system on some old galvanized water pipes.

He stated that the Town will be putting a seal coat on upper Spring Street. San Juan County plans for reconstruction of San Juan Valley Road from the Town limits to Douglas Road may be delayed until 1993. He added that the Town is planning to relocate a portion of the water transmission main around Sundstrom's marsh.

Mr. Reitan stated that hydroseeding of the empty lot across from the Wastewater Treatment Plant, at the Solid Waste Facility, and at Evergreen Park will be accomplished in the next 2 weeks.

He reported that the Water Department had hired a new employee, Mr. Robert Low, for a new position.

At Councilmember Athearn's inquiry, Mr. Reitan stated that due to various complications, the Caines Street project would not be completed until 1993.

The Council thanked Mr. Reitan for his report.

Town Administrator Fitch introduced San Juan County Assessor Paul Dossett.

Councilmember Dickinson asked to be excused due to a previous commitment. She left the meeting at 12:55 PM.

Mr. Dossett explained current taxing procedures and amounts. He noted that the Town may, by vote of Town residents, request a levy lid change. Mr. Dossett distributed a handout and explained the possible effects of proposed State Initiative #559 - "Property Tax Relief". He noted that Initiative #559 would shift the tax burden onto lower priced property and from residential to commercial property.

The Council and Mr. Dossett discussed the implications of Initiative #559. Mr. Dossett noted implementation will necessitate hiring 7 additional personnel in his office and cost approximately \$175,000.

The Council thanked Mr. Dossett for his presentation.

At 1:19 PM, Administrator Fitch informed the Council that the State Department of Fisheries (DOF) has given favorable recommendation to a proposal by Skip Allen and local fisherman to establish a fish hatchery to be located adjacent to the Wastewater Treatment Facility. DOF has indicated that they are excited about the proposal and feel it could become a nationwide model. DOF would like a representative from the Town to visit a similar project in Boise, Idaho on October 17th. DOF will pay all expenses. Councilmember Nash agreed to attend.

Administrator Fitch noted a request to move an 8" sewer main to a deeded ROW in the Mullis subdivision area. The relocation would cost approximately \$15,000 and has been tentatively budgeted for 1992.

At 1:26 PM, Councilmember Potter left the meeting due to a previous commitment. The meeting no longer had a quorum.

At 1:30 PM, Councilmember Nash moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - October 3, 1991 @ 7:30 PM**

The Town Council met in regular session at the Town Fire Hall upstairs meeting room.

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

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

Councilmember Potter moved and Councilmember Athearn seconded to appoint Councilmember Nash Mayor Pro tem. The motion passed unanimously.

The minutes of the 9/19/91 7:30 PM meeting were approved as submitted.

Mrs. Pam Fitch thanked the Town for the beautiful flowers along the streets this summer.

Town Administrator Fitch reported on efforts in conjunction with the Sheriff's Department to control rollerblade use on Town sidewalks. He also noted that a public hearing on the proposed Shoreline Public Accommodation (SPA) zone and the Public Accommodation Zone (PAZ) has been scheduled for 7:45 PM at the October 17th meeting.

Administrator Fitch reported on discussions with DOT regarding proposed modifications at the ferry terminal. The DOT tentatively will submit a Shoreline Substantial Development Permit application in December.

Administrator Fitch reminded the Council that Town membership for the GMA Task Force needs to be determined. The Council discussed the compliment of the Task Force.

At 7:40 PM, Mayor Pro tem Nash noted receipt of an amended application from Robert Carrieri for an AC liquor license for Roberto's Restaurant at 185 First & "A" Street. The unanimous consensus of the Council was to approve of the applicant and location.

At Mayor Pro tem Nash's request, Administrator Fitch summarized the request by Don Galt, developer of the Foxhall subdivision, to consider a revision of his preliminary plat. Mr. Galt requests the Council to hold a public hearing to consider granting preliminary approval of a revised plat and to concurrently consider a Conditional Use Permit application for a recreational proposal on lot #74 of the preliminary subdivision as outlined in the Friday Harbor Athletic Club letter of 9/27/91.

Attorney Eaton noted that the Town does not have a specific procedure for a revision of this magnitude. The issue of revision of the preliminary plat does not have to be referred to the Planning Commission.

The Council discussed the request.

Councilmember Roberts moved and Councilmember Potter seconded to hold a public hearing to consider revision to the preliminary plat and, concurrently, a Conditional Use Permit application. The motion passed unanimously.

At 7:50 PM, Town Administrator Fitch presented the preliminary draft of the KCM Siting Study for a new water reservoir. He asked the Council for comments and noted that the increased projected costs will be partially offset by the projected reduced cost of the new water treatment plant.

Councilmember Roberts asked if actual costs for projects could be compared to costs projected in the 1990 Water Comprehensive Plan Update. Mayor Pro tem Nash noted that the costs in the draft Siting Study are approximately 23% higher than in the 1990 Water Comprehensive Plan Update.

Administrator Fitch reported that the purchase of the tank site should close Friday.

The Council commented on various aspects of the study. Terminology and siting future reservoirs were discussed. Visual and system impacts were reviewed. The Council requested additional information on telemetry costs.

Mayor Pro tem Nash asked that construction costs of the tank be reviewed and other configurations be investigated.

Town Administrator Fitch reminded the Council that the tank site is in the county. Annexation of the area for municipal purposes was briefly discussed.

At 8:05 PM, the Council began a budget work session. Administrator Fitch noted that Treasurer Picinich was off island at an ASP software users group meeting in Leavenworth.

Administrator Fitch reported on discussions with San Juan County Planning Director Richard Grout concerning allocation of 1992 Department of Community Development GMA implementation funds.

Administrator Fitch presented the Council with 2 suggested Planning budget options for 1992. He and the Council reviewed and discussed each option. Planning staffing philosophy and procedures, including having a staff planner report directly to the Council, were discussed.

Town Clerk Dubail gave a summary of the proposed aerial mapping project.

The fee structure for additional services for certain land use and shoreline applications was briefly discussed. The Council expressed support for implementation of the fees.

Development of a revised Comprehensive Plan as recommended by the Planning Commission memo of 9/26/91 to the Town Council was discussed. Mayor Pro tem Nash suggested that provisions be made to initiate the project this year.

The Council discussed how a consultant should be utilized in revision of the Plan. Councilmember Roberts asked that proposals be solicited from other consultants. It was noted that the Council has received proposals from three consultants.

Councilmember Athearn noted that the Planning Commission has voluminous notes for revising the Plan.

Councilmember Potter commented that an expenditure of \$25,000 for revising the Plan is proposed in both planning options.

At Councilmember Athearn's inquiry, Administrator Fitch noted that the CPI Percentage Increase being used for this years budget development is 7.1% (Seattle CPI-U).

The Council discussed scheduling a budget work session for October 10th at 5:00 PM for 1 1/2 hours.

Town Administrator Fitch noted he has sent a letter to DOE regarding the incinerator. Also, he should have a response from Mike Ruby of Envirometrics by October 17th.

The status of previously raised concerns such as noise abatement and developmental densities were discussed.

Councilmember Roberts felt the Council needs to state a position on water.

Councilmember Athearn requested that the Council consider repeal of Ordinance #759, an ordinance providing for water service for the "sole and exclusive purpose of connecting thereto a fire sprinkler system to service the Main Fair Building" located at the Fair Grounds. She noted that said building no longer exists.

Mr. Sherman Lackey, San Juan County Fair Board member, said the Board is not contemplating constructing any new building that will require a sprinkler system.

Staff will draft an ordinance to repeal Ordinance #759 for consideration at the October 17th meeting.

At 9:33 PM, at Attorney Eaton's request, Councilmember Athearn moved and Councilmember Dickinson seconded to go into executive session to discuss current litigation. The motion passed unanimously.

At 9:35 PM, Councilmember Athearn moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Councilmember Potter moved and Councilmember Roberts seconded to authorize the Mayor to sign the settlement documents in the Town of Friday Harbor vs Jones litigation. The motion passed unanimously.

®NB

At 9:38 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn and continue the meeting to 10/10/91 at 5:00 PM in the Town Fire Hall upstairs meeting room for a budget work session. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - October 10, 1991 @ 5:00 PM**

The Town Council met for a budget work session in the Town Fire Hall upstairs meeting room.

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

Others present: Town Administrator Fitch, Treasurer Picinich

Town Clerk Dubail informed the Council that the Mayor would not be present and that Councilmember Athearn had notified his office that she would be approximately 1/2 hour late due to a previous commitment.

Councilmember Nash moved and Councilmember Potter seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

Town Administrator Fitch asked the Council if they were interested in considering a resolution opposing State Initiative #559 - Property Tax Rollback. The Council discussed the issue but did not reach a consensus.

Treasurer Picinich distributed a partial preliminary draft 1992 budget. She noted a decision on the planning options was necessary as it impacted a good portion of the budget.

The Council, Town Administrator Fitch, and Treasurer Picinich discussed procedures for changing the salary of newly elected Councilmembers.

At 5:15 PM, Councilmember Roberts joined the meeting.

The Council reviewed the Legislative and Judicial portions of the Current Expense Fund.

Treasurer Picinich noted that 1992 salary figures reflect a 7.1% cost of living allowance and a possible merit step increase. She also noted that she has budgeted for training for herself to be the designated back-up data processing person.

At 5:38 PM, Councilmember Athearn joined the meeting.

The Council continued with review of the Financial & Records, Legal, and Other General Government portions of the Current Expense Fund. The Treasurer and Town Clerk will rework the Other General Government Equipment line item.

At 6:40 PM, Council took up the issue of the planning options.



Councilmember Nash stated he would like to get the update to the Comprehensive Plan done and get by without a staff planner.

Councilmember Potter felt a staff planner may be cost effective considering upcoming GMA requirements.

Councilmember Roberts concurred with Councilmember Potter and noted that planning is becoming a large expenditure in other communities.

Councilmember Athearn and Mayor Pro tem Dickinson felt Option 1 was the appropriate course of action. They noted that obtaining the services of a planning consultant provides flexibility.

At Councilmember Potter's inquiry, Administrator Fitch reported that San Juan County Planning Director Dick Grout's initial response to providing planning services on a contract basis for the Town was uncertain. "Mr. Grout felt he would simply have to add an additional planner to his staff to handle the workload."

Councilmember Roberts suggested that the County may wish to consider providing planning services as a future use for excess GMA staff planners.

Councilmember Athearn asked if any County planner would be available to draft the Comprehensive Plan Update.

The Council asked Administrator Fitch to get a proposal from Mr. Grout for providing planning services. Councilmember Nash noted that this option may eventually fit into Option 1.

@NB

At 6:54 PM, Councilmember Potter moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - October 17, 1991 @ 7:30 PM**

The Town Council met in regular session at the Town Fire Hall upstairs meeting room.

Members present: Athearn, Dickinson, Potter, & Roberts

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

Councilmember Potter moved and Councilmember Dickinson seconded to appoint Councilmember Athearn Mayor Pro tem. The motion passed unanimously.

The minutes of the October 3rd 12:30 & 7:30 PM and October 10th 5:00 PM meetings were approved as submitted.

At 7:39 PM, after reviewing the claims, Councilmember Dickinson moved and Councilmember Potter seconded to approve claims warrants #3925 through 3956 in the amount of \$46,915.62. The motion passed unanimously.

Mayor Pro tem Athearn introduced draft ordinance #844, an ordinance repealing Ordinance #759 in its entirety, concerning limitations on new water services. Ordinance #759 grants water to the San Juan County Fair Main Building for a fire sprinkler system.

Ron Loewen, San Juan County Public Works Director, asked that the Council defer action on draft ordinance #844. The County may be constructing a new, larger building at the Fairgrounds in the near future. Said building may require sprinklers for fire suppression. The County is currently developing a master plan for the site. Mr. Loewen would like the opportunity to present the site plan to the Council before they take action.

Bill LaPorte, San Juan County Commissioner, District 1, expressed hope that the Commissioners would approve a building for the site that does not require a sprinkler system. He hoped that action on the proposed ordinance would not preclude future discussions on water service to the Fairgrounds.

Councilmember Dickinson noted that Ordinance #759 is quite specific as to which building was intended. Draft ordinance #844 does not affect all the water service to the Fairgrounds.

Mayor Pro tem Athearn stated that draft ordinance #844 has had first reading. The Council will take action after the second reading at their November 7th evening meeting. The Council would like to review the above mentioned site plan.

At 7:51 PM, Mayor Pro tem Athearn opened the Public Hearing for the proposed Public Accommodation Zone (PAZ) and the Shoreline Public Accommodation (SPA) zone. She instructed the audience in the procedure that would be followed. Hearing no objection to her or any Councilmember's participation, she introduced Sandra Western-Butler, planning consultant for the Town.

Ms. Butler gave a brief summary of draft ordinance #836 (PAZ), and itemized changes suggested by the Planning Commission after their public hearing. After discussion, Ms. Butler summarized draft ordinance #842 (SPA), and again itemized changes suggested by the Planning Commission.

At 7:59 PM, Mayor Pro tem Athearn opened the public hearing for public input. Hearing no public comment, Mayor Pro tem Athearn asked for questions and comments from the staff.

Attorney Eaton asked for clarification of changes in the sight-obscuring buffer requirements and height limitations.

Ms. Butler noted that the changes were an attempt to be consistent with the format of similar ordinances and that the requirements also apply between the PAZ/SPA and a residential use on an adjacent property.

Variance and Conditional Use applicability and procedures were discussed. Requests for exceptions to the 27' height limit will be processed under Chapter 17.52, FHMC.

Yard setbacks were discussed. As the requirements are specified by other ordinances and codes, a portion of this subsection in both draft ordinances was deleted.

At 8:15 PM, Mayor Pro tem Athearn reminded the Council that they had a presentation scheduled for 8:00 PM.

It was noted that areas to receive the new zoning designations must first be referred to the Planning Commission and that a public hearing be held.

At 8:19 PM, hearing no further comment, Mayor Pro tem Athearn closed the public input portion of the hearing. She noted that the Council reserves the right to reopen the public input portion of the hearing at a later time or date. Mayor Pro tem Athearn opened the hearing for Council discussion.

At 8:22 PM, Councilmember Roberts moved and Councilmember Dickinson seconded to accept the recommendations of the Planning Commission and, by Ordinance #836, create the Public Accommodation Zone (PAZ) and, by Ordinance #842, create the Shoreline Public Accommodation zone (SPA). The motion passed unanimously.

Mayor Pro tem Athearn introduced Pat Mason of Municipal Research & Services Center (MRSC). Mr. Mason briefly explained the function and role of MRSC. Mr. Mason gave a comprehensive presentation on Optional Municipal Code Cities. He compared the powers of a Town and a noncharter Code City and noted that:

®IP1,1<sup>-</sup>

The Optional Municipal Code provides for broad statutory home rule authority in all matter of local concern, regardless of the size of the city.

The Optional Municipal Code provides that code cities have all the powers which any city or any class of city may have consistent with the constitution of the state and not specifically denied to code cities by law.

The Optional Municipal Code requires a liberal construction of the powers granted to code cities.

Any action may be taken by a code city at a special meeting if proper notification is given.

The City Council may hold a special meeting outside the corporate limits of the city.

There is specific statutory authority for a City Council to include an emergency clause in most types of ordinances where required for the protection of public health, public safety, public property, or the public peace.

A code city has specific statutory authority to appoint a councilmember pro tem in the event of the extended excused absence or disability of a councilmember.

A code city may establish a planning agency, which may be a planning department, a person, staff, or body, rather than a Planning Commission. The city may provide for an alternate Planning Commission member in the event of conflict.

A code city may hold just one public hearing in order to adopt or amend a comprehensive plan or zoning code.

A code city has the authority to adopt the powers of initiative and referendum.

®IP<sup>-</sup>

The Council thanked Mr. Mason for his presentation.

At 9:18 PM, Mayor Pro tem Athearn opened the Public Hearing to consider revision to the Foxhall residential long plat previously granted preliminary approval. She instructed the audience in the procedure that would be followed. Hearing no objection to her or any Councilmember's participation, she asked for comments from Attorney Eaton.

Mr. Eaton noted that this public hearing is just to consider revisions to the preliminary plat, not to consider a Conditional Use Permit application that has been additionally requested.

Sandra Western-Butler noted particulars of Mr. Galt's revision request and the conditions associated with the preliminary plat approval. She noted that the dedicated 4.8 acres of open space was to be exclusive of the storm water drainage area. At Mr. Eaton's request, Ms. Butler outlined the four parts of the revision requested by Mr. Don Galt to the 74 lot preliminary plat:

®IP0,3<sup>-</sup>®TS8,11<sup>-</sup>

1. The requested revision would result in 66 lots, a net decrease from Phase III of 8 lots.
2. That the requirement that development of lot #74 for recreational purposes be owned and operated by a public agency be removed.
3. That the requirement that 4.8 acres of open space be dedicated for the exclusive use of the plat be removed.

4. That lot #74 be included in Phase I.

®IP

Ms. Butler reiterated that the above 4 issues are the topic of this public hearing.

At 9:33 PM, Don Galt, 3460 Beaverton Valley Road, developer of Foxhall, asked that provision be made to not do the above requested revision to the preliminary plat if his Conditional Use Permit is not approved.

Ms. Butler stated that any plat revisions that are approved cannot be rescinded without a subsequent plat revision process. She suggested that the revision request be modified to ask that the 8 lots and lot #74 be moved to Phase I.

Utility construction provisions and timing were discussed. Ms. Butler noted that Mr. Galt does not have to develop all lots in Phase I if he does not want to.

At 9:45 PM, Mayor Pro tem Athearn opened the public hearing for public input.

Mr. Dick Robinson, 365 Carter Avenue, inquired about the requirement for a Supplemental EIS (SEIS).

Ms. Butler noted that there is no proposal before the Council, at this time, which would result in substantial environmental impacts.

Mr. Robinson expressed concern about potential traffic impacts.

Bob Vynne, 525 Carter Avenue, inquired about access provisions to lot #74.

Joyce Reauis, 520 Carter Avenue, expressed concern about access.

Lee Sturdivant, 745A Larsen Street, asked about traffic and would the requirement for public ownership of open space be reinstated.

Ms. Butler pointed out the access provisions from Beaverton Valley to the area being considered for revision. She also cautioned that careful consideration should be given to removing the current recreational facility public ownership requirement and the 4.8 acres of open space to serve the plat.

Attorney Eaton noted that lots #73 & 74 are preliminarily approved as "big" SFR lots.

Councilmember Roberts and Attorney Eaton discussed particular revision items.

At 10:08 PM, the Council took a short recess at the request of Mr. Eaton to allow staff time to confer.

At 10:17 PM, the Council returned from the recess.

Staff recommended that both processes, revision of the plat and the Conditional Use Permit application, be remanded to the Planning Commission so that the Council can consider one package. The Council will need to direct the staff to require an SEIS.

Town Administrator Fitch noted that the Conditional Use Permit application is for a proposed quasi-public facility and that the applicant has asked that the Town pay for the application fees from the Parks budget.

Ms. Butler suggested, and Attorney Eaton concurred, that the Town could consider reimbursing the application fees to the applicant after a decision on the Conditional Use Permit application.

At 10:25 PM, hearing no further comment, Mayor Pro tem Athearn closed the public input portion of the hearing. She noted that the Council reserves the right to reopen the public input portion of the hearing at a later time or date. Mayor Pro tem Athearn then opened the hearing for Council discussion.

Councilmember Roberts moved and Councilmember Potter seconded to accept the staff recommendation to remand the issue to the Planning Commission, to require an SEIS, and to direct that the proposed revisions to the Foxhall preliminary long plat be reviewed simultaneously with the Conditional Use Permit application. The motion passed unanimously.

The Council reviewed draft chapter 3.3 of the 1990 Solid Waste Plan concerning the Town incinerator. The above chapter was drafted by Envirometrics, Inc. It was stated that said chapter would be the Town response to the DOE request regarding disposition of the Town incinerator.

Town Administrator Fitch summarized improvements to the incinerator and the status of the incinerator and the solid waste plan. He noted that Vern Howard, operator of King's Market and Mark & Pak, has expressed interest in purchasing a cardboard baler and turning its siting and operation over to the Town.

Administrator Fitch remarked that this morning the Town had exported approximately 1,100 tires to the mainland at a cost of \$2.00 per tire. He noted an increase of after hours dumping at the gate to the Solid Waste Facility.

At Councilmember Potter's inquiry, Administrator Fitch commented that a new awareness has developed at DOE concerning the Town's solid waste situation. DOE had initially stipulated a 2 year time frame.

The Council and staff discussed particulars of the draft chapter, future solid waste disposal options, and San Juan County solid waste planning. The Council made a minor modification to the draft.

At 10:54 PM, Mayor Pro tem Athearn moved and Councilmember Dickinson seconded that draft chapter 3.3, as revised, be submitted as the Town response to DOE and be included in the 1990 Solid Waste Plan.

Councilmember Roberts recommended that rather than saying the Town is still considering incineration, other options should be explored.

After discussion, the motion passed with Mayor Pro tem Athearn, Councilmember Potter, and Councilmember Dickinson voting in favor and Councilmember Roberts voting against.

®NB

At 11:04 PM Councilmember Dickinson moved and Councilmember Roberts seconded to adjourn and continue the meeting for a 2 hour budget work session to Wednesday October 23rd at 4:30 PM. The motion passed unanimously.

Ruth C. Athearn, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - October 23, 1991 @ 4:30 PM**

The Town Council met for a budget work session.

Members present: Athearn, Dickinson, Potter, & Roberts

Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Athearn moved and Councilmember Dickinson seconded to appoint Councilmember Potter Mayor Pro tem. The motion passed unanimously.

Town Clerk Dubail read a petition to San Juan County and the Town of Friday Harbor from Waldron Island residents asking that San Juan County be declared a "styrofoam free zone". The Council discussed the issue and directed that the original petition be forwarded to the Board of County Commissioners.

At 4:43 PM, the Council began work on the draft 1992 Town budget.

Treasurer Picinich introduced, and the Council discussed, a draft Gambling Tax ordinance. The Council requested that the draft ordinance be directed to the Town Attorney for review.

The Council and staff reviewed and discussed a request from San Juan County Health Department for a 1992 "contribution" from the Town for health services of \$38,159. The amount calculated by the formula used previously is \$28,974.51 based on County preliminary budget figures. The Council directed staff to prepare a response specifying the formula amount and not to exceed the 1992 approved Town budget amount.

The Council and staff discussed a possible Business & Occupation Tax. Treasurer Picinich noted that the draft ordinance was based on a City of Ocean Shores ordinance.

At 5:12 PM, Councilmember Roberts joined the meeting.

Treasurer Picinich recommended that revenues from any B & O tax be used for the Street Fund.

Councilmember Roberts noted that the costs of a B & O tax would be distributed over all island residents and visitors, whereas a street utility would only impact Town residents and businesses.

Treasurer Picinich recommended that whether or not a fee is implemented, a street utility enterprise should be established. Council reviewed a publication, "Have You Paid Your Street Bill Yet?" published by Municipal Research and Services Center.

The Council and staff discussed collecting the Town's portion of the Hotel/Motel Tax revenues. If such were collected the enabling legislation should clearly state the specific intended use of such monies.

At 5:50 PM, Council reviewed the preliminary 1992 Street budget.

Treasurer Picinich noted that the Town's AWC insurance pool payment has decreased by \$15,987.89 for 1991/92.

Town Administrator Fitch noted that the Town is experiencing frequent breaks in various main water lines due to increased DOE mandated backwashing.

The Council discussed using the "Rainy Day" fund for completion of the updated Comprehensive Plan.

®NB

At 6:37 PM, Councilmember Dickinson moved and Councilmember Roberts seconded to adjourn. The motion passed unanimously.

Bonnie C. Potter, Mayor Pro tem

Steven Dubail, Town Clerk

**Town Council - November 7, 1991 @ 12:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, & Potter

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

Councilmember Potter moved and Councilmember Athearn seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

At Councilmember Athearn's request, the Council reviewed Ordinance #825, an ordinance establishing reduced base rates for water, sewer, and refuse services to low income senior and disabled citizens. The intent of the provisions specifying ineligibility of out of town residents and those residing in federally subsidized housing was discussed. No action was taken.

At 12:54 PM, after reviewing the claims, Councilmember Potter moved and Councilmember Athearn seconded to approve payroll warrants #2211 through 2246 in the amount of \$66,390.89 and claims warrants #3958 through 4046 in the amount of \$95,382.48. The motion passed unanimously.

Maintenance Supervisor Reitan reported on the results of bids for removal of storm damaged trees at the Town watershed. He recommended that a contract be drafted by the Town Attorney and that the bid from Mike Carlson Logging be accepted. Mr. Reitan estimated approximately \$40,000 in revenue to the Town from the timber sale.

Maintenance Supervisor Reitan reported that Trout Lake is currently 6 feet below the spillway and that we are approaching the reservoir recovery period.

Maintenance Supervisor Reitan noted that the Water department will be attempting a trial run of AUG II. Also, the altitude valve at the water tank is being repaired.

Maintenance Supervisor Reitan and Councilmember Athearn remarked on the quality of work and dedication of Kenny McCutcheon - acting leadman of the Street Department.

Maintenance Supervisor Reitan stated that fencing projects on the Egeland property, Evergreen Park, and other areas will begin soon. The Caines Street project will extend into next spring. Mr. Reitan mentioned that although the sidewalk will extend to Spring Street, OPALCO does not intend to move the trans closures in the way in the near future.

The Council directed staff to prepare a resolution to accept the bid from Mike Carlson logging.

®NB

At 1:18 PM, Councilmember Athearn moved and Mayor Pro tem Dickinson seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - November 7, 1991 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Potter, & Roberts

Others present: Town Administrator Fitch & Attorney Eaton

Councilmember Athearn moved and Councilmember Roberts seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

The minutes of the October 17, 1991 7:30 PM and the October 23, 1991 4:30 PM meetings were approved as submitted.

Permit Coordinator Warren Jones gave a status report on the Leslie Street Vacation action. He reported that the Carter and Hagen families are the only adjacent property owners interested in proceeding with the replat to fulfill a condition of the vacation Resolution. Mr. Jones asked for direction from Council as to whether they would consider a revision to the vacation request. Mr. Jones noted that the requested revision would result in the elimination of 3 "buildable" lots.

Town Administrator Fitch noted that the proposed revision would not affect the possible development in the area mentioned at a previous meeting by Mr. Nate Howard.

The Council directed Mr. Jones to inform KS&M to proceed with a replat for a revised vacation.

Mr. John Evans, San Juan County Fair Board president, presented the proposed Fairground Site Plan.

Mayor Pro tem Dickinson inquired about provisions for off-street parking for major events at the site.

Mr. Evans noted that the site plan provides a great deal of flexibility and is comprised of a large quantity of "urban open space". He felt there would be no net change in the amount of water used at the site. A new main building may require a fire sprinkler system. Mr. Evans asked that the Town not repeal Ordinance #844. **The Fair Board would like to connect all applicable facilities on the site to the Town sewer main.** They would like the Senior Center and Skagit Valley College as year-round tenants.

At Councilmember Potter's inquiry, Mr. Evans stated that the Fair Board is working on phased development of the site. They hope to have the main building replaced in time for the 1992 fair.

Mr. Evans remarked that the site plan has been "conceptually" approved by the Board of County Commissioners. The Fair Board is awaiting final approval.

Councilmember Roberts commented on irrigation requirements for the proposed landscaping.

Mr. Evans stated that the design provides for the use of drought tolerant plants, drip irrigation, and a roof catchment/retention system.

It was noted that a sizable portion of the storm water runoff from the site now goes into Town.

**Mr. Evans reiterated that the facility benefits the community and that water for fire sprinklers and 2 or 3 additional fire hydrants is in the public interest. Also, the Fair Board felt it would be in the community interest to connect the site to the Town sewer system.**

At Councilmember Potter's inquiry, Mr. Evans stated that a sprinkler system was never installed in the previous main building.

The Council thanked Mr. Evans for his presentation.

At 8:09 PM, Mayor Pro tem Dickinson presented draft ordinance #844, an ordinance repealing Ordinance #759 in its entirety, concerning limitations on new out of town water service, for second reading.



The Council discussed whether the provisions of Ordinance #759 would apply to any new main fair building.

Town Administrator Fitch informed the Council that County Commissioner LaPorte had contacted him to reaffirm his previous statement that any new main fair building would be designed to not require fire sprinklers.

At 8:14 PM, after discussion, Councilmember Athearn moved and Councilmember Roberts seconded to adopt Ordinance #844. The motion passed unanimously.

Chief Glen Potter, Fire District #3, representing the County Fire Chiefs Association as president, gave a presentation recommending a county-wide ban on fireworks except for public displays. He noted that the Chiefs Association had voted unanimously to support the proposed ban.

The Council and Chief Potter discussed options and implications of the proposed ban.

Chief Peter Risser commented that DNR has stated that they consider San Juan County to be as high a fire risk as the Spokane area.

The Council thanked Chief Potter for his presentation.

At 8:25 PM, Mayor Pro tem Dickinson introduced draft ordinance #846, an ordinance amending Ordinance #574 and Chapter 10.04 FHMC concerning time limit parking, for first reading.

Administrator Fitch explained that he is still waiting for a response from the Port of Friday Harbor concerning the provisions of draft ordinance #839. He noted that the proposed ordinance would establish limited 2 hour parking on Argyle Avenue from Spring Street to Caines Street and also would allow timely access to the DOT overflow parking lot on "A" Street.

The Council discussed parking provisions at the Port. They also discussed possible options for public use of the DOT overflow lot.

At 8:39 PM, Mayor Pro tem Dickinson introduced draft resolution #815, a resolution authorizing the Mayor to execute a Bordertown law enforcement intergovernmental agreement with the State of Washington.

After discussion, Councilmember Potter moved and Councilmember Athearn seconded to adopt Resolution #815. The motion passed unanimously.

At 8:43 PM, Council continued, from 9/5/91, discussion of draft ordinance #840, an ordinance creating new requirement for off-street parking regulations and introducing a fee-in-lieu-of-parking element.

Administrator Fitch requested that the Council defer discussion of the "fee-in-lieu-of" portion of the draft ordinance until a promised response from the Chamber of Commerce is forthcoming.

The Council and Permit Coordinator Jones discussed basing the number of required parking spaces on a square foot of building size ratio. The distance of parking spaces/lot from associated business/dwelling units was also discussed.

Mr. Jones noted that the staff and community need guidelines from the Council regarding development of parking regulations.

The consensus of the Council was that a "square footage" requirement was the appropriate determination method.

The Council and staff discussed the proposed "change of use" provision. Attorney Eaton noted that many communities track and have a permit process for use. Staff is to sort use designations in the proposed ordinance for Council review.

At 9:16 PM, Mayor Pro tem Dickinson introduced draft ordinance #845, an ordinance amending Ordinance #460 and Chapter 6.04 FHMC, relating to the regulation and licensing of dogs.

Councilmember Athearn noted that if the ordinance is adopted as written the Town and the County license fees would be different.

The Council directed staff to revise the draft ordinance to keep the rate the same and increase the reimbursement to the Animal Protection Society (APS).

The Council requested that payments to the APS be made quarterly.

At 9:30 PM, Administrator Fitch gave his Administrator's report:

Mr. Vern Howard has modified his previous proposal concerning providing a cardboard baler to be sited at the solid waste facility. He will provide and maintain the baler and the Town will site and operate it. Mr. Howard will receive the proceeds from the sale of baled cardboard. He will be responsible for the transportation, including cost, of the baled cardboard from the site. The above proposal will save the Town the approximate \$15,000 capital expense of buying a baler.

Administrator Fitch asked the Council to review the 10/15/91 response from Mort Thomas, KCM, addressing Council concerns regarding the preliminary Reservoir Siting Study.

Attorney Eaton noted that although the agenda states the scheduled executive session is regarding "pending litigation" the issue to be discussed is "potential litigation".

At 9:35 PM, Councilmember Potter moved and Councilmember Roberts seconded to go into executive session to discuss potential litigation. The motion passed unanimously.

At 10:19 PM, Councilmember Potter moved and Councilmember Athearn seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

@NB

At 10:21 PM, Councilmember Potter moved and Councilmember Roberts seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - November 21, 1991 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Nash, & Roberts

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

Councilmember Dickinson made and Councilmember Nash seconded a motion appointing Councilmember Athearn to serve as Mayor Pro Tem. The motion was unanimously approved.

Fire Chief Galer reported on his department's activities. The Firefighters Association's Halloween haunted house was a success and the proceeds will fund a scholarship for a 1992 Friday Harbor High School graduate.

Planning Consultant Sandra Western-Butler explained the changes made to draft ordinance #837, an ordinance creating a binding site plan process. She further explained how the ordinance provides an alternative to the regular short and long plat procedures.

Ms. Butler will make the changes discussed to the ordinance and present it for passage before the end of the year.

Councilmember Nash reported on and showed a video of his trip to visit a fish hatchery in Boise, Idaho. Accompanying him on his trip were Skip Allen of Friday Harbor and Washington State Department of Fisheries personnel.

Administrator Fitch presented draft resolution #583, a resolution authorizing the Mayor to execute a 1991 Mutual Aid Agreement between the Town of Friday Harbor and San Juan County Fire Protection District #3.

Councilmember Roberts made and Councilmember Dickinson seconded a motion approving Resolution #783. The motion was unanimously approved.

Administrator Fitch presented for second reading draft ordinance #846, an ordinance establishing limited 2 hour parking on Spring Street from Argyle Avenue to Caines Street and no parking on a portion of "A" Street.

Councilmember Dickinson made and Councilmember Roberts seconded a motion to adopt Ordinance #846. The motion was unanimously approved.

Administrator Fitch presented for second reading Ordinance #845, an ordinance increasing the Town's contribution to the Animal Protection Society for dog licensing services.

Councilmember Roberts made and Councilmember Nash seconded a motion to adopt Ordinance #845. The motion was unanimously approved.

Treasurer Picinich presented draft ordinance #847, an ordinance fixing and levying Ad Valorem Taxes for 1992.

Councilmember Nash made and Councilmember Dickinson seconded a motion to adopt Ordinance #847. The motion was unanimously approved.

During the Administrator's Report, Administrator Fitch distributed a schedule for Growth Management planning sessions with San Juan County.

He also distributed copies of the KCM reservoir (water tank) siting plan. The project is ready to go to bid and the siting plan needs to be accepted.

The Town has received a letter from the Washington Sea Grant Program asking if the Town is interested in joining with the Port of Friday Harbor in a waterfront planning program grant package.

Administrator Fitch explained the 1-800-DIG # program. The Town will contract with a private firm to provide a centralized calling information center for anyone digging near any type of utility line.

Administrator Fitch showed the Council the proposed new Town Logo. The Council agreed that the Town logo needed changing.

Councilmember Dickinson made and Councilmember Nash seconded a motion to approve claims warrants #4048 through 4103 in the amount of \$57,179.30. The motion was unanimously approved.

The Council discussed the 1992 preliminary budget and discussed possible changes in the Town Refuse rates. The Council gave the Administrator direction on the refuse rate increase.

At 11:08 PM, Councilmember Dickinson made and Councilmember Roberts seconded the motion to adjourn from regular session to executive session to discuss pending litigation. No action will be taken. The motion was unanimously approved.

At 11:25 PM, Councilmember Dickinson made and Councilmember Nash seconded the motion to adjourn from executive session to regular session. The motion was unanimously approved.

At 11:26 PM, Councilmember Dickinson made and Councilmember Roberts seconded the motion to adjourn the meeting until Tuesday, November 26, 1991 at 4:00 PM to continue discussion of the 1992 Budget. The motion passed unanimously.

Ruth C. Athearn, Mayor Pro tem

Wendy Picinich, Clerk pro tem

#### **Town Council - November 26, 1991 @ 4:00 PM**

The Town Council met for a budget work session.

Members present: Athearn, Dickinson, Nash, & Potter

Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Nash moved and Councilmember Athearn seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

Town Clerk Dubail presented the Council with a petition with 20 signatures received 11/12/91 requesting that the reduced utility rate for low income senior and disabled citizens ordinance be amended to include otherwise eligible citizens outside the Town limits.

The Council and staff discussed the petition and the reason that otherwise qualified applicants are ineligible. The ineligibility of residents of MFR housing was discussed.

The Council directed staff to prepare a revised ordinance to make out of town residents eligible for the program. Accounts must be individually metered to be eligible.

At 4:16 PM, the Council began review of revisions to the draft 1992 Town budget. Council discussed the projected sales tax revenue. The Council asked that a contract/professional services arrangement be investigated for Energy Code enforcement.

In regard to funding requests from San Juan County, Town Administrator Fitch noted that the budgeted expenditures are less than the requested amounts.

Town Clerk Dubail responded to Council inquiries concerning the proposed local area network (LAN) for Town hall.

At Councilmember Athearn's inquiry, Administrator Fitch replied that the proposed new tax ordinance drafts would be distributed in the upcoming Council packets. It was reiterated that proceeds from the proposed B&O tax would be earmarked for Streets.

Treasurer Picinich distributed a draft of the proposed Street Utility ordinance (#849) and a summary spreadsheet of monthly tax revenues.

At 5:00 PM, the Council began review of the projected wastewater rate allocation for 1992. The Council reviewed rate summary worksheets prepared by staff. Various base/use charge ratios were discussed.

The Council and staff discussed a modification of the refuse base fee and receptacle charge. Mayor Pro tem Dickinson complimented the personnel and operation of the solid waste facility.

Town Administrator Fitch noted that no change is projected in water rates. He commented that the tax rate on unimproved property in Town is very low.

Administrator Fitch noted that there has been no response from the San Juan County Planning Department regarding their submitting a proposal to provide planning services for the Town.

Administrator Fitch asked the Council to schedule a meeting for a public hearing to amend the 1991 budget. The Council scheduled the meeting for 12/12/91 at 4:00 PM.

Councilmember Athearn asked that the Council give thought to further discussion of becoming a Code city. Also, she suggested scheduling "Council work session" meetings on alternate Thursdays.

@NB

At 5:35 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem

Steven Dubail, Town Clerk

### **Town Council - December 5, 1991 @ 12:30 PM**

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

Members present: Athearn, Dickinson, Nash, & Potter

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

Town Administrator Fitch distributed to Council a letter received 12/4/91 from Dick Grout, San Juan County Planning Director, regarding the County position on the Lohrey (Kwan Lamah) Shoreline permit application.

The Council reviewed the claims.

Maintenance Supervisor Reitan presented his report. He spoke of unanticipated projects completed in 1991 and the need for flexible scheduling of projects in conjunction with other utility providers. He noted his reduced work force in 1991 due to injury and illness. Mr. Reitan stated he would send written reports on project status to the Town Administrator in the future.

Mayor Cahail requested that Mr. Reitan be sure that Town identifying markings are completely removed from Town equipment declared surplus.

At 12:45 PM, Attorney Eaton joined the meeting.

Mr. Reitan noted that work is progressing with the Town Attorney in developing the contract for logging of the Town watershed.

At 12:48 PM, Mayor Cahail opened the Public Hearing to review the proposed 1992 Town budget.

Mayor Cahail noted that the Town will be receiving a letter from the San Juan County Board of County Commissioners asking that the Town not take its share of the Hotel/Motel Tax for 1992.

Council reviewed the revised 1992 budget pages distributed by Treasurer Picinich.

Administrator Fitch noted that water rates will remain the same for 1992. The sewer base charge will be \$30.00 per month for all customer classes. The 12,000 gallon threshold will be removed from SFR & MFR residences served by individual meters. The sewer use charge was reduced from \$7.70 per 1,000 gallons over the threshold to \$7.40 per 1,000 gallons over the threshold.

At 1:03 PM, Attorney Eaton spoke to the authority of the Town to license businesses for regulatory and revenue purposes. He noted the Town's proposed ordinance is similar to other B&O tax ordinances statewide.

Treasurer Picinich noted the Town's proposed B&O tax incorporates the same exemptions and deductions as the state B&O tax. She spoke of difficulties in estimating revenues due to state reporting by zip code designation. Treasurer Picinich estimated that 70% of the 1990 \$96,567,916 gross revenues after deductions reported to the state by San Juan Island businesses is generated within the Town.

Town Administrator Fitch noted revised refuse revenue projections.

At 1:17 PM, Councilmember Potter left the meeting due to a previous commitment.

The Council and staff discussed the proposed Gambling tax. Three businesses in Town will initially be effected.

Attorney Eaton noted that the rationale for a gambling tax is that places that provide for gambling usually need more police enforcement and that the proposed ordinance intends to direct any derived revenue to same.

Town Administrator Fitch asked the Council if they wished a projection on a reduced cost of living allowance (COLA) to Town employees.

Councilmember Athearn voiced the opinion that the Town employees are trying to support families and build a future.

Employee benefits were discussed.

Treasurer Picinich noted that in regard to taxes, the Town has been very good to its citizens, but mandated obligations are straining Town resources.

At 1:38 PM, the consensus of the Council was to leave the cost of living allowance at 7.1% for 1992.

The budget Public Hearing was continued to the 12/19/91 regularly scheduled meeting.

At 1:43 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to approve claims warrants #4105 through 4157 in the amount of \$55,508.04 and payroll warrants #2250 through 2286 in the amount of \$61,962.13. The motion passed unanimously.

ⓂNB

At 1:44 PM, Councilmember Nash moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - December 5, 1991 @ 7:30 PM**

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

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

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

The minutes of the 11/7/91 12:30 PM & 7:30 PM meetings and the 11/21/91 7:30 PM meeting were approved as amended.

Mr. Keith Guard, owner of Herb's Tavern, was allowed to comment on the proposed gambling tax. Mr. Guard stated that due to a schedule conflict he would not be available to speak later in the evening.

At 7:38 PM, Mayor Cahail opened the Public Hearing for the Jim Smith property/San Juan Island Library property rezone at 1012/1010 Guard Street to commercial use application and explained the procedure to be followed.

Councilmember Dickinson noted she has been an employee of Mr. Smith's for several years. There was no appearance of fairness challenge from the floor.

Councilmember Athearn noted she is on the board of directors of the library and stepped down and left the room to avoid a conflict of interest.

Warren Jones, Town Permit Coordinator, presented the staff report. He noted that the 11/14/91 recommendation from the Planning Commission and the staff recommendation was to approve the application.

Mr. James W. Smith, proponent, thanked the Planning Commission and staff for their efforts and their recommendations.

There were no comments from the audience.

It was noted that the San Juan Island Library District had been contacted and they expressed no opposition to the proposed action.

At 7:48 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing and noted that the Council reserves the right to reopen the hearing for input at a later time or date.

The Council discussed various aspects of the issue, noting the current zoning had not changed from the original zoning.

At 7:52 PM, Councilmember Roberts moved and Councilmember Dickinson seconded to accept the Planning Commission's Facts & Findings and to approve the rezone of the James W. Smith property at 1012 Guard street and the San Juan Island Library property at 1010 Guard Street to commercial use. The motion passed unanimously.

At 8:00 PM, after a short recess, the meeting reconvened and Mayor Cahail opened the Public Hearing to consider an application for a Shoreline Substantial Development Permit by Arthur and Allison Lohrey to restore and renovate the original Kwan Lamah Inn and associated guest cottages. To construct a new sanitary sewer system, improve and add to underground water and power systems, to construct parking, screening, and landscaping areas. To operate a resort with associated resort activities.

Attorney Eaton explained, as he has on previous occasions, that the Lohreys are clients of his private practice, excused himself from the proceedings and left the room.

Town Administrator Fitch mentioned that the Councilmembers have received a letter and an individual phone call from Dick Grout, San Juan County Planning Director, concerning the County's position on the above mentioned application.

Mayor Cahail explained the procedure to be followed.

Sandra Western-Butler, planning consultant for the Town, presented the staff report.

Ms. Butler summarized the staff findings and recommendations. She explained the state regulations for review of a shoreline permit application when jurisdiction over a property has changed but the new jurisdiction's Shoreline Master Program has not yet been amended to reflect the change.

Art Lohrey, proponent, indicated his willingness to address any inquiries from the Council.

At 8:15 PM, Mayor Cahail opened the hearing for public comment. Hearing none, at Mayor Cahail's request, Town Administrator Fitch noted that all parties have received a copy of Mr. Grout's letter of 12/4/91 and summarized various points raised in the letter. He noted a verbal comment he had received at Town Hall concerning the proposed dock and the resolution of same.

The Council addressed various inquiries to staff and the applicants.

At Councilmember Potter's inquiry, Mr. Lohrey stated that cabins B3 and B5 were continuously inhabited as rentals at the time he purchased the property.

Ms. Butler noted that the above cabins were emptied, not to discontinue the use, but for renovation.

It was noted that the cabins in question are within 500' of the previous Town boundary. The zoning in that area is commercial (COM). Mr. Lohrey stated, that at the time of acquisition, cabins B3, B5, B6, B9, and B11 were occupied, B14 had recently been vacated. He remarked that the previous owner had listed and was paying taxes on the entire property as an income producing property. It was his intention, at the time of purchase, to do the same.

At 8:43 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing and noted that the Council reserves the right to reopen the hearing for input at a later time or date.

Councilmember Roberts noted that, in one form or another, the property has been in continuous use. He also spoke of the historical value of the property.



Ms. Butler stated that, as the cabins were in continuous use at the time acquisition, state law makes provision for them to remain in their present location. Time of renovation does not constitute an abandonment of use.

The Council and staff further discussed the previous and intended use. Councilmember Roberts commented that properties such as Kwan Lamah contribute to the character of the community.

At 9:04 PM, Councilmember Dickinson moved to accept the report and recommendations of the Planning Commission and to approve Shoreline Permit #52. Councilmember Roberts seconded the motion. The motion passed unanimously.

A letter summarizing the above deliberations will be sent to the San Juan County Planning Department.

The Council expressed their appreciation to the Planning Commission for their outstanding efforts on this and other projects.

At 9:03 PM, Mayor Cahail introduced draft ordinance #848, an ordinance setting the 1992 Refuse rates for collection and disposal for first reading. Town Administrator Fitch explained the intent of the ordinance.

At 9:07 PM, Mayor Cahail introduced draft ordinance #849, an ordinance creating a Street Utility within the Town of Friday Harbor for first reading. Administrator Fitch explained the intent of the ordinance.

At 9:10 PM, Mayor Cahail introduced draft ordinance #850, an ordinance creating a tax upon certain gambling activities within the Town of Friday Harbor for first reading. Administrator Fitch explained the history and intent of the ordinance.

At 9:11 PM, Treasurer Picinich joined the meeting.

The Council discussed the proposed ordinance. Staff is to research particulars of pull tab/punch board operations.

At 9:16 PM, Mayor Cahail introduced draft ordinance #851, an ordinance creating a Business & Occupation Tax on businesses within the Town of Friday Harbor for first reading. Treasurer Picinich briefly explained the intent of the ordinance.

The Council and staff discussed grammatical revisions to the draft ordinance. Reporting in and out of town was discussed.

It was noted that time will be provided during the 12/19 meeting for public comment on all the draft ordinances.

At 9:29 PM, Mayor Cahail introduced draft ordinance #852, an ordinance levying a Hotel/Motel Tax for first reading. Administrator Fitch briefly explained the intent of the ordinance and noted that the Council has received a 12/2/91 letter from the Board of County Commissioners and a 12/5/91 letter from the San Juan Community Theater asking that the Town not collect the tax.

The Council and staff discussed the effect of collecting the tax in 1992. Councilmember Potter suggested making the effective date January 1, 1993.

Councilmember Athearn asked how much of the anticipated revenues the County has designated to the Town proper. Councilmembers will individually discuss the matter with Commissioner LaPorte.

At 9:39 PM, Mayor Cahail introduced draft ordinance #853, an ordinance establishing 1992 salaries and wages for Town officials and employees for first reading. Administrator Fitch noted that there is no change from the current ordinance except for a 7.1% cost of living allowance based on the Seattle mid-year CPI-U and a change in the

method of recompense for CEU's earned. He noted discussions to be held with the crew regarding multi-year certification programs. It was noted that the compensation for the Town Attorney has increased to \$105.00 per hour.

At 9:45 PM, Mayor Cahail introduced draft ordinance #854, an ordinance establishing an additional Real Estate Excise Tax for first reading. Administrator Fitch briefly explained the intent of the proposed ordinance.

ⓂNB

At 9:48 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn and continue the meeting to 12/12/91 at 4:00 PM. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - December 12, 1991 @ 4:00 PM**

The Town Council met in a session continued from 12/5/91, Mayor Cahail presiding.

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

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Cahail opened the first public hearing to amend the 1991 Town budget.

Treasurer Picinich distributed revised budget amendments to the Council. She briefly summarized the proposed amendments.

The Council inquired about certain items and discussed the proposed amendments.

At 4:12 PM, hearing no further comment, Mayor Cahail closed the public hearing. The Council will hold a second public hearing to amend the 1991 Town budget at their regularly scheduled 12/19/91 meeting.

Mayor Cahail introduced for first reading, draft ordinance #855, an ordinance amending Ordinance #825, concerning reduced base rates for water, sewer, and refuse services to low income senior citizens and low income disabled citizens.

Town Clerk Dubail explained the pertinent differences from Ordinance #825. He noted that the draft ordinance clarified certain definitions and eligibility requirements.

The Council discussed and expressed support for the proposed ordinance.

Town Administrator Fitch mentioned that each Councilmember had received a letter from Mr. Forbes Powell, Luxell Corporation, regarding the proposed B&O license tax ordinance.

The Council and staff discussed scheduling appropriate time for public comment on the proposed tax ordinances at the 12/19/91 meeting.

The Council and staff discussed the intent and perceived need for the proposed gambling tax.

Councilmembers Potter and Athearn indicated that a large majority of municipalities in Washington State have enacted a gambling tax.

Councilmember Athearn suggested affixing an "approved as to form" signature block for the Town Attorney on appropriate proposed ordinances.

The Council and staff continued discussion of providing for public input at the 12/19/91 meeting.

The Council and staff briefly discussed the proposed utility tax.

Councilmember Roberts suggested formally requesting money from the County.

®NB

At 5:01 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - December 19, 1991 @ 7:30 PM**

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

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

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

The minutes of the 11/26/91 4:00 PM, and 12/5/91 12:30 PM & 7:30 PM meetings were approved as presented.

Attorney Eaton requested that the Council hold an executive session at the end of the regular meeting to discuss pending litigation.

Mayor Cahail opened the second Public Hearing to amend the 1991 Town budget.

Treasurer Picinich noted and provided a correction for a typographic error in the amendment worksheets.

At 7:35 PM, after discussion, Councilmember Nash moved and Councilmember Potter seconded to adopt the amended 1991 budget and Ordinance #858, an ordinance amending the 1991 budget for the Town of Friday Harbor. The motion passed unanimously.

At 7:38 PM, Mayor Cahail informed the audience that draft ordinance #850, creating a tax upon certain gambling activities within the Town of Friday Harbor, draft ordinance #851, creating a Business & Occupation Tax on businesses within the Town of Friday Harbor, draft ordinance #852, levying Hotel/Motel Tax, and draft ordinance #854, establishing an additional Real Estate Excise Tax, were presented for second reading and public comment.

Bill LaPorte, Board of County Commissioners, supported the proposed ordinances and asked that the Town not collect the Hotel/Motel Tax until 1/1/93 as the County had already budgeted for the distribution of the funds for 1992.

Keith Guard, proprietor of Herb's Tavern, asked that the Council give serious consideration before voting on draft ordinance #850 (the Gambling Tax).

Mariam Webber, King Typesetting, asked that the County be allowed to collect Friday Harbor's portion of the Hotel/Motel Tax in 1992. She was opposed to the proposed B&O Tax and also suggested that the Council "trim" the budget rather than raise taxes.

Mark Kendziorek, Chamber of Commerce President, asked that the County be allowed to collect Friday Harbor's portion of the Hotel/Motel Tax in 1992. He also felt that there were more equitable means than a B & O Tax for raising revenue. He suggested a new tax on the wholesale sale of petroleum products. He stated that the Chamber of Commerce is not opposed to a B & O Tax in principal, but that they are opposed to the use of the revenue for street maintenance.

Dave Moorhouse, Petro San Juan, asked that lube oils be exempted from the previously proposed tax and that said tax have a stated specific purpose and a sunset clause.

Bob Neiman, Island Petroleum Service, voiced concerns about the B & O Tax. He recommended raising the sales tax. He is opposed to the B & O Tax ordinance as written and suggested the Town look for a different type of tax.

Bob Jarman, PTI Communications/Inter-Island Telephone, stated that the telephone company would ask the State rate commission for permission to pass on the B & O Tax to rate payers if the tax rate is 3.9%, a .001% rate would be absorbed. He also expressed concern about provisions for tax exempt customers. At Administrator Fitch's inquiry, Mr. Jarman estimated that the telephone company's portion of the tax, at 3.9%, would result in approximately \$17,000 annual revenue to the Town, at the .001% rate the annual revenue would be approximately \$800.

Town Administrator Fitch noted receipt of a communication from Lew Garlick, Carter Avenue, asking that the Carter Avenue reconstruction project be funded. Mr. Fitch also noted receipt of comments from Forbes Powell, Luxel Corporation, asking that an exemption be made in the proposed B & O Tax for wholesale businesses.

Councilmember Dickinson reported a conversation with Dick Kneipp, Islander's Bank, asking for clarification and categorization of in & out of Town banking transactions.

At Mayor Cahail's inquiry, the Council asked the staff to respond to various concerns regarding the proposed taxes raised by the public.

Administrator Fitch noted that property tax revenue within Friday Harbor is not sufficient to fund basic services. The Council, after much discussion, has determined that a street utility tax would directly impact only residents of the Town. The Council has looked for a source of revenue that would spread the burden over transients and county residents as well as Town residents.

Administrator Fitch specified that the dollar amount the proposed B & O Tax ordinance would tax is the same dollar amount, after all deductions and exemptions, that that business reports to the State.

Treasurer Picinich stated that the Town cannot levy a fuel tax, the County must levy any local option fuel tax or Bordertown fuel tax.

The staff responded to other specific concerns raised by the audience.

Councilmember Roberts remarked on a suggestion made at a previous Council meeting, that the Town formally request funds from the County for street maintenance, as all county residents on the island use Town streets.

Bill LaPorte, Board of County Commissioners, noted strict laws on using County funds for non-County roads. He suggested that perhaps a contract arrangement for certain maintenance functions, without charge, could be explored.

At Councilmember Nash's inquiry, it was noted that any additional sales tax levied must be for mass transit purposes.

At 8:18 PM, hearing no further comment from the public or the Council, Mayor Cahail asked the Council to consider draft ordinance #850 (the Gambling Tax).

Councilmember Nash commented on the intended use of revenues derived from the proposed tax.

Reference was made to a recent Washington State Supreme Court decision liberalizing the use of Gambling Tax revenue. The reference was from the MRSC "Budget Suggestions for 1992" handbook, page 6.

Councilmember Athearn moved and Councilmember Dickinson seconded to table draft ordinance #850 for further discussion after the first of the year.

At Councilmember Robert's inquiry, Administrator Fitch noted that staff would, if the proposed taxes are not passed, ask for another Council meeting to work on an amended proposed 1992 budget.

At 8:28 PM, after discussion the motion to table draft ordinance #850 passed unanimously.

Mayor Cahail asked the Council to consider draft ordinance #851, (the B & O Tax).

Attorney Eaton commented that the intent was that the Town tax rate would be applied against the "taxable amount" reportable to the state. He reiterated that the intent was to make reporting as clear and simple as possible.

At 8:35 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to table draft ordinance #851 for further discussion.

Councilmember Nash expressed support for some sort of retail sales tax.

After discussion, the motion to table draft ordinance #851 passed unanimously.

At 8:38 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Ordinance #852, an ordinance of the Town of Friday Harbor levying a special excise tax of two percent (2%) on the sale or charge made for the furnishing of lodging by hotel, rooming house, tourist court, motel, bed & breakfast establishment, or trailer camp; designating a special fund whereby the monies collected by imposing such tax shall be accumulated for the purposes permitted by chapter 67.28 RCW, and providing penalty for violation thereof, to be effective 1/1/93. The motion passed unanimously.

Mayor Cahail presented draft ordinance #854, an ordinance amending Chapter 3.20 of the Friday Harbor Municipal Code, imposing an additional real estate excise tax, for second reading.

The Council discussed the proposed ordinance.

Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Ordinance #854.

At 8:42 PM, after discussion, the motion passed unanimously.

Mayor Cahail noted receipt of a holiday package from the Town's sister city, Terschilling, the Netherlands.

At 8:45 PM, Mayor Cahail opened the Public Hearing for the Rob McGregor Variance Permit application to construct at 230 Harrison Street an accessory building (garage) in conjunction with a single family residence that violates the minimum front yard setback distance and explained the procedure to be followed.

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

Mr. Jones explained details of the application and stated that a public hearing on the request had been held before the Planning Commission. He noted encroachment on the public right-of-way by structures in the vicinity. Mr. Jones stated that the staff recommendation was for approval of the variance request.

Mr. Tom Starr, KS&M, agent for the proponent, indicated willingness to respond to any inquiries regarding the application.

With no comments from the audience or additional comments from the staff, Mayor Cahail asked for questions, comments, and discussion by the Council.

At Councilmember Nash's inquiry, Mr. Jones noted that the request is strictly for a garage building associated with a planned single family residential structure. The permit would state such.

At 8:57 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing, noting that the Council reserves the right to reopen the hearing for public comment at a later time or date.

At 8:59 PM, Councilmember Roberts moved and Councilmember Dickinson seconded to approve the request and accept the Facts & Findings of the Planning Commission. The motion passed unanimously.

Mayor Cahail presented draft ordinance #856, an ordinance accepting the Final Plat of the Gould's Meadow Subdivision.

Town Administrator Fitch read into the record changes from the previous draft ordinance. He noted that the applicants would like final plat approval so that they can apply for building permits in 1991. The plat is limited to 5 building permits per year.

At 9:05 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adopt Ordinance #856.

Attorney Eaton stated that a binder for a surety bond is sufficient for adoption.

The motion passed unanimously.

At 9:07 PM, Mayor Cahail reopened the Public Hearing, continued from 12/5/91, to review the proposed 1992 Town budget.

Treasurer Picinich and Administrator Fitch noted that deferral of the Gambling and B & O taxes would necessitate reduction of street projects and reallocation of some personnel.

Projected sales tax revenues for 1991 were discussed.

The Council discussed scheduling a continued meeting on Friday 12/27/91 at 4:00 PM.

At 9:19 PM, hearing no further comment, Mayor Cahail closed the Public Hearing and presented draft ordinance #853, an ordinance fixing salaries of Town officials and employees for 1992, for second reading.

Administrator Fitch noted changes from the previous draft and pointed out modifications in the CEU compensation program.

The Council and staff discussed various aspects of the proposed ordinance. The Council will consider the ordinance at their continued meeting.

At 9:35 PM, Mayor Cahail presented draft ordinance #849, an ordinance creating a street utility; providing for the utility's authority; transferring street and related facilities from the Town to the utility; providing for the imposition, collection, and exemption of charges; providing for the use of street utility charges and other revenue by the utility; providing for enforcement and penalties, for second reading.

Councilmember Roberts moved and Councilmember Potter seconded to adopt Ordinance #849. The motion passed unanimously.

Mayor Cahail presented draft ordinance #855, an ordinance amending Ordinance #825, concerning reduced base rates for water, sewer, and refuse services to low income senior citizens and low income disabled citizens, for second reading.

Town Clerk Dubail explained the revisions and noted that otherwise eligible out-of-town citizens would be eligible for the program. Also, the application deadline has been deleted.

At 9:39 PM Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Ordinance #855. The motion passed unanimously.

Mayor Cahail presented draft ordinance #848, an ordinance amending Ordinance #675 and Chapter 13.28 Friday Harbor Municipal Code, adjusting the rates for refuse collection and disposal services provided by the Town and repealing Ordinance #829 in its entirety, for second reading.

At 9:41 PM, Councilmember Nash moved and Councilmember Potter seconded to adopt Ordinance #848. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #859, an ordinance amending Ordinance #600, #658, #727, and Friday Harbor Municipal Code Section 13.20.122 & Section 13.20.123, and repealing Ordinance #797 in its entirety, concerning sewer user charges, for first reading.

The Council discussed the proposed ordinance.

At 9:45 PM, Mayor Cahail presented draft ordinance #857, an ordinance to rezone a parcel of land at 1012 Guard Street and the San Juan Island Library property at 1010 Guard Street to Commercial use.

Councilmember Athearn, a member of the library board, stepped down to avoid a possible conflict of interest.

Councilmember Nash abstained from consideration of the proposed ordinance as he was not present during the discussion at a previous meeting.

Councilmember Roberts moved and Councilmember Potter seconded to adopt Ordinance #857. The motion passed with Councilmembers Dickinson, Potter, and Roberts voting in the affirmative.

The Council reviewed addition claims for payment.

At 9:51 PM, Councilmember Dickinson moved and Councilmember Potter seconded to approve payment of warrants #4158 through 4198 in the amount of \$35,935.75. The motion passed unanimously.

Mayor Cahail noted the request by the Town Attorney for an executive session to discuss pending litigation.

At 9:52 PM, Councilmember Athearn moved and Councilmember Dickinson seconded to go into executive session. The motion passed unanimously.

At 10:22 PM, Councilmember Dickinson moved and Councilmember Potter seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Councilmember Roberts thanked the staff and Council for their support and efforts over the last four years.

Mayor Cahail thanked Councilmember Roberts for all his work and participation during his term.

ⓂNB

At 10:25 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adjourn and continue the meeting to 12/27/91 at 4:00 PM. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

#### **Town Council - December 27, 1991 @ 4:00 PM**

The Town Council met in regular session continued from 12/19/91, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Nash, & Potter

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

Mayor Cahail presented draft ordinance #859, an ordinance amending Ordinance #600, #658, #727, and Friday Harbor Municipal Code Section 13.20.122 & Section 13.20.123, and repealing Ordinance #797 in its entirety, concerning sewer user charges, for second and final reading.

Councilmember Athearn moved and Councilmember Potter seconded to adopt Ordinance #859. The motion passed unanimously.

Mayor Cahail presented draft ordinance #860, an ordinance adopting the budget for the Town of Friday Harbor for the fiscal year ending December 31, 1992.

Treasurer Picinich noted revisions to the proposed budget.

The Council discussed the funding for law enforcement services in 1992. Councilmember Athearn noted that if a gambling tax is passed in 1992 the revenue from same would be used for law enforcement.

Computer support and maintenance costs were discussed.

Councilmember Dickinson noted that if a B&O tax is passed in 1992 the revenue from same could be devoted to streets.

Revenue sources, personnel reallocation, and project reductions in the Street Department were discussed. Administrator Fitch noted that the Carter Street project is still funded for 1992.

Mayor Cahail suggested transferring part of the Current Fund carry-over to the Street Fund.



Administrator Fitch mentioned that contract services for certain street functions was a possibility.

Minor revisions in the proposed Water and Sewer budgets were briefly reviewed.

Administrator Fitch summarized revisions in the Refuse budget.

At 4:38 PM, the Council returned to discussion of the Street budget.

Councilmember Athearn noted that the deletion of certain street projects pointed out the necessity of additional revenue sources.

The funding for restoration to the budget of certain street projects was discussed.

Councilmember Potter moved that \$10,000 be transferred from the Current Fund carry-over to Streets; \$4,000 to Caines St., \$5,000 to Linder St., and \$1,000 to operating supplies, and that \$5,000 be transferred from the Current Fund carry-over to Law Enforcement. Councilmember Nash seconded the motion. The motion passed unanimously.

At 4:45 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Ordinance #860 as revised. The motion passed unanimously.

Mayor Cahail presented draft ordinance #853, an ordinance fixing salaries of officials and Town employees with a 7.1% cost of living allowance for 1992.

Councilmember Athearn moved and Councilmember Dickinson seconded to adopt Ordinance #853. The motion passed unanimously.

At 4:48 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 5:10 PM, Councilmember Dickinson moved and Councilmember Nash seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Town Administrator Fitch reported a proposal from the Association of Washington Cities Risk Management Service to increase the Town's insurance coverage from \$1 million to \$2 million for an additional premium of approximately \$2,800 per year.

The consensus of the Council was to approve the proposal and direct the Town Administrator to pursue same.

®NB

At 5:15 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk