



SUMMARY OF THE MINUTES TOWN COUNCIL

Thursday, April 4, 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. 2, Noel Monin; Position No. 3, Anna Maria de Freitas; Position No. 4, Felix Menjivar; and Position No. 5, Barbara Starr.

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

Attorney, Adina Cunningham was present by telephone.

FLAG SALUTE

Mayor Lacher conducted the flag salute.

ANNOUNCEMENTS/SCHEDULE CHANGES

The evening session of the Town Council was not scheduled.

PUBLIC ACCESS TIME

Mike Ahrenius, Port Commissioner, said hello to the Council.

ACTION AND DISCUSSION ITEMS

Proclamation - National Library Week

At 12:01 p.m., Mayor Lacher proclaimed April 14th through 20th National Library Week at the San Juan Island Library and invited all residents to visit the library this week to take advantage of the wonderful books, media, and other resources available. Laurie Orton, Library Director, discussed upcoming events at the Library. The Mayor and Council thanked Ms. Orton. No discussion followed.

United Way - Day of Caring Event

At 12:05 p.m., Mayor Lacher introduced Bill Morrissey, San Juan County United Way (SJC UW) President, to speak about upcoming events. Mr. Morrissey discussed the SJC UW's mission, programs and events. The Day of Caring event is scheduled on September 14, 2013. The Council was invited to suggest potential projects for this event. The Mayor and Council thanked Mr. Morrissey. No discussion followed.

Administrative Appeal - Palace Theatre

At 12:15 p.m. Mayor Lacher opened the administrative appeal filed by Jack Cory, Agent for Jerome Alhadeff, owner of Palace Theatre, on March 18, 2013, concerning the administrative decisions made by Land Use Administrator, Mike Bertrand, in connection with a sign variance application for the theater located at 209 Spring Street. Mr. Cory has filed the appeal under the provisions of Friday Harbor Municipal Code, Title 20.20.010(A) & (B).

44
45 Mayor Lacher read the rules for public conduct of said appeal; and explained that because the appeal
46 involves issues arising out of the Town’s sign ordinance, it was considered quasi-legislative in nature,
47 and the appearance of fairness doctrine did not technically apply, however the Council would proceed
48 as if the matter were quasi-judicial. Mayor Lacher noted that the Council decision must be based only
49 on the evidence provided by Town Staff, Mr. Cory and witnesses.

50
51 Mayor Lacher asked Mr. Cory if there was any objection to her or any Councilmember’s participation.
52 None was heard. Mayor Lacher inquired if any Councilmember wished to excuse themselves from
53 participation in the proceedings due to a conflict of interest or any other reason. The Council
54 answered in the negative.

55
56 At 12:16 p.m., Mayor Lacher asked Mr. Cory to present the appeal. Mr. Cory entered no exhibits into
57 the record. Mr. Cory stated that his clients disagreed with the decision of the Land Use Administrator
58 in his response letter dated March 11, 2013. The letter stated that Town is willing to give Palace
59 Theatre a variance, however not to the extent of the request. Said letter describes the allowance of 1)
60 three signs that read “Palace Theatre”; 2) electronic reader board of no greater length than 14’-3”; 3)
61 lettering requirements; and 4) times when said sign may be lit. Mr. Cory stated that Palace Theatre
62 owners appreciate the granting of a variance for a sign of lesser size than the requested size, but wish
63 to present the application and reasons for the original sign size to the Council.

64
65 At 12:25 p.m., Mayor Lacher requested that staff respond. Land Use Administrator, Mike Bertrand
66 presented the staff report dated April 4, 2013 and stated that in summary the Theatre has been
67 granted the variance per their application, except for reducing the reader board sign by approximately
68 2’ - 10”. The reduction in sign size was determined for aesthetic reasons. Mayor Lacher asked if staff
69 had additional comments. Sandy Strehlou, Historic Preservation Coordinator stated that the
70 department comments were contained in the staff report and that she was available to answer
71 questions from the Council. Attorney Cunningham reviewed the administrative appeal procedure and
72 advised the Council on their quasi-legislative role in this decision making process.

73
74 At 12:32 p.m., Mayor Lacher provided an opportunity for additional comment by the Applicant. Mr.
75 Cory made comments regarding the aesthetics of the building.

76
77 At 12:35 p.m., Mayor Lacher opened the appeal to Council questions. Discussion followed regarding
78 the size of the sign, traffic safety and if the Town would have the authority to regulate the sign in the
79 future if it posed a problem.

80
81 At 12:54 p.m., Mayor Lacher opened the appeal to Council deliberations.

82
83 **Moved by Hushebeck, seconded by de Freitas, to deny the appeal of administrative**
84 **decision filed by Jack Cory, Agent for Jerome Alhadeff, owner of Palace Theatre, on March**
85 **18, 2013, concerning the administrative decisions made by the Land Use Administrator in**
86 **connection with a sign variance application for Palace Theatre located at 209 Spring**
87 **Street. Motion passed unanimously.**

88
89 Conditional Use Permit No. 67

90 At 1:05 p.m., Mayor Lacher introduced the update regarding Conditional Use Permit No. 67, to allow a
91 commemorative wall consisting of 3”x 7” grey colored tiles to commemorate a loved one or a family
92 name. Land Use Administrator, Mike Bertrand explained that Wolf Hollow has not begun installation of
93 the project to date, but still has one full year to complete. No discussion followed.

94

95 Front Street Pedestrian Improvement Project

96 At 1:06 p.m., Mayor Lacher introduced the update regarding the Front Street Pedestrian Improvement
97 Project. Land Use Administrator, Mike Bertrand, and Public Works Director, Wayne Haeefe, provided
98 an update on the project. The concrete, crosswalk and railings are in place. The Community
99 Development Department is currently designing the content for the informational kiosk. Washington
100 State Ferries (WSF) has opted not to make the additional access improvements on East Street due to
101 liability concerns. WSF determined that the grade of East Street was too steep for the proposed
102 improvements (wheel chair accessibility through the median) to be an enhancement for the disabled.
103 No discussion followed.

104

105 Resolution No. 1940

106 At 1:09 p.m., Mayor Lacher announced that discussion of draft Resolution No. 1940 was postponed
107 until after the scheduled executive session.

108

109 Resolution No. 1941

110 At 1:10 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1941, *authorizing the Mayor*
111 *to execute an interlocal agreement with San Juan County for court services.* Administrator Wilson
112 explained that the purpose of the agreement is for the County to provide the Town with district court,
113 prosecution, public defense and probation services for municipal matters filed in District Court and to
114 update and replace the current agreement. The agreement delineates the fees and costs for types of
115 infractions, probation and court operations. Discussion followed regarding how the County established
116 and budgets for said fees.

117

118 **Moved by Starr, seconded by Menjivar, to adopt Resolution No. 1941, authorizing the**
119 **Mayor to execute an interlocal agreement with San Juan County for court services.**
120 **Motion passed unanimously.**

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122 Resolution No. 1943

123 At 1:24 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1943, *accepting the project*
124 *known as the Spring Street Water Main Replacement Project.* Administrator Wilson explained that
125 Lawson Construction has completed the project in compliance with the plans and specifications; and
126 that the purpose of adopting said resolution is to allow for the process of finalizing the project,
127 including the release of retainage. Discussion followed regarding the asphalt used for the temporary
128 patching.

129

130 **Moved by Hushebeck, seconded by Menjivar, to adopt Resolution No. 1943, accepting the**
131 **project known as the Spring Street Water Main Replacement Project. Motion passed**
132 **unanimously.**

133

134 Resolution No. 1944

135 At 1:27 p.m., Mayor Lacher introduced discussion of draft Resolution No. 1944, *authorizing the Mayor*
136 *to execute an interlocal agreement with Skagit County for receipt of solid waste.* Administrator Wilson
137 explained that Skagit County is willing to accept and process only solid waste that is destined for
138 landfill disposal at the Skagit County Transfer and Recycling Station from the Town and San Juan
139 County at its adopted municipal customer rate plus a seven dollar per ton out-of-county surcharge for
140 ten years. No discussion followed.

141

142 **Moved by de Freitas, seconded by Starr, to adopt Resolution No. 1944, authorizing the**
143 **Mayor to execute an interlocal agreement with Skagit County for receipt of solid waste.**
144 **Motion passed unanimously.**

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146 **ADMINISTRATOR’S REPORT**

147 At 1:32 p.m., Administrator Wilson presented the Town Council with an update of the following:

- 148
- 149 • Roundtownner Shuttle Service Proposal
- 150 • Land Use Training
- 151 • Spring Street Rain Garden
- 152 • Front Street Right of Way
- 153 • Time limited Parking
- 154 • Tucker Avenue
- 155 • Noise Ordinance
- 156 • St. Frances Church property and Spring Street ROW Improvements
- 157 • Seasonal Banners
- 158 • Flower Baskets
- 159 • Hazardous Waste Roundup
- 160 • New Employee

161

162 **PAYMENT OF CLAIMS**

163 Moved by Monin, seconded by de Freitas, to approve the payment of Claim Warrant Nos. 37820
164 through 37855 in the amount of \$91,640.65 and affirm the payment of Payroll Warrants and Direct
165 Deposit Run dated April 1, 2013. Motion passed 4-0 with Starr absent.

166

167 **APPROVAL OF MINUTES**

168 Moved by de Freitas, seconded by Monin, to approve the minutes of **March 21, 2013**. Motion passed
169 4-0 with Starr absent.

170

171 **FUTURE AND NON-AGENDA ITEMS**

172 Mayor Lacher announced that the Council was invited to the EDC Luncheon on April 18, 2013.
173 Discussion followed. Three or more members of the Council may attend.

174

175 **CITIZEN RESPONSE**

176 No citizen response was forthcoming.

177

178 **EXECUTIVE SESSION**

179 At 2:10 p.m., Mayor Lacher announced that the Council would be holding a closed session regarding
180 collective bargaining in accordance with the provisions of RCW 42.30.140(4); which was estimated to
181 last 15 minutes; and executive session pursuant to RCW 42.30.110(f) to review personnel decisions.
182 Participants: Town Council, Mayor Lacher, Administrator Wilson, Treasurer Picinich, Attorney
183 Cunningham and Clerk Taylor. The session ended at 2:25 p.m. for an actual session time of 15
184 minutes. The Council made the following motion after executive session:

185

186 **Resolution No. 1940 - Moved by Menjivar, seconded by de Freitas, to adopt Resolution No.**
187 **1940, authorizing the Mayor to execute a labor contract with Washington State Council of**
188 **County & City Employees, AFSCME, AFL-CIO Local 1849F for the period March 1, 2013**
189 **through December 31, 2014. Motion passed 4-0 with Starr absent.**

190

191 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Lacher adjourned the
192 meeting at 2:26 p.m. The next regular meeting is scheduled for Thursday, April 18, 2013 at 5:30 p.m.

193

194 * * * * *

195 **These minutes were approved on April 18, 2013. The original document is retained by the**
196 **Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**
197 **Harbor Clerk**