

**Town of Coupeville  
Regular Council Meeting  
Tuesday, January 13, 2009  
6:30 p.m.**

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

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

**OATH OF OFFICE - Deputy Marshal Adrian Kuschnerit**

Mayor Conard introduced and administered the oath of office to Deputy Marshal Adrian Kuschnerit. Deputy Kuschnerit introduced his wife, Melody, and daughter Katriona, and added that he was looking forward to working for the Town.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of December 9, 2008, were approved with one correction to page 4, bottom of the page, fourth sentence after *Council Discussion*, it should read, 'Councilmember Dannhauer added that she likes it in general, but expressed concerns about not knowing soil infiltration...'.

**MAYOR'S REPORT**

- The first planning meeting on the municipal parking lot was held on December 10<sup>th</sup> and there will be another meeting January 21<sup>st</sup>.
- She has had a number of meetings, negotiating the renewal of the Deputy Marshals' Association agreement which expired on December 31, 2008. The meetings have gone well and she anticipates an agreement in the next several weeks.
- She met with newly elected County Commissioner Helen Price Johnson, and discussed some of the common concerns and interests that we share. Also met with Angie Homola and will meet with her again in the near future.
- Last week, she and Councilmember Clay attended the public hearing on the Washington State Ferry long term plan, which will be discussed later in this meeting.
- She attended the League of Women Voters legislative lunch on January 10<sup>th</sup> and heard Senator Haugen speak about some of the challenges facing the legislators in this legislative session; they have a lot to do with the budget. Senator Haugen has a new committee assignment (in addition to being the chair of the transportation committee) on agriculture and rural economic development committee, which ties in nicely with what is going on with central Whidbey and Ebey's Reserve.
- January 6<sup>th</sup> she attended the monthly meeting of the Island County Climate Change Coalition and they are developing a more formal organization, the Sustainable Whidbey Coalition, and plan to make a presentation to the Council of Governments (COG) at their next meeting on January 28, 2009, inviting each of the jurisdictions to participate in the organization. Also at the COG meeting, Puget Sound Energy will make a presentation about home energy audits in your community. Also, Cathy d'Almeida has arranged for representatives from State of Washington General Administration to provide a presentation

on energy savings contracting in Washington State, and tax supported agencies in Island County.

- January 10<sup>th</sup>, Councilmembers Clay and Binder attended the education session on the Porch Light Campaign, working with Cathy d'Almeida for orientation and distribution of the energy efficient light bulbs for front porches, to all town residents. It was a good presentation with a good turnout of about 50 volunteers, who received the training and distributed the bulbs. We have extra bulbs at town hall, if you did not receive one. Along with the bulb was information on disposing of the old bulbs.
- Earlier today there was a meeting of the Neighborhood Emergency Team (NET); they are focused on shelter operation and management and they are planning a "mock emergency drill" in March.
- A lot of people have gone on record with phone calls and emails, commending the excellent work done by our crew on keeping the streets clear and safe with all the snow during the holidays; and she was really proud of the effort. The agreement with Whidbey General Hospital to provide the Town with a snow plow in exchange for keeping their parking lot cleared of snow has worked out very well. She commended Malcolm Bishop and the utility operators, who were right on top of things as the ice melted increasing the volume of stormwater through the system; and they made sure everything was working properly.
- The Town Council will have a workshop on Friday, January 16<sup>th</sup>, from 3:00 pm to 8:00 pm, at Service Alternatives. The first hour of the meeting will be a joint meeting of the Island County Commissioners, Ebey's Trust Reserve Manager Mark Preiss, Jeff Tate, and Town Planner Larry Kwarsick, discussing the update of the Design Guidelines.

#### **AUDIENCE INPUT**

Peggy Burton, 901 Center Street, Coupeville, expressed concerns about two buildings in Coupeville, the Johnson building and the old fire hall and asked for disposition of the two buildings. Mayor Conard responded that Ryan Goodman is preparing the specifications for demolition of the Johnson building; and the Town has contacted the potential buyer for the old fire hall and forwarded a sale agreement to Town Attorney Grant Weed for review of the agreement.

Gordon Burton, Coupeville, noted that elections are coming up in nine months for anyone interested in competing for the positions. He asked about the parking situation on Front Street and encouraged the police department to ticket employees and owners. Mayor Conard has been working with the Coupeville Historic Waterfront Association and they are encouraging employees and owners to park outside the direct area; and they are encouraging voluntary compliance.

#### **PUBLIC HEARING**

**Conditional Use Permit CUP 08-01 and amendment to CUP 07-04, to increase Island County's use of the commercial building at 400 and 402 North Main Street for County business purposes.**

Mayor Conard explained the procedures of the public hearing and the Council's responsibilities in a quasi-judicial decision. She explained the two different types of public hearings which are legislative and quasi-judicial; this is a quasi-judicial application.

Mayor Conard declared the public hearing open at 7:05 p.m. She asked if Councilmembers had any appearance of fairness issues related to this issue and/or did anyone have any ex-parte communication. Councilmember Dannhauer noted that she received communication from members of the community about county expansion in general; not centered on this CUP but perhaps triggered by it; and stated it would not affect her decision. Councilmember Clay explained that he owned commercial property located just outside the 300 foot limit, and whether this CUP is approved or not, it will not affect his property and therefore he has no financial interest in this and felt that he could make a fair decision, based upon the facts presented at this hearing. There were further comments about appearance of fairness issues from anyone in the room.

Larry Kwarsick explained that Island County made application for additional use of the property at 400 and 402 North Main Street, owned by Gloria Christensen. The additional space requested in CUP 08-01 is for use as the newly created Human Services Department. Last year the Island County received approval of CUP 07-04 for use of this property for the Elections Office, for up to 2,672 square feet. The county has updated their plan and requested expansion in use up to 4,535 square feet. This application has been properly noticed; the planning commission met and made a recommendation to approve this application with conditions. This is an allowed use in the Town Commercial District, providing certain conditions are met. There are four specific findings that must be met with all conditional uses and this application meets all four findings. It is his opinion that this application would be in compliance with the findings. The use is in general harmony with the Town's Comp Plan. This is a permitted use and supported in the Comp Plan. The Planning Commission recommended approval with five conditions

Councilmember Clay asked about the 24 parking spaces behind the building and the proximity to the Town well house. Councilmember Hughes asked about the parking spaces on Kinney Street and Mr. Kwarsick responded that this application includes proof that there is adequate parking to meet the requirement. Councilmember Dannhauer asked about the time limit on CUP 07-04, and Mr. Kwarsick responded that the time limit on CUP 07-04 was three years. The time limit was proposed by the Planning Commission in lieu of one of the conditions proposed for CUP 07-04 to which the applicant objected.

Donna Keeler, Coastline Planning, applicant for Island County, explained that they preferred a location for the Human Resources Department that was more discreet; and this is also a good location for Election Department. She responded to Councilmember Binder's question about the parking spaces in the front of the building, which will be clients and visitors, not County employees. Mr. Kwarsick added that the map identifies designated parking for Island County employees, and is not specific to buildings.

Gordon Burton, Coupeville, commented that use of this building by the county, along Main Street will affect the good tax base for merchants and thought the three-year limit (on CUP 07-04) should stay in place.

Peggy Burton, Coupeville, commented about parking around the area and that people were parking everywhere, and not observing the "No Parking" signs; and specifically along Center Street. Mayor Conard responded that parking is authorized on Center Street between 6<sup>th</sup> and 7<sup>th</sup> Streets, but not north of 7<sup>th</sup> Street. She asked Peggy to please notify her if she sees parking violations, as neither she nor the staff has seen violations.

Councilmember Dannhauer asked Ms. Keeler if the Christensen's have always had problems with leasing the property. Mr. Kwarsick replied that the first CUP on this property was in 1996

or 1997, and the property owners have had a long term history of problems with leasing the property. The property is privately owned and the owner still pays property taxes; there are private businesses on the property that don't pay sales tax.

There was no more public comment or written comments and Mayor Conard declared the public hearing closed at 7:53 p.m.

Council Action: A motion was made by Councilmember Binder, second by Councilmember Clay, to adopt the Findings of Fact and Conclusions of Law and approve CUP 08-01 and the amendment of CUP 07-04, subject to conditions 1-5.

Findings of fact and conclusions of law:

Based on the analysis presented above, staff proposes the following findings and conclusions:

1. The Town received an application on September 26, 2008 for a conditional use permit to locate tax exempt professional offices in the Town Commercial District and to modify the time limit of previously issued CUP 07-04 which was approved with a 3 year time limit. The 3 year time limit was imposed in lieu of the updating of the County Master Plan and an updated parking plan which have now been prepared. A Notice of Completeness was issued to the applicant on October 7, 2008;
2. A Notice of Application was sent to neighboring property owners and affected agencies on October 7, 2008, with a 14-day comment period;
3. The proposal is exempt from State Environmental Policy Act (SEPA) review;
4. In accordance with Coupeville Town Code, the Planning Commission conducted a public meeting to consider the application, and forwarded a recommendation of approval to the Town Council;
5. The proposal to locate tax exempt professional offices at 400 and 402 North Main Street is reasonably necessary for the public health, safety and general welfare, in that the use is consistent with the Town's Development Regulations, and provides relief to an overcrowded working environment for the elections division of the County Auditor, created in part by the new mail in voting program and also an identifiable presence for the newly created Human Services Department;
6. The proposal to locate tax exempt professional offices at 400 and 402 North Main Street will not permanently or substantially injure the lawful use of neighboring uses, if conditions are applied with respect to eliminating possible sources of contamination to the Well #5 wellhead;
7. The proposal to locate tax exempt professional offices will generally be in harmony with the Comprehensive Plan and adopted Island County Master Plan for Coupeville Facilities if the Master Plan is amended;
8. Tax exempt uses in the Town Commercial zoning district and essential public facilities are expressly permitted as conditional uses;
9. The proposed location, size and characteristics of the use will maximize its benefit to the public;
10. The proposed location and the plan for entrances and exits will not create hazards on public streets so long as the parking and access are reconfigured in conformance with the attached site plan;
11. The proposed use will not occupy land which would more beneficial to the community if put to a different use, in that the proposal is consistent with principal uses and will not reduce the Town's property tax revenue;
12. The proposed use will not be detrimental to principal uses otherwise permitted in the Town Commercial District.

Conditions:

Based on the analysis, findings and conclusions noted above, staff recommends that the Planning Commission recommend that the Town Council amend CUP 07-04 and approve CUP 08-01, subject to the following conditions:

1. That no storage or activity associated with the proposed use cause or involve any substance considered detrimental to the Town's drinking water supply to come within 100' of the wellhead for Well #5;
2. The parking stalls shall be repainted and delineated for the use of specific occupants or general public use;
3. The Kinney Street parking facility and the associated parking spaces for County vehicles must be completed on or before the end of 2009;
4. The County shall apply for and obtain an occupancy permit for the intended use and sign permit for both uses; and
5. The 3 year time limitation on previously issued CUP 07-04 is to be removed, however both CUP 07-04 and 08-01 shall be subject to review in association with the future expansion of the County Law and Justice Building.

*Council Discussion:* Councilmember Binder favored approval of this conditional use permit as everyone stands to benefit upon its approval. Councilmember Clay noted that this application meets the criteria for approval and satisfied the requirements of the public hearing, and he favors approval of the application. Councilmember Dannhauer was concerned about future use of commercial space because of the limited commercial areas, and suggested placing a time limit on CUP 08-01, of three to five years.

Councilmember Dannhauer made a motion to establish a time limit on the two conditional use permits, CUP 07-04 and CUP 08-01, for review on whether to continue it in three years. Council discussed the suggested motion but no second was made to the motion and the motion failed. The motion passed 4-1 (Dannhauer).

Councilmember Clay asked Councilmember Dannhauer why she voted against the motion and she replied that it was because there was not a time limit for review, if the Town comprehensive plan or the Town Code changed, or we ran out of commercial space. Mayor Conard asked Councilmember Dannhauer if she felt that any of the four criteria, which are required for approval, was not met; and she responded, no (that was not the reason).

Mayor Conard called for a short recess at 8:00 p.m. and reconvened at 8:11 p.m.

**NEW BUSINESS**

**Approval of Resolution 08-05 establishing policies, procedures, and rules of conduct for the Town Council and its meetings, and repealing Resolution 97-09 - Staff recommends a motion to remove Resolution 08-05 from the table; and a motion to approve Resolution No. 08-05.**

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Clay, to remove Resolution No. 08-05 from the table. The motion passed 5-0.

Mayor Conard explained that this resolution was considered at the December 9, 2008 Council meeting and some changes were suggested by Councilmember Dannhauer. The suggestions were incorporated into the resolution by Town Attorney Grant Weed, and reviewed and approved by Councilmember Dannhauer.

Councilmember Dannhauer noted some changes on page 7 that should read he/she, rather than they.

**Council Action:** A motion was made by Councilmember Clay, second by Councilmember Binder, to approve Resolution 08-05 establishing policies, procedures, and rules of conduct for the Town Council and its meetings; and repealing Resolution 97-09.

**Council Discussion:** Councilmember Clay noted that we have worked through this document and he commended Councilmembers Hughes and Binder and noted that this is a good method for how we conduct ourselves at meetings and workshops. Councilmember Phay added that he will vote for approval and thanked Councilmembers Binder and Hughes. Councilmember Binder noted that it will help new councilmembers and clarify procedures. Councilmember Dannhauer stated that appreciated all the efforts to develop this document but she still had a problem with the five-minute rule on audience input. Councilmember Clay felt that it was important that the Council vote should be a unanimous vote and asked if she (Dannhauer) could live with it the way it is. Councilmember Dannhauer responded that if you want it to be a unanimous vote, then we should continue to work on it.

The motion passed 4-1 (Dannhauer).

When questioned, Councilmember Dannhauer explained that her only problem with the document is the five-minute rule.

#### RESOLUTION NO. 08-05

A RESOLUTION of the Town Council of Coupeville, Washington, establishing policies, procedures, and rules of conduct for the Town Council at its meetings, and repealing Resolution No. 97-09

**Approval of Addendum to Agreement to update the payment in-lieu of taxes by Senior Services of Island County to the Town of Coupeville - Staff recommends approval of the addendum to set the amount for 2008 through 2012.**

Mayor Conard explained the purpose of the agreement is to update the amount for the five-year period from 2008 through 2012.

**Council Action:** A motion was made by Councilmember Clay, second by Councilmember Binder, to approve the addendum to the Agreement with Senior Services of Island County, revising the annual amount for 2008 through 2012.

**Council Discussion:** Councilmember Clay noted that this is a good service and we are fortunate to receive some funding through this agreement so should proceed.

The motion passed 5-0.

**Approval of December 31, 2008 Claims Vouchers and December Payroll - Staff recommends approval of December 31, 2008 claims vouchers/warrants #21485 through #21567 for \$171,639.46; and December payroll warrants #12263 through #12301 for \$104,085.10.**

Several questions were asked and answered and no changes were made to what was submitted.

**Council Action:** A motion was made by Councilmember Hughes, second by Councilmember Binder, to approve the December 31, 2008 claims vouchers/warrants #21485 through #21567 for \$171,639.46; and December payroll warrants #12263 through #12301 for \$104,085.10. The motion passed 5-0.

#### **DISCUSSION - Washington State Ferries Draft Long-Range Plan**

Councilmember Dannhauer suggested the Council submit a letter to Washington State Ferries. Mayor Conard and Council discussed supporting a position on this plan. Mayor Conard provided a copy of a draft letter in support of Plan B with modifications that include: a second Island Home Ferry must be built; support of the reservations system; providing incentives to travel at

less busy times; the need to work together. After further discussion, Council consensus was to authorize Mayor Conard to prepare a letter to the Washington State Ferries in support of Plan B as described in the draft letter provided at this meeting, for signature by each council member.

**ADJOURNMENT:** 9:04 p.m.

Respectfully Submitted:

MAYOR:

---

Judy A. Thomas, Clerk Treasurer

---

Nancy Conard, Mayor