

**Town of Coupeville
Regular Council Meeting
Tuesday, December 11, 2007
6:30 p.m.**

COUNCILMEMBERS PRESENT: Mayor Nancy Conard, Councilmembers Dianne Binder, Marshall Bronson, Bob Clay, Molly Hughes, and Jim Phay.

STAFF PRESENT: Town Planner Larry Kwarsick, Public Works Director Malcolm Bishop, Town Marshal Dave Penrod, Clerk-Treasurer Judy Thomas

APPROVAL OF MINUTES

The minutes of the regular meeting of November 27, 2007 were approved as submitted.

MAYOR'S REPORT

- Mayor Conard received a letter from the Association of Washington Cities (AWC) in which they are looking to fill two positions on the Small City Advisory Committee. She asked Councilmembers to contact AWC if they are interested in serving on this committee. As a member of the committee, the member is required to attend two meetings per year, one meeting is at the annual conference in June and a second as scheduled.
- She was sorry to report that Herb Strasler, a former Town Councilmember, passed away last week.
- Tomorrow, December 12th, she and Councilmember Clay will attend the Washington State Department of Transportation (WSDOT) meeting in Port Townsend regarding the vessel recommendation for the Keystone/Port Townsend Ferry run that will go to the State Legislature in January. It appears that the approach of Nichols Brothers, to build a car ferry may be a viable option.
- She attended a couple meetings with Dr. Ed Johnson and Robert Pelant, of Au Sable Institute, to discuss climate protection, sustainability and what we (the Town) can do to protect our environment.
- Just a reminder that Town Hall will be closed on Monday and Tuesday, December 24th and 25th; as Town employees agreed to use their second floating holiday for December 24th. There will be police coverage and there are people on call if there is an emergency.
- She noted that 3rd & 4th streets are now open. She has received some complaints about speeding and Marshal Penrod will step up patrol to monitor the areas for speeders. Once the traffic engineer has reviewed and made a recommendation we will address the issue further. Everyone in the neighborhood is really upset and she will complete the Citizen Concern form and turn it in to Malcolm Bishop.

AUDIENCE INPUT

Ms. Durand, Coupeville, was pleased to hear about 4th Street being patrolled by the police department. She expressed her concerns about increased traffic and speeding on 4th Street and suggested that something be done, such as speed bumps, stop signs, or something to slow traffic. Everyone in the neighborhood is really upset and she will complete the Citizen Concern form and turn it in to Malcolm Bishop.

PUBLIC HEARINGS

Conditional Use Permit 07-07 to locate a childcare center at 307 South Main Street within the Town Commercial Zoning District - *Staff recommends approval of CUP 07-07 as recommended by the Planning Commission with Conditions 1 - 6.*

Mayor Conard explained the procedures of a public hearing and asked if any members of the Council had a possible conflict of interest or appearance of fairness issue. No one responded. Mayor Conard declared the public hearing open at 6:45 p.m

Mr. Kwarsick explained that this application is for a conditional use permit to locate a child care center within the Town Commercial Zoning District. Harbor Haven was previously operated as a program associated with the now discontinued Child Abuse Prevention Foundation (CAPF). The new non-profit agency is seeking to re-establish Harbor Haven's respite and crisis childcare program. This application meets the required findings criteria to allow the conditional use permit. Planning Commission reviewed the application at their November 6th meeting and recommends approval with Conditions one through six.

The application meets the three findings; the criteria of on-site parking; it is ADA accessible and will have an outdoor play area.

Pam Bishop, applicant, responded to the question about hours of operation that they will be limited to the number of hours they will be open, until additional funding becomes available. Their main funding source comes from New Beginnings Thrift Store. She noted that the Department of Social and Health Services, New Family Support and CADA are some of the agencies that refer children to Harbor Haven.

There were no comments from the public.

Mayor Conard declared the public hearing closed at 6:56 p.m.

Councilmember Clay commented that this is a needed organization and is a good fit for the community. Councilmember Bronson added that it is very valuable organization.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Bronson, to approve Conditional Use Permit 07-07 as recommended by the Planning Commission with Conditions 1 through 6, as follows:

Conditions:

The applicant must conform to the standards listed below:

1. Approval of any exterior building modifications, site design changes, and/or/signage are subject to review by the Town's Design Review Board;
2. In accordance with the Community Design Standards, adequate parking and safe pedestrian travel should be given special consideration in the site design. As a result curb stops must be installed for childcare parking and the parking area so signed.

3. If the parking lot is paved in the future a drainage plan must be prepared for Town approval and must include low impact surface water controls. Alternative permeable surface treatments such as grass pavers is encouraged over asphalt or concrete.
4. The proposed childcare use shall be in continuing compliance with all applicable state regulations governing this type of facility.
5. The applicant must apply for and receive an approved occupancy permit prior to commencing operation.
6. Should the childcare facility be discontinued at this location within 1 year of the issuance of the occupancy permit the use of the property for residential purposes is allowed without necessity of a conditional use permit.

The motion passed 5-0.

Resolution No. 07-09 adopting the Island County Solid Waste and Moderate-Risk Waste Management Plan - *Staff recommends a motion to approve Resolution 07-09 adopting the Island County Solid Waste and Moderate-Risk Waste Management Plan.*

Mayor Conard explained that a memo was included in the agenda packet from Dave Bonvouloir explaining the plan. She added that we are fortunate to not have to develop a separate plan but the Town is required to participate in the process by adopting the County's plan by resolution and conducting a public hearing.

Dave Bonvouloir, Island County DPW/Solid Waste, explained that the Department of Ecology (DOE) requires an update every six years The Solid Waste Advisory Committee, consisting of representatives from the cities of Oak Harbor, Langley and Coupeville and unincorporated areas of Island County, has conducted several meetings and public hearings, with input from DOE. The high points of the plan are updating the data, pursuing curbside recycling; and this plan simply suggests considering curbside recycling, not adopting curbside recycling; food waste composting in the future; making changes to reuse solid waste into the system; and the transfer station at Coupeville. The County is contracting with a new solid waste hauling company that takes all waste to the east side of Washington State. The County is focusing activities with the Youth Education Program. Presently, they split bio-solid and solid waste and a number of new procedures have been incorporated. The new rate structure has been improved and implemented. He explained that curbside recycling is a work in progress; discussions and further consideration will continue.

Councilmember Bronson asked about the adult education program for \$330,000 and Mr. Bonvouloir responded that is for a period of six years.

Mr. Bonvouloir responded to the question about recycling glass, that they are considering grinding it to be used in construction materials and noted that ground glass is more forgiving in drainfields than sand. He also added that since the burn ban, yard waste is being ground up and sent to the Kimberly-Clark paper mill in Everett.

Mayor Conard declared the public hearing open at 7:12

John Kohlmann, Coupeville, commented that 4th and 5th grade students were only interested in the garbage transfer station as a means to get out of school. He stated that since the burn ban he has two garbage cans, with one for yard waste and and both cans are emptied into the trash trucks. Mayor Conard responded that we are looking at composting.

Councilmember Hughes asked about disaster debris and Mr. Bonvouloir said they have to have a plan for what to do with debris (from crumpled buildings, etc.) in the event of a disaster, such as landslides, earthquakes, etc.

Mayor Conard declared the public hearing closed at 7:17 p.m.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to approve Resolution No. 07-09 adopting the Island County Solid Waste and Moderate-Risk Waste Management Plan. The motion passed 5-0.

RESOLUTION NO. 07-09

A Resolution of the Town of Coupeville, Washington, adopting the Island County Solid Waste and Moderate-Risk Waste Management Plan.

Mayor Conard called for a recess at 7:20 p.m. to recognize Councilmember Marshall Bronson for his 10 years of service on the Town Council. Council reconvened to regular session at 7:35 p.m.

NEW BUSINESS

Ordinance No. 666 amending Coupeville Town Code Title 5 Business Licenses and Regulations, to add a new Chapter 5.34 Parades, Athletic Events and Other Special Events
- Staff recommends approval of this ordinance.

Mayor Conard explained that Washington Cities Insurance Authority (WCIA) the Town's insurance provider, has suggested that the Town adopt a formal procedure to deal with special events.

Several questions were asked about some of the language in the ordinance such as whether a special event permit would be required for football games or school events; and whether gatherings of under 30 should be exempt from a permit. Councilmember Clay suggested the number should not be 30, but 45 or 100.

Ms. Thomas explained that other cities special events permits are named Special Event/Street Closure Permits because the concern is whether there will be interference with vehicle traffic in the roadway or pedestrian traffic on sidewalks. She added that she would inquire as to how the ordinance could be reworded.

Councilmember Binder suggested that there be a calendar of events on the Town's website that would include Special Events.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Clay, to adopt Ordinance No. 666 to amend the Coupeville Town Code to add a new Chapter 5.34 Parades, Athletic Events and other Special Events. The motion passed 5-0.

ORDINANCE NO. 666

An Ordinance of the Town of Coupeville, Washington, amending Coupeville Town Code Title 5 Business Licenses and Regulations, to add a new Chapter 5.34 Parades, Athletic Events and Other Special Events

Ms. Thomas agreed to provide answers to the questions at the next meeting.

Approve purchase of utility easement from Ancient Mariner's Court, LLC - *Mayor recommends approval of the purchase of a utility easement, adjacent to the old fire hall.* Mayor Conard explained the proposal to purchase of the an 8.5 ft. easement for utility and access, from Ancient Mariner's Court LLC, as explained in the Quit Claim Deed dated 12/11/2007. The Town will pay \$10,500, and will survey and stake the easement.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Phay, to approve the purchase of the utility easement from Ancient Mariner's Court, LLC. The motion passed 5-0.

Contract with Weed, Graafstra and Benson, Inc. to provide Town Attorney services for the Town of Coupeville - *Mayor recommends approval of contract to provide Town Attorney services*

Mayor Conard explained that Grant Weed (Weed, Graafstra and Benson, Inc.) began serving as Town Attorney on July 1, 2007. Our primary contact is Grant Weed and the relationship is working very well. Mr. Weed was introduced to the Town Council in June and told us his firm would be increasing their fees in 2008 from \$150 to \$170 per hour for attorneys and \$95 to \$125 for paralegals. This agreement is the same as was approved in July of 2007, except for the new fees.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Binder, to approve the contract with Weed, Graafstra and Benson, Inc. to provide Town Attorney services for the Town of Coupeville. The motion passed 5-0.

Confirm appointment to the Library Board - *Mayor recommends reappointment of Jim Short to the Library Board.*

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Clay, to confirm the reappointment of Jim Short to the Library Board. The motion passed 5-0.

Reappointment – Bob Clay to Island Transit Board – *Mayor recommends confirmation of reappointment of Bob Clay to the Island Transit Board of Directors.*

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Bronson, to reappoint Bob Clay to the Island Transit Board. The motion passed 4-0-1 (Clay abstained).

Appointment of Mayor Pro-Tem -- *Council appoints Mayor Pro-Tem every six months.*

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to reappoint Bob Clay as Mayor Pro Tem for the period January through June 2008. The motion passed 4-0-1 (Clay abstained).

Set date for Town Council to consider Preliminary Plat (PLP) 07-01 – Krueger Farm Division #3 - *Staff recommends setting January 8, 2008 for consideration of PLP 07-01.*

Council Action: A motion was made by Councilmember Binder, second by Councilmember Hughes, to set the date of January 8, 2008 for Council to consider Preliminary Plat 07-01. The motion passed 5-0.

Approval of December 11, 2007 Claims Vouchers and November Payroll - *Staff recommends approval of December 11, 2007 claims vouchers/warrants #20371 through #20431 for \$74,103.17; and November payroll warrants #11776 through #11810 for \$79,025.74.*

Several questions were asked by Councilmembers and answered by Councilmember Bronson, with no changes to what was submitted.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to approve December 11, 2007 claims vouchers/warrants #20371 through #20431 for \$74,103.17; and November payroll warrants #11776 through #11810 for \$79,025.74. The motion passed 5-0.

Cancel Town Council Meeting of December 25, 2007

Council Action: A motion was made by Councilmember Phay, second by Councilmember Clay, to cancel the Town Council meeting of December 25, 2007. The motion passed 5-0.

STAFF REPORTS

Ms. Thomas submitted a written report and offered to answer any questions. She is currently working on year end projects and setting up files for 2008.

Marshal Penrod provided a written report for November and commented that everything is going well. Training is going well with the Deputies. Deputy Mirabal arrested five DUI's in the last couple months. He explained about an accident that occurred on Madrona Way last week as a result of icy roads. He received two more test scores today from Public Safety Testing, and added that he is considering some other possibilities to fill the position.

Mr. Bishop gave update on Front Street Lift Station project and noted that the electrical control panels for Phase 1 will not be here until February.

Mr. Kwarsick reported that the next land use application to be presented to Council will be Krueger Farms on January 8th. The next quasi judicial matter will be the View Ridge application, on the north side of Front Street, as he has received MDNS (mitigated determination of non-significance). An application that has been submitted is a 2-lot short plat on an historic property and the owners are looking at ways of using lot size averaging. He will have a pre - application meeting next week on the 2nd phase of Cobblestone Cottages and will go through the binding site plan process. Mayor Conard added that recently the Council may have received written comments on the View Ridge application which are to be forwarded to Mr. Kwarsick, as this is a quasi-judicial matter. She noted the importance of safeguarding the appearance of fairness doctrine and Councilmembers will need to disclose any conversations or email correspondence at the time of the hearing.

COUNCIL REPORTS

Councilmember Hughes attended the Coupeville Arts & Craft Board grants program and noted that the Food Bank received some grant funding. She is working on another big food drive for the Food Bank.

Councilmember Bronson reported that the Ebey's Trust is doing well with the Design Review Board and reviewing applications.

Councilmember Clay attended the meeting yesterday in which Island County was considering the recycling plan. He explained the need for citizens to provide input to the commissioners, that we are all for it, we want recycling. He learned that glass is a big obstacle and it is best to take it to the recycling center; recycling pick-up will only be once per month.

Councilmember Phay commented that it is great to serve on the Town Council for the Town of Coupeville and wished everyone a Merry Christmas.

AUDIENCE INPUT

Ann Dannhauer asked a question about Ordinance No. 666 and Mayor Conard responded that there is language in the ordinance that special events are protected under the First and Fourteen Amendments that includes any event involving political or religious activity, in which opinions are expressed.

David Day wished everyone a Merry Christmas!

EXECUTIVE SESSION

Discussion of potential property acquisition/disposition

Mayor Conard called for executive session to discuss potential property acquisition/disposition for approximately 15 minutes. Mayor Conard, Councilmembers Binder, Bronson, Clay, Hughes and Phay recessed to executive session at 8:57 p.m. and reconvened to regular session at 9:17 p.m. No action was taken.

ADJOURNMENT – 9:17 p.m.

Respectfully Submitted:

MAYOR:

Judy A. Thomas, Clerk Treasurer

Nancy Conard, Mayor