

***ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING***

***REGULAR SESSION - MAY 12, 1997***

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 12, 1997, at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and Tom Shaughnessy, Member, were present. Also in attendance were Elaine Marlow, Deputy Auditor, and E. Meyer, Secy. to the Board.

**VOUCHERS AND PAYMENT OF BILLS**

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The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #2712 - #2960..... \$ 181,423.77.

**RESOLUTION #C-20-97 IN THE MATTER OF PROCLAIMING ISLAND COUNTY LAW ENFORCEMENT WEEK MAY 11-17, 1997 AND ISLAND COUNTY LAW ENFORCEMENT MEMORIAL DAY, MAY 30, 1997**

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In conjunction with National Police Week and National Police Officers' Memorial Day, Sheriff Mike Hawley and staff members encouraged and supported the Board's proclamation of May 11-17, 1997 as *Island County Law Enforcement Week*, and May 30, 1997 as *Island County Law Enforcement Memorial Day*.

By unanimous motion, the Board adopted Resolution #C-20-97 proclaiming Island County Law Enforcement Week May 11-17, 1997, and Island County Law Enforcement Memorial Day, May 30, 1997.

**PROCLAMATION RESOLUTION #C-20-97**

**BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS**

**COUNTY OF ISLAND, WASHINGTON**

WHEREAS, National Police Week and National Police Officers' Memorial Day have been established to recognize the dedication of law enforcement officers to public safety; and

WHEREAS, May 11 - 17, has been designated National Police Week; and

WHEREAS, 1997 marks the tenth anniversary of Island County's officials observation of both National Police Week, as well as National Police Officers' Memorial Day; and

WHEREAS, 1997 also marks the tenth year anniversary of the tragic deaths of Island County Sheriff's Deputy William Heffernan and Deputy John Saxerud, who lost their lives in the line of duty, and

WHEREAS, the service and dedication of our law enforcement professionals provide a feeling of safety, stability and a high quality of life within Island County.

NOW, THEREFORE, we, the Island County Board of Commissioners, hereby proclaim the week of May 11 - 17, 1997, as Island County Law Enforcement Week, as well as May 30, 1997 as Island County Law Enforcement Memorial Day, of Island County, in the State of Washington, and urge all citizens to join us in this observance by seeking knowledge and understanding of public safety issues.

PROCLAIMED this 12th day of May, 1997

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

ATTEST: Elaine Marlow

for County Auditor & Ex-Officio

Clerk of the Board

EMPLOYEE SERVICE AWARDS

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EMPLOYEE DEPARTMENT NO. YEARS ANN. DATE

Victoria A. Inman Assessor 5 May 1

David E. Troutvine Coroner 5 May 18

EMPLOYEE OF THE MONTH - APRIL 1997

Keith Higman, Island County Health Department

RESOLUTION #C-21-97 CREATING NEW PRECINCT, POINT ALLEN, OUT OF MABANA  
PRECINCT, CAMANO ISLAND

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On April 28th, a proposed Resolution was presented for the purpose of creating a new voting precinct on Camano Island, Point Allen out of the Mabana precinct, in order to conform with State law regarding the maximum number of registered votes allowed in any one precinct. At that time, the matter was delayed in order to provide people of Camano Island an opportunity to review and comment. There have been no specific comments at this point, either for or against the proposal. Therefore, the Board by unanimous motion, adopted Resolution #C-21-97.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
ISLAND COUNTY, WASHINGTON

**IN THE MATTER OF CREATING A NEW PRECINCT, )**  
**POINT ALLEN, OUT OF MABANA PRECINCT TO )**  
**CONFORM TO STATE LAW REGARDING THE ) RESOLUTION C-21-97**  
**MAXIMUM NUMBER OF REGISTERED VOTERS )**  
**ALLOWED IN ANY ONE PRECINCT )**

**WHEREAS**, RCW 29.04.040 provides for the creating, dividing or altering of election precincts by the Board of County Commissioners; and

**WHEREAS**, Washington State statute allows a maximum of 900 voters in any one electronic voting system precinct; and

**WHEREAS**, the Mabana precinct has approached the 900 registered voter level, **NOW THEREFORE**

**BE IT RESOLVED**, that the new precinct known as Point Allen is created, with it's respective boundaries set as well as the boundaries of Mabana precinct amended, all as shown ;

**POINT ALLEN**

That portion of Camano Island lying East and South of the following described line: Beginning at the Southwest corner of the Northeast Quarter of Section 15-30-3E continue North along the North/South centerlines of Section 15-30-3E & Section 10-30-3E to the Northwest corner of the Northeast Quarter of Section 10-30-3E then East to the Northeast corner of Section 10-30-3E and the terminus of said line.

*ADOPTED* and approved this 12th day of May, 1997.

**Board of County Commissioners**

**Island County Washington**

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Elaine Marlow, for

Margaret Rosenkranz, Auditor & Clerk of the Board

APPLICATION FOR LIQUOR LICENSE - STATE LIQUOR STORE, FREELAND

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Application for Liquor License, reviewed and recommended for approval by the Sheriff and Planning Department, was by unanimous motion of the Board given a recommendation of approval to be forwarded to the Washington State Liquor Control Board, for issuance of License #080375-4I Class E by Kenneth and Diana Vaughan, dba Washington State Liquor Store #633, Freeland.

NEW APPLICATION FOR LIQUOR LICENSE - LAPAZ RESTAURANT, CLINTON

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Application for Liquor License #071015-4I Class CD by Richard W. Burgess, dba "Lapaz" in

Clinton, was also by unanimous motion of the Board, recommended for approval having received approval by the Sheriff, Health and Planning Departments.

RAP PROJECT AGREEMENT FOR CONSTRUCTION PROPOSALS

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Lew Legat, Assistant County Engineer, presented three RAP (Rural Arterial Program - State of Washington, County Road Administration Board) Project Agreements for Construction Proposals:

- Bayview Road - 1 Fully funded - total amount of authorized RATA Funds \$500,000 (Rural Arterial Trust Account). Portion from highway north about 6/10 of a mile.
- Bayview Road - 3 Partially funded for \$378,732 RATA Funds. Portion of the road in the area of Lone Lake/Andreason.
- West Beach Phase - 3 Project previously only partially funded. Because of other projects in the Region being dropped or performed under contract amount, Island County was able to receive another \$46,000 for this project, for total amount of authorized RATA Funds, \$500,000.

By unanimous motion, the Board approved the RAP Project Agreements for construction Proposal for Bayview Road -1; Bayview Road - 3; and West Beach Phase 3, as presented.

SUPPLEMENTAL AGREEMENT #1 – FAKKEMA & KINGMA, INC. HUMPHREY ROAD DRAINAGE OUTFALL, WORK ORDER #120

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Presented next was Supplemental Agreement #1 to existing professional services agreement with Fakkema & Kingma, Inc., related to the Humphrey Road Drainage Outfall (Mitchell outfall), Work Order #120, to revise design to relocate system as requested by Engineer, for a total fee increase of \$3,500. Relocation of the system and the outfall will be away from the slide area. Roy Allen, County Engineer, expected that the cost of construction would be close to the same amount as per original design; it is a longer route but much easier to do. And as Larry Kwarsick, Director, Public Works, pointed out, the system will now be located within County right-of-way outside of a slide area.

By unanimous motion, the Board approved Supplemental Agreement #1 with Fakkema & Kingma, Inc., Work Order #120, in the amount of \$3500.

BID AWARD RECOMMENDATION - COMPACTOR/ROLLER

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The recommendation by the Public Works Department was to award bid for a new or used self-propelled vibratory single smooth drum soils compactor/roller to the low bidder, Clyde West, Seattle, for a total of

\$79,278.00, including taxes, for one new 1996 model C850B Hypac Compactor/Roller. Mr. Kwarsick confirmed that Clyde West was contacted regarding their proposal for a used 1990 Bomag BW 213D with respect to warranty and confirmed no extension of warranty beyond what they offered in their original bid proposal would be considered because of age of the machine. The new machine bid comes with a full warranty for a period of one year or 1,000 hours, whichever comes first.

By unanimous motion, the Board awarded bid to Clyde West, Seattle, in the total amount of \$79,278.00 for one new 1996 Model C850B Hypac Compactor/Roller, including taxes.

#### BID AWARD RECOMMENDATION - TRACKHOE

Mr. Kwarsick presented bid award recommendation for a new or used excavator/trackhoe, maximum operating weight 38,000 pounds, with trade in of equipment #241, a 1974 Caterpillar 955 loader, ID #85J8654. Result of bids was a topic of discussion with the Board at the last staff session, and Public Works recommends award to N. C. Machinery for a 1997 CAT 312B, for a total of \$98,575.13, the lowest bidder meeting bid specifications, including trade in and sales tax, with options of a ditch bucket and a long undercarriage.

Commissioner Shaughnessy moved that the Board approve the recommendation of Public Works and award the bid to N. C. Machinery in the total amount of \$98,575.13. Motion was seconded by Commissioner McDowell.

Mark Visser, Farmers Equipment, Burlington, one of the five bidders on this equipment, questioned if the appropriate model was submitted for the bid recommended for award, since the Request for Proposals led bidders to believe Island County was in the market for a machine in the 35,000 pound class, and all of the other bidders submitted quotes on machines of that size. The CAT 312 is really one class smaller and therefore shows up as being the lowest bid because it is not in the same class as what the other bidders submitted. He thought the Request for Proposals was vague, and called for a machine of 38,000 pounds or less and the most likely assumption was the County was looking for a machine nearest that size. Farmers Equipment submitted a bid for a 1997 Kobelco SK150, the next closest bid, and has a standard long carriage. If the County wants a 312 size machine, he suggested a re-bid in order to get options from other vendors - the weight is smaller and the performance is less. It was his understanding after-the-fact that one of the concerns of the Public Works Department was to haul it on a trailer, but the bidders were not really made aware of that fact.

Mr. Kwarsick was aware that Jack Taylor, Maintenance Superintendent, had evaluated all of the bids received and determined conformance with specifications, and Mr. Kwarsick agreed. In terms of weight class, an upper limit was specified but the Department did not limit consideration to the lower weight units, and the weight of this particular proposal was discussed with the Board. He pointed out that the County can haul a heavier machine with a low boy, and therefore that was not an issue. Mr. Kwarsick agreed to provide

a response in writing to this particular bid question.

Chairman Shelton suggested this matter be continued until next week, giving the Board an opportunity to discuss the matter with Jack Taylor.

By unanimous motion, the Board continued action on this matter until May 19, 1997, during the Public Works Agenda.

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NOTICE TO PROCEED - REGARDING - HUMPHREY RD. AND GLENDALE RD -  
AGREEMENT FOR PROFESSIONAL SERVICES, DATUM PACIFIC

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Dick Snyder, Construction Engineer, presented for the Board's review and approval, Task A1, Humphrey Road, Work Order #237 (CRP 97-05), and Task B1, Glendale Road, Work Order #236 (CRP 97-04), per Agreement for Professional Services, with Datum Pacific for field survey and geotechnical work which includes performing site reconnaissance, survey, geotechnical investigation and evaluation/recommendations for least cost restoration of the portion of Glendale Road and Humphrey Road undermined by slide damage during January 1997 flooding. These submittals will be brief engineering reports with drawings, recommendations, and cost estimates, as well as results of geotechnical investigations and survey data and drawings.

By unanimous motion, the Board approved the Formal Task Assignment Documents as presented. with Task A1, Work Order #237, Humphrey Road, and Task B1, Work Order #236, Glendale Road.

HEARING HELD: RESOLUTION R-33-97 - (RESOLUTION #C-22-97) ADOPT THE NORTH  
WHIDBEY WATERSHEDS NON-POINT POLLUTION PREVENTION ACTION PLAN

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A Public Hearing was held at 10:30 a.m. as scheduled and advertised, for the purpose of considering Resolution #R-33-97 (assigned Commissioner Resolution #C-22-97), Adoption of the North Whidbey Watersheds Non-Point Pollution Prevention Action Plan. Janet Kearsley, Watershed Project Manager, gave a brief summary of the history of the Action Plan:

*1988 Watersheds in Island County ranked. North Whidbey rated the highest for potential pollution concerns.*

*Sept. 1992, Department of Ecology and Island County signed a Centennial Clean Water Grant for development of the Action*

*Plan.*

*Dec. 1992, North Whidbey Watershed Management Advisory Committee established by the Board, consisting of 9 citizen volunteer members. Composition of the committee includes citizens living in the watershed and technical advisors representing Island County, State Agencies, Regional Tribes and Local Governments.*

*As required by WAC 400-12, a public involvement and education plan was developed and implemented. Innovative programs were developed related to providing education on non-point pollution issues and solutions. For development of the Action Plan a series of educational workshops were developed for the Advisory Committee to cover the different non-point pollution issues.*

*Committee established goals and objectives. Staff worked to develop a non-point pollution assessment of concerns in the North Whidbey Watershed Assessment Plan.*

*Water quality monitoring plan developed to monitor the waters in North Whidbey. The main concern found was fecal coliform, either from on-site sewage systems or animals etc.*

*Committee and staff worked to develop a source control plan identifying the non-point pollution sources and looked at different management options, and selected those that fit Island County. The non-point sources of pollution were ranked. The three top were: 1) residential; 2) small farms; and 3) stormwater.*

*After actions were developed, a process of ranking those actions occurred, and a ranked list developed. Using that information the Plan was compiled with a summary of all data collected and the recommendations.*

*The Committee held a number of public forums. The Plan went through SEPA process and as required by law, letters of concurrence from different implementing actions were obtained from different agencies.*

Next, Ms. Kearsley reviewed briefly the top 8 out of 20 items from Table 8, Page 11 of the Executive Summary, " Priority Ranking of Proposed Actions":

### Rank Activity

On-Site System Outreach. Deals with on-site sewage systems and the outreach for that. Recommendation is this program be continue.

Sanitary Survey. Identify areas of concern where there is a high potential for failing on-site sewage systems (not currently funded) .

State Certification. For on-site sewage treatment professionals administrated by the State Department of Health. Recommend this program be continued.

Smart Shoppers. Continue program at local supermarkets working with people on how to reduce hazardous materials and if used, the proper care.

Sound Gardening. Continue program where Master Gardeners go to local nurseries and demonstrate alternatives to heavy pesticide use, and if used, the proper use of pesticides.

Small Farm TA. Conservation District small farm program to provide technical assistance.

Development Code. Look at the issue of single family homes, and whether or not the development code should be changed to require erosion and sedimentation control.

Small Farm Outreach. Educational program and workshops, i.e. buying suitable land for a small farm.

Anthony Turpin, Oak Harbor, Chairman of the North Whidbey Watershed Management Advisory Committee for the last year prior to developing and adopting the Non-Point Pollution Action Plan, believed involving people from the community in the process of defining problems and understanding the complexity of problems was a very good idea. The two years the Committee spent trying to understand the problems relating to pollution and watershed management control helped in becoming familiar with a mired of problems in this area. The Committee also grappled with issues relating to allocation of scarce resources to deal with those problems.

Chairman Shelton saw as an offshoot the fact there are now 9 citizens who are somewhat educated in the problems with non-point pollution. That, along with a number of other programs in Island County, such as the Beach Watchers and Waste Warriors, are devoted to educating the public. His personal opinion is that probably 99% of those who harm the environment do so out of ignorance; by providing education less regulation is required which he sees as good government.

No comments, pro or con, from any other members of the public were expressed at this time.

By unanimous motion, the Board adopted Resolution #R-33-97 (#C-22-97) adopting the North Whidbey Watersheds Non-Point Pollution Prevention Action Plan.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ADOPTING THE )  
NORTH WHIDBEY WATERSHEDS ) RESOLUTION NO. R-33-97/C-22-97  
NONPOINT POLLUTION PREVENTION )  
ACTION PLAN

**WHEREAS**, the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan is a mandatory element required by WAC 400-12, Local Planning and Management of Nonpoint Source Pollution.

**WHEREAS**, the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan has been reviewed for SEPA in compliance with RCW chapter 43.21.C.

**WHEREAS**, the Island County Department of Planning and Community Development issued a SEPA DETERMINATION OF NON-SIGNIFICANCE for the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan.

**WHEREAS**, two public forums were held to obtain public input in Coupeville and Oak Harbor as part of the public participation requirements of WAC 400-12.

**WHEREAS**, the implementing agencies identified in the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan have submitted letters of concurrence.

**WHEREAS**, the North Whidbey Watershed Management Advisory Committee and the Public Works Department recommended to the Board of County Commissioners that the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan be adopted consistent with the process established under WAC 400-12.

**WHEREAS**, the Board of Island County Commissioners concur with the findings and Recommendations of the North Whidbey Watershed Management Advisory Committee;

**NOW, THEREFORE,**

**IT IS HEREBY RESOLVED** by the Board of Island County Commissioners that the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan attached hereto as Exhibit A is approved.

**REVIEWED** this 21<sup>st</sup> day of April, 1997 and set for Public Meeting on the 12th day of May, 1997 at 10:30 a.m.

**BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

MIKE SHELTON, CHAIRMAN

WM. L MCDOWELL, COMMISSIONER

TOM SHAUGHNESSY, COMMISSIONER

**ATTEST:** MARGARET ROSENKRANZ

COUNTY Auditor & Ex-Officio

Clerk of the Board

APPROVED AND ADOPTED this 12th day of May, 1997.

**BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

MIKE SHELTON, CHAIRMAN

WM. L MCDOWELL, COMMISSIONER

TOM SHAUGHNESSY, COMMISSIONER

**ATTEST:** ELAINE MARLOW, FOR:

Margaret Rosenkranz, COUNTY

Auditor & Ex-Officio

Clerk of the Board

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PERSONNEL ACTIONS  
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Human Resources Director, Dick Toft, presented for consideration, five personnel action authorizations requested by four County Departments. The Board's action is reported below.

District Court: PAA #40/97, Adult Probation Director, Position, #1100.00, a reclassification, director of adult probation, in accordance with restructuring and line of authority under District Court Judge.

BOARD ACTION: unanimous motion approving PAA #40/97 effective 5/12/97. Funds in the amount of \$1175 will be required for the remainder of 1997, and the issue of a budget amendment to be reviewed.

Central Services: PAA #42/97 Mailroom, Position #1605.00, replacement. Employee gave notice of resignation effective 6/20/97. With leave payout, new hire date would be 7/3/97.

BOARD ACTION: unanimous motion to approve PAA #42/97 effective 7/3/97.

Sheriff's Department: PAA #43/97 Deputized Officer, Position #4014.29, and PAA #44/97 Deputized Officer, Position #4014.04. Both are replacement actions brought about by promotions from patrol deputy to lieutenant 5/1/97. PAA effective date 5/12/97.

BOARD ACTION: approved by unanimous motion PAA 43/97 and 44/97 effective 5/12/97.

Auditor: PAA #45/97, Chief Deputy (Acting)/Acctg. Supervisor Position #201, replacement. Former Chief Deputy appointed as Auditor; this is a refill of that position. Effective 5/12/97.

BOARD ACTION: unanimous motion approve PAA #45/97 effective 5/12/97.

## EXECUTIVE SESSION

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The Board met in Executive Session at 11:45 a.m. as allowed under R.C.W. 42.30.110 (1) (i), to discuss with legal counsel, matters relating to litigation or potential litigation. The Chairman anticipated approximately a one-half hour session, with no announcement to follow.

There being no further business to come before the Board, the meeting adjourned at 12:15 p.m., on conclusion of the Executive Session. The next regular meeting of the Board is scheduled for May 19, 1997, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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Tom Shaughnessy, Member

ATTEST:

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Margaret Rosenkranz, County Auditor  
& Ex-Officio Clerk of the Board

