

**Town of Coupeville
Regular Council Meeting
Tuesday, December 9, 2008**

PRESENT: Mayor Nancy Conard, Councilmembers Dianne Binder, Bob Clay, Ann Dannhauer, Molly Hughes, and Jim Phay.

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

Mayor Conard and Council agreed to have the public hearing prior to the presentation and add one discussion item for an update on the Library.

APPROVAL OF MINUTES

The minutes of the Regular Meeting of November 25, 2008 were approved, with the following four changes: 1) Page 3, fourth paragraph, second sentence should read, ...Town Council and the Parks and Rec Commission ~~is to install...~~; 2) Page 2, from the top of the page, the fifth bullet should read, ‘Councilmember Dannhauer ~~asked about the status on the use of the room on the lower level of Millie Fonda’s building on Front Street for residential use.~~ said, “At the last workshop you had told the Council that the planner was working on a compelling argument to allow transient residential use as part of a mixed use in historical buildings on the waterfront, and she was wondering how that was going.” Mayor Conard explained that Larry Kwarsick is working...’; 3) Page 4, second paragraph, last sentence should read, ‘Councilmember Dannhauer ~~added that we may need the revenue as construction revenue decreases; property tax is not a progressive tax but more residency increasing fees, and we don’t have an income tax~~ said, “I think the funds might be needed in the future as construction revenue decreases. A property tax is not a progressive tax in full, it’s mainly regressive, but it’s more progressive than increasing fees and we don’t have an income tax.”’ 4) Page 7, second paragraph, second sentence under Councilmember Dannhauer’s Council Report, should read, ‘She also went to ~~attended~~ the Ebey’s ~~Forever~~ Conference on November 7th and 8th and ~~off the Beaten Path, one of the guides spoke about surrounding incompatible development using the roller barn in Oak Harbor as an example.~~ There was a program visualizing how new structures would look in town, using current zoning and they showed several examples, i.e., the municipal parking lot, the library and the area where the Johnson Building is located, parking lot where the Johnson Building is located. In the final speech, among a lot of other information Mark Preiss spoke about the loss of 36 structures in 30 years.

MAYOR’S REPORT

- Mayor Conard attended a meeting which State Representative Rick Larson discussed financial recovery activity, job growth programs, and food stamp programs. Congress will focus on four broad categories including Federal transportation programs and infrastructure; using programs that are already in place.
- Town Planner Larry Kwarsick is working with the Department of Ecology (DOE) on the Shoreline Master Plan and its possible we will receive the final copy by the end of the year with their recommendations for changes. It looks favorable to include residential use of existing buildings in addition to commercial. Once we receive if from DOE, it will need final approval from Council.

- Tomorrow, at 10:30 a.m., she will meet with the advisory committee on the municipal parking lot to begin to develop a plan using low impact development techniques.
- Earlier today, she met with Larry Kwarsick and Councilmembers Clay and Dannhauer to discuss the tree ordinance. She asked Bob and Ann to select two people, to serve on the tree committee. The first meeting will be in January; and there will be a representative from Department of Natural Resources (DNR) at that meeting. They have decided to meet twice per month and expect to have a draft ordinance to Council in approximately 90 days, for further discussion.
- The next Council of Governments meeting will be at 1:00 pm on December 19th, and they will discuss rural development and the proposed ferry from Coupeville to Camano Island.
- Councilmember Hughes sent a memo to Councilmembers about the NLC Green Cities Conference in Portland, in April, and asked to let her know if you wish to attend so she can get them registered before the end of the year.
- She spoke about the fire at the Terry Mobile Home Park last week. Central Whidbey Fire & Rescue, the Town Marshal, and the Food Bank all responded with a plan to help the families displaced by the fire. She commended the fire and law enforcement agencies for an amazingly good job in taking care of the fire.
- The Greening of Coupeville was last Saturday, December 6th, which included the parade, arts & antique walk, and there was a great turnout.

AUDIENCE INPUT

Jerome Rosen, Coupeville, discussed some email comments between himself, Mayor Conard and Town Council members. He appreciated the work done by Mayor Conard on the Ebey's conference. He spoke about the letters that he read, in part, at the previous Council meeting and felt that Councilmember Dannhauer's motions did not get adequate consideration. He asked her (Dannhauer) if she felt that the subject of the budget got adequate discussion in the setting of a Council meeting. Councilmember Dannhauer responded that a lot of discussion had gone on during the workshop, which members of the public or the press did not attend; and no one saw the discussion that went on. She added that Councilmember Clay said that they (the Council) had received all the information at the public hearing, but she did not have the 2005 auditor's report which mentions a note, and had not yet gone over the calculations for the time weighted percentages used in the utility transfer; as it turned out they aren't time weighted. Mayor Conard explained that Council had received the letter from Will Jones prior to the meeting and spent a significant amount of time discussing his concerns.

PUBLIC HEARING

Conditional Use Permit CUP 06-02 to locate a public park and ride lot within the Town Commercial Zoning District - *Staff recommends adopting the Findings of Fact and Conclusions of Law and approve CUP 06-02, subject to the seven conditions.*

Mayor Conard explained the process for the public hearing.

Mayor Conard declared the public hearing open at 7:20 p.m. She asked if any Councilmember had a conflict of interest or an appearance of fairness issue. Councilmember Clay explained that he is a member of the Island Transit Board and recused himself from participation in this matter; he left the room at 7:21 pm.

Larry Kwarsick, Town Planner, explained the Island Transit proposal to develop a new public Park & Ride lot at 207 South Main Street. Previously, Island Transit operated a 20-space Park & Ride lot at the elementary school. The current proposal is a 55-space facility cooperatively located within the proposed Prairie Station project. The property is zoned Town Commercial, and as a public/quasi-public use of the property zoned for commercial purposes, requires a conditional use permit. The Prairie Station project includes three parcels, the extension of the turn lane on South Main Street; ability to site new commercial buildings; also implementation with the National Park Service (NPS) for surface water for re-use of treated wastewater. The conditional use permit must meet the criteria of the four findings to be approved. This application was presented to the Planning Commission at a public meeting and meets the criteria of the four findings and the Planning Commission recommends Council approve CUP 06-02.

Councilmember Binder asked if the lot would have LID lights and electrical outlets for electric cars. Mr. Kwarsick responded that this project incorporates LID techniques.

Mr. Kwarsick explained that there is a common access and pedestrian easement. The Design Review Board conducted a public hearing and approved the site design. He discussed the two pedestrian accesses from South Main Street. Mayor Conard called for a short recess at 7:51 p.m. and reconvened at 7:56 p.m.

Island Transit Director, Martha Rose, responded to the questions about lighting that there would be 'down lighting' (to not light the night sky) in the lot. The lot will be wired for future electric outlets. She introduced Tim Goodman, Project Manager, and he explained about the storm water runoff and the rain garden. The storm drain is in cooperation with the adjacent development. He described where pervious surfacing would be used. And there will be a bus turnout added, as the center lane is extended on South Main Street.

Councilmember Dannhauer asked if alternate sites had been considered. Mr. Goodman said Island Transit is trying to develop parking lots throughout the island. Island Transit tries to find property that is available, and this site was a good fit. Ms. Rose added that they (Island Transit) had looked at the lot at Terry and South Main and it just did not work for them; and they have looked at some other church parking lots. This central location works better; and they have been developing a good repertoire with the National Park Service. Councilmember Dannhauer asked about the SEPA report and mitigated DNS and Mr. Kwarsick said that it was mailed to her today. She asked about the trees that will be removed but the applicants and Mr. Goodman responded that they have committed to retaining as many of the trees as possible and the diagram shows the proposed landscaping and he explained the plan to replace diseased trees. Councilmember Dannhauer asked if site and soil analysis had been done. Mr. Kwarsick responded that it has very impermeable soil, with a low rate of filtration. Councilmember Dannhauer requested the actual number (rate of filtration).

At 8:20 Mayor Conard asked if there were any further public comments on the project; and there were no more comments from the public.

Councilmember Hughes asked about security cameras and Ms. Rose responded that there are not yet, but they will have them in the future.

There was no more public comment and Mayor Conard declared the public hearing closed at 8:22 p.m.

Council Action: A motion was made by Councilmember Binder, second by Councilmember Hughes, to adopt the Findings of Fact and Conclusions of Law and approve CUP 06-02, subject to the following seven conditions:

1. In lieu of the onsite restriction of project generated surface water flows to predevelopment rates as required by the Town standards, the applicant shall be financially responsible for the design and construction of an offsite surface water impoundment, conveyance and bioswale treatment system on Assessor's Parcel # R32908-023-0420, under the terms and conditions of the agreement between the Town of Coupeville, the National Park Service, and the Ebey's Landing National Historical Reserve.
2. Detailed project engineering plans shall be presented to Town staff for review and approval prior to the commencement of any site disturbing activities. The project shall be built, to include street improvements, in substantial conformance to the site plan approved by the Design Review Board.
3. The applicant will incorporate some low impact development surface water controls into the project design but is not obligated to restrict surface water flows or treat surface water onsite.
4. The applicant shall obtain a Stormwater General Permit from the Washington State Department of Ecology as required under the Federal Clean Water Act. The applicant will also be required to obtain permits to work on and access Town right-of-way.
5. In lieu of a pedestrian connection directly into Buildings A and B from the South Main sidewalk, the DRB required an enhanced project pedestrian "entrance" between buildings A and B. This entrance will serve all buildings and provide a continuous walkway to the north end of the Island Transit Park and Ride lot. This second pedestrian connection must be constructed in association with the initial site development although the pedestrian connection can initially be constructed consistent with the Town's non-motorized pedestrian ways until future buildings are constructed.
6. The site plan must be amended to identify an area for interpretative signing and potentially an informational "Reserve" kiosk. The details shall be developed and coordinated with the Mark Preiss, Reserve Manager.
7. The site plan must identify an area for public trailhead parking in support of the Town of Coupeville, the National Park Service, and the Ebey's Landing National Historical Reserve promotion of non-motorized trail connections within the Ebey's Landing National Historical Reserve.

Council Discussion: Councilmember Binder was pleased to see the LID techniques incorporated into the project and looks forward to having the lot. Councilmember Hughes appreciated the parking lot being located off of Main Street; and noted that they've done a great job of developing partnerships with the Town, Island County, NPS and Island Transit. Councilmember Phay noted that he really likes the plan and that it leads into the reclaimed water project. Councilmember Dannhauer added that she likes it in general, but expressed concerns about the soil infiltration rate, using impervious surfacing, and the cutting of trees. Mayor Conard explained that there are significant drainage issues with this property and the creation of a retention pond is one of the ways to deal with the storm water; and the impoundment of the water is a more beneficial use.

The motion passed 3-1 (Dannhauer).

Mayor Conard commended all parties involved in this cooperative project.

Mayor Conard called for a short recess at 8:32 pm and reconvened at 8:42 pm; and Councilmember Clay returned to the meeting.

PRESENTATIONS**Update on Climate Protection and Sustainability Project by Cathy d'Almeida**

Ms. d'Almeida gave a power point presentation on the climate protection and sustainability project. The statistics showed how much CO² was used with different types of energy sources, such as gasoline, electricity, propane, and others. She has been working with PSE on energy conservation efforts. She has been providing information on the climate protection and sustainability project with the sustainability newsletters (mailed with the Town Utility Bills), the website, a panel at the Ebey's Forever Conference and the film series at the Wharf. The town will receive a grant from PSE to replace 1,200 incandescent bulbs (porch light bulbs); this project will begin January 1, 2009 with the goal to have them all replaced by the end of February. The training on compact fluorescent bulbs is scheduled for January 10th at United Methodist Church. Mayor Conard explained about 'green power' that can be purchased from PSE; and the Town intends to participate and support 'green power' by purchasing a certain percentage of green power. The goal for the Town of Coupeville is to reduce 11,049 tons CO². According to 2000 and 2005 numbers it appears that at the rate we are going we will save 3,550 tons over 10 years; 7,499 tons short of what we need to get to. Mayor Conard explained some of the big things that we can do, on an island-wide basis, to reduce our carbon imprint, such as banning burning throughout the county.

Mayor Conard called for a short recess at 9:24 pm and reconvened at 9:30 pm.

NEW BUSINESS**Approve the Interlocal Agreement with Island County for Stormwater Quality Monitoring Services - *Mayor recommends a motion to approve the Interlocal Agreement with Island County for Stormwater Quality Monitoring Services***

Mayor Conard explained about the grant we received from the Department of Ecology for Stormwater Monitoring Activities requires monitoring storm water outfalls for fecal coliform bacteria, metals and other pollutants. In the grant application we indicated that we would contract with Island County Health Department to perform this monitoring. This is the interlocal agreement with the County to perform those services.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Clay, to approve the Interlocal Agreement with Island County for Stormwater Quality Monitoring Services. The motion passed 5-0.

Resolution 08-05 establishing policies, procedures, and rules of conduct for the Town Council and its meetings, and repealing Resolution 97-09

Council Action: A motion was made by Councilmember Binder, second by Councilmember Hughes, to approve Resolution No. 08-05, establishing policies, procedures, and rules of conduct for the Town Council and its meetings, and repealing Resolution 97-09.

Council Discussion: Councilmember Binder explained that she, Councilmember Hughes did a lot of work to prepare this resolution, it was completely reviewed by Council at workshops; and then it went to the town attorney for final review. This document will be a helpful tool for current and future council members. Councilmember Phay thanked Councilmembers Binder and Hughes for all the work they did on the resolution. Councilmember Clay found a typographical error and Councilmember Dannhauer questioned the wording on executive sessions (2) on page

8 and suggested that the rest of the language from the RCW be included in the resolution. After further discussion Council agreed to table this item to the next meeting.

Council Action: A motion was made by Councilmember Dannhauer, second by Councilmember Phay, to table this resolution to the next Council meeting. The motion passed 5-0.

Approval of Town Attorney Agreement for 2009

Mayor Conard explained that the relationship with Town Attorney Grant Weed and his office has been great and she recommends approval of the agreement for 2009.

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 for 2009.

Council Discussion: Councilmember Dannhauer noted that she has checked with MRSC and their fees are acceptable.

The motion passed 5-0.

Approve the Interlocal Agreement with Sno-Isle Library District and Coupeville Library Capital Facility Area - Recommend a motion to approve Interlocal Agreement with Sno-Isle Library District and Coupeville Library Capital Facility Area.

Mayor Conard reported that the agreement was prepared to confirm agreements and understandings which resulted from the successful passage of the ballot issue to create a capital facility area for the library, and the approval of the \$2.3M bond.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Binder, to approve the Interlocal Agreement with Sno-Isle Library District and Coupeville Library Capital Facility Area.

Council Discussion: Councilmember Clay explained that they had been involved with this from the beginning; and the first step is creating the district; and he was very pleased that both bond issues passed and things are moving quickly.

The motion passed 5-0

Update on Library Potential for Additional Land

Mr. Kwarsick discussed the building expansion of the library and some additional property that is needed. It is a strip of land on the west side of the property approximately 25 ft. x 100 ft. needed for the proposed building expansion on the library. There will be an informal discussion at the Design Review Board, on December 16th. He also explained that the current property consists of eight lots and the proposal is to combine the eight lots with the 25 ft. x 100 ft. strip of land, with a boundary line adjustment; and this transfer of land would need to occur prior to commencement of construction.

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 Phay, to reappoint Bob Clay to the Island Transit Board.

Council Discussion: Councilmembers Hughes and Binder commended Bob Clay on his efforts on the Island Transit Board.

The motion passed 5-0.

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

Mayor Conard explained that the Council must elect a mayor pro-tem every six months.

Council Action: A motion was made by Councilmember Binder, second by Councilmember Phay, to appoint Bob Clay to serve as Mayor Pro-Tem for the period from January through June 2009. The motion passed 5-0.

Cancel Town Council Meeting of December 23, 2008

Council Action: A motion was made by Councilmember Binder, second by Councilmember Phay, to cancel the Town Council Meeting of December 23, 2008. The motion passed 5-0.

Set Council Workshop for January 16, 2009 at 3:00 pm to 8:00 pm at the Service Alternatives meeting room

Council Action: A motion was made by Councilmember Binder, second by Councilmember Clay, to set a Council Workshop for January 16, 2009 at 3:00 pm to 8:00 pm at the Service Alternatives meeting room. The motion passed 5-0.

Approval of December 9, 2008 Claims Vouchers and November Payroll - Staff recommends approval of the December 9, 2008 claims vouchers/warrants #21442 through #21484 for \$94,104.80; and November payroll warrants #12223 through #12262 for \$93,310.13.

Several questions were asked and answered by Council with no changes to what was submitted.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to approve the December 9, 2008 claims vouchers/warrants #21442 through #21484 for \$94,104.80; and November payroll warrants #12223 through #12262 for \$93,310.13. The motion passed 5-0.

ADJOURNMENT: 10:27 p.m.

Respectfully Submitted:

MAYOR:

Judy A. Thomas, Clerk Treasurer

Nancy Conard, Mayor