



## SUMMARY OF THE MINUTES TOWN COUNCIL

**Thursday, January 17, 2013 – Council Chambers – Afternoon Session**

### **CALL TO ORDER**

Mayor Lacher called the regular session of the Town Council to order at 12:00 p.m.

### **ROLL CALL**

Councilmembers: Position No. 1, Steve Hushebeck; Position No. 4, Felix Menjivar; and Position No. 5, Barbara Starr.

Others Present: Mayor, Carrie Lacher; Treasurer, Wendy Picinich; Town Administrator, Duncan Wilson; Attorney, Adina Cunningham and Clerk, Amy Taylor.

Position No. 2, Noel Monin; and Position No. 3, Anna Maria de Freitas; were not present.

### **EXECUSED ABSENCE**

Mayor Lacher asked if the Council wished to excuse the absence of Councilmembers Monin and de Freitas. Council unanimously excused their absence.

### **FLAG SALUTE**

Mayor Lacher conducted the flag salute.

### **ANNOUNCEMENTS/SCHEDULE CHANGES**

Mayor Lacher announced that items have been cancelled from the agenda due to absences.

### **PUBLIC ACCESS TIME**

There were no public access items forthcoming.

### **DEPARTMENT REPORTS**

#### Emergency Management

At 12:02 p.m., Department of Emergency Management (DEM) Director, Brendan Cowan, distributed an annual report and listed the department's goals for 2013 which include education/exhibits at the SJC Fair. Councilmember Starr provided a summary of Dr. James' report on influenza in SJC. Discussion followed regarding the severity of the flu locally. Mayor Lacher thanked Mr. Cowan.

#### System Administration

At 12:07 p.m., System Administrator, Steven Dubail, distributed a fourth quarter department report for year 2012. Mr. Dubail reported on recent internet use security alerts by the Department of Homeland Security. Mayor Lacher thanked Mr. Dubail.

#### Public Works

At 12:16 p.m., Public Works Director, Wayne Haefele, reported on the upcoming construction schedules and other issues for the Spring Street Water Main Replacement Project; Water Transmission Line Replacement Project; Mullis Street Sidewalk Improvement Project; and Blair Street Reconstruction Project. Mr. Haefele noted that consultants from Gray & Osborne are scheduled to meet with Town to identify various issues surrounding future projects throughout Town. Mayor Lacher thanked Mr. Haefele.

48 **ACTION AND DISCUSSION ITEMS**

49 Spring Street Crosswalk

50 At 12:20 p.m., Mayor Lacher introduced discussion of a proposal for placement of a mid-street  
51 crosswalk on Spring Street between Mullis Street and Blair Avenue. Public Works Director, Wayne  
52 Haefele explained that a request was received for installation of an additional crosswalk in the area and  
53 provided a power-point presentation explaining the pros and cons of a mid-street crosswalk at 540  
54 Spring Street and safety traffic control devices. Discussion followed regarding safety and need for a  
55 crosswalk at the proposed site; traffic control devices; and installation of a crosswalk at the  
56 intersection of Mullis Street. The Council thanked Mr. Haefele. No action taken.

57

58 Resolution No. 1929

59 At 12:42 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1929, *authorizing the Mayor*  
60 *to execute Amendment No. 3 to the agreement with Brown & Caldwell to provide additional design*  
61 *services for replacement of the Water Transmission Line.* Administrator Wilson and Public Works  
62 Director, Wayne Haefele, explained that the agreement agreed that certain portions of the work  
63 contemplated could not be sufficiently defined at the time of execution of the agreement. Additionally,  
64 by adoption of Resolution No. 1801 in August 2010, the Town authorized Amendment No. 1 for  
65 additional surveying and project base mapping related to revised alignment and width requirements for  
66 an alternative route for the replacement pipeline. Funding for the work was expended from the budget  
67 of the master agreement. Discussion and inquiry followed regarding the cost of services for  
68 Amendment No. 3. **Council consensus to postpone adoption of Resolution No. 1929 pending**  
69 **additional background information.**

70

71 Brickworks Grant

72 At 12:55 p.m., Mayor Lacher introduced discussion of an agreement with the Agricultural Guild for use  
73 of hotel motel excise tax funding for operation and promotion of a tourism related facility known as  
74 Brickworks at 150 Nicoles Street. Administrator Wilson explained that the rehabilitation of the  
75 Brickworks by the Ag Guild has been funded nearly exclusively from donations from within the  
76 community and enjoys widespread support across San Juan Island for the historical, agricultural and  
77 cultural benefits it brings to the community. The Brickworks building, once rehabilitated, will be used to  
78 house the ongoing Saturday Farmer’s Market, which market has established itself as a significant  
79 tourism draw to the center of the Town, creating recreational opportunities for people visiting from  
80 outside of the Town. Administrator Wilson presented a draft agreement to bestow a \$100,000  
81 matching fund grant to the Agricultural Guild to be used exclusively for the repair, remodel,  
82 improvement or redevelopment of the Brickworks building and surrounding grounds or retirement of  
83 debt relating thereto. Discussion and inquiry followed regarding the terms of the agreement. **Council**  
84 **consensus to move forward with a final agreement for consideration.**

85

86 Resolution No. 1930

87 At 1:09 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1930, *consenting to the*  
88 *transfer of control of the cable franchise granted to Windjammer Communications, LLC to Zito Texas-*  
89 *Washington, LLC with conditions.* Attorney Cunningham explained the terms of the agreement.  
90 Windjammer Communications is the franchisee under a cable franchise agreement approved by the  
91 Town pursuant to Ordinance No. 1439. On September 12, 2012, Windjammer entered into an Asset  
92 Purchase Agreement in which Windjammer would sell and assign to Zito, the cable system serving the  
93 Town, including the franchise and other assets related thereto. The Town is authorized to transfer  
94 control. Treasure Lake, the ultimate parent company of Zito, has agreed to provide a guaranty for  
95 Zito’s franchise in order to induce the Town to approve the transfer of control of the franchise from  
96 Windjammer to Zito. No discussion followed.

97

98 **Moved by Hushebeck, seconded by Menjivar, to adopt Resolution No. 1930, consenting to**  
99 **the transfer of control of the cable franchise granted to Windjammer Communications,**  
100 **LLC to Zito Texas-Washington, LLC with conditions; and authorizing to Mayor to execute**  
101 **an agreement with Treasure Lake, LC guarantee the performance of Zito. Motion passed**  
102 **3-0 with Monin and de Freitas absent.**  
103

#### 104 Shoreline Master Plan Updates

105 At 1:15 p.m., Mayor Lacher introduced discussion of Shoreline Master Plan updates. Administrator  
106 Wilson distributed the update and noted that the hearing for public comment is tentatively scheduled  
107 February 21, 2013. No discussion followed. No action taken.  
108

#### 109 SSDP No. 95

110 At 1:20 p.m., Mayor Lacher introduced adoption of Findings of Fact, Conclusions of Law and Decision  
111 regarding Shoreline Substantial development Permit No. 95, a proposal to repair and shore up existing  
112 waterfront structures and to add and replace bulkheads to protect said structures and banks above the  
113 MHHW on six lots located on Turn Point Road. After a public hearing on January 3, 2013, attended by  
114 the agent for Robert Oorthuys, the Council made certain conclusions. No discussion followed.  
115

116 **Moved by Menjivar, seconded by Starr, to approve Findings of Fact, Conclusions of Law**  
117 **and Decision regarding Shoreline Substantial development Permit No. 95. Motion passed**  
118 **3-0 with Monin and de Freitas absent.**  
119

#### 120 **ADMINISTRATOR’S REPORT**

121 At 1:23 p.m., Administrator Wilson presented the Town Council with an update of the following:  
122

- 123 • Town Fire Station - The antique Fire Engine and Engine No. 1 are being transferred from  
124 storage to Town.
- 125 • Public Art Sculpture - Installation of “Fluke” is complete. Town will install low-level lighting for  
126 security purposes.
- 127 • New public garbage cans - Photos of new garbage cans were circulated.
- 128 • Resolution No. 1923 - Council was asked to authorize a reward in the amount of \$250 for  
129 information leading to the arrest of vandals.
- 130 • Solid Waste Utility - Town is discussing the viability of a long term agreement and fixed rates  
131 with Skagit County for trash tonnage.  
132

#### 133 **PAYMENT OF CLAIMS**

134 Moved by Menjivar, seconded by Starr, to approve the payment of Claim Warrant Nos. 37584 through  
135 37602 in the amount of \$177,170.77; and affirm the payment of Claim Warrant Nos. 37552 through  
136 37583 and direct deposit run in the amount of \$102,293.44. Motion passed 3-0 with Monin and de  
137 Freitas absent.  
138

#### 139 **APPROVAL OF MINUTES**

140 Moved by Hushebeck, seconded by Starr, to approve the minutes of **January 3, 2013 as submitted.**  
141 Motion passed 3-0 with Monin and de Freitas absent.  
142

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

144 No future agenda items were forthcoming.  
145

#### 146 **CITIZEN RESPONSE**

147 No citizen response was forthcoming.  
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149 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Lacher adjourned the  
150 meeting at 1:39 p.m. The next regular meeting is scheduled for Thursday, January 17, 2013 at 5:30  
151 p.m.

152 \* \* \* \* \*

153 **These minutes were approved on February 7, 2013. The original document is retained by**  
154 **the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**  
155 **Harbor Clerk**  
156