

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - JULY 28, 1997

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 28, 1997 beginning at 1:30 p.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, and Tom Shaughnessy, Member, were present. Wm. L. McDowell, Member, was absent. Also in attendance were Margaret Rosenkranz, Auditor/Clerk of the Board, and E. Meyer, Secy. to the Board. Minutes from the July 7, 1997, Meeting were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) #7647-#7946..... \$288,141.70

Veterans Assistance Fund: Claim #V97-31 \$ 1,392.38.

REAPPOINTMENTS - NW WASHINGTON PRIVATE INDUSTRY COUNCIL

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By unanimous motion, the Board appointed Alerd Johnson to serve another term on the Northwest Washington Private Industry Council representing the "Education Sector" of Island County for a two year term to expire July 27, 1999, and Ray Cresap representing the "Private Sector" of Island County, also for a two year term expiring July 27, 1999.

Staff Session SCHEDULE for August, 1997

By unanimous motion, the Board approved for distribution the Staff Session for August, 1977.

Regular 1st Wed. Meeting - August 6, 1997

C A N C E L L E D

Regular 3rd Wed. Meeting - August 20, 1997

9:00 a.m. Public Works

11:00 a.m Auditor

11:30 a.m. Human Resources

11:45 a.m. General Services Admin.

12:00 Noon B R E A K

1:00 p.m. Planning & Community Dev.

2:00 p.m. Health Department

3:00 p.m. Assessor

3:20 p.m. Sheriff

3:40 p.m. **Chairman's Agenda: (agenda to be determined)**

**HEARING HELD: RESOLUTION #C-36-97 ESTABLISHING THE ISLAND COUNTY COURTHOUSE
EXPANSION FUND AND FIXING A BUDGET FOR THE 1997 YEAR**

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As scheduled and advertised, a Public Hearing was held at 1:45 p.m. to consider Resolution #C-36-97, for the purpose of establishing a separate "Island County Courthouse Expansion Fund" to ensure that bond proceeds from issuance of 1997 Limited Tax General Obligation and Refunding Bonds, approved July 23, 1997, are used for the purposes authorized by the bond covenants and properly accounted for, and that a 1997 budget for that fund be fixed and adopted.

No comments were made by any members of the public at this time, either for or against the Resolu-tion.

Commissioner Shaughnessy moved approval of Resolution #C-36-97. Motion was seconded
by Commissioner Shelton.

Under discussion, Margaret Rosenkranz, Auditor, advised that the Board's adoption of the Resolution before them came with an amended amount from that advertised at \$3,310,000, now \$4,155,000. The \$3,310,000 represented (1) Transfer to Storm & Surface Water Utility of \$ 410,000; and (2) Transfer to Conservation Futures of \$2,900,000.

Larry Kwarsick, Director, Public Works, summarized the three added items in the amended resolution:

\$300,000 - professional services [architectural services for Courthouse design];

\$150,000 - Courthouse project - Black Property purchase; and

\$395,000 - Courthouse parking and other improvements.

He explained there was a spend-down requirement on the new money (construction side). The reason that the new

bond money is proposed for use to purchase Main Street Auto Body shop property is to fulfill the spend-down requirement. The \$395,000 is for the joint use parking facilities and is part of developing a program schedule to meet the spend-down requirement to deal with arbitrage. The auto body shop is now under construction and Mr. Kwarsick estimated a 90-day period; the County is awaiting a firm project schedule and as soon as the premises are vacated and the County takes possession, demolition is scheduled. Shortly thereafter a specific schedule on construction of the joint use parking will be developed. The County has 18 months from the day proceeds of the bond are received to have spent 100% of the money, and what is being done here is to spend the new bond money as the first source of money, saving any current reserve funds. Public Works Department is working now with Elaine Marlow, Auditor's Office, to look at some different ways to deal with these types of issues.

Motion, as made and seconded, carried by unanimous motion, which included the amended amount, \$4,155,000.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

ISLAND county, WASHINGTON

IN THE MATTER OF ESTABLISHING THE ISLAND)

COUNTY COURTHOUSE EXPANSION FUND AND) **RESOLUTION C-36-97**

FIXING A BUDGET FOR THE 1997 YEAR)

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WHEREAS, Island County is expanding and upgrading the existing courthouse facilities and a fund should be established to ensure that bond proceeds from the issuance of 1997 Limited Tax General Obligation and Refunding Bonds are used for the purposes authorized by the bond covenants and are properly accounted for; and

WHEREAS, it appears that establishing a separate fund to be known as the Island County Courthouse Expansion Fund would be an effective means to ensure that bond proceeds from the issuance of 1997 Limited Tax General Obligation and Refunding Bonds are used for the purposes authorized by the bond covenants and are properly accounted for; and

WHEREAS, there is a need to fix and adopt a budget for this fund for the 1997 year; and

WHEREAS, RCW 36.40.140 requires that a public hearing be held at which any

person may appear and be heard for or against this proposed Fund and Budget; NOW THEREFORE

BE IT RESOLVED, that a public hearing be held at the hour of 1:45 p.m. on the 28th day of July, 1997, at the usual meeting place of the Board in Coupeville to consider this proposed Fund and Budget.

ADOPTED this 14th day of July, 1997.

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

ATTEST: *Mac McDowell, Member*

Margaret Rosenkranz, Auditor Tom Shaughnessy, Member

& Clerk of the Board

BE IT FURTHER RESOLVED that there is created and established in the Island County Treasurer and Island County Auditor records a fund known and designated as the Island County Courthouse Expansion Fund.

IT IS HEREBY APPROVED AND ORDERED that the amount of Four Million, One Hundred Fifty-five Thousand dollars (\$4,155,000) be appropriated and distributed as shown within the 1997 Courthouse expansion Fund budget as amended this date with the budgeted amount to be Four Million One Hundred fifty-five Thousand dollars (\$4,155,000).

SOURCE OF FUNDS

Courthouse Expansion Fund Budget

Bond Proceeds 309-000-39110 \$ 4,155,000

APPLICATION OF FUNDS

Courthouse Expansion Fund Budget

Courthouse project - professional services 309-000-59411-141 300,000

Courthouse project - land 309-000-59411-161 150,000

Courthouse parking-other improvements 309-000-59566-163 395,000

Transfer to Storm & Surface Water Utility 309-000-59783 410,000

Transfer to Conservation Futures 309-000-59784 2,900,000

Total Application of Funds \$4,155,000

ADOPTED this 28th day of July, 1997 **Board of County Commissioners**

Island County, Washington

Mike Shelton, Chairman

ATTEST: *Tom Shaughnessy, Member*

Margaret Rosenkranz, Auditor [Mac McDowell - absent]

& Clerk of the Board

Presentation: ParTnership With Youth

Sue Karahalios, President, Partnership with Youth, introduced the Program Manager, John Lewis, and Rhonda Steel, PWY Director. The following handouts were provided for today's presentation: Cover letter; Draft City of Oak Harbor Resolution of Support; Citizen Participation Strategy Summary; Timeline for Teen Center; and Site Plan. PWY is working now on the site plan and change over for purchasing the Roller Barn for the Teen Center, and working to design and implement programs and events to serve youth ages 12-18 from Greenbank North. In this area, there are some 25% more youth per capita in this age group than most other areas throughout the State. With the assistance of Island Thrift PWY will be purchasing and paying in full for the Roller Barn and will then proceed with what needs to be done for conditional use. Timeline: September 1997, closing for purchase; November 1997 opening of Center; January 1998 downstairs remodel/ submit adopt a room city process for site remodel; and June 19 grand opening .

The City of Oak Harbor is the lead local government with the Foundation for Youth d/b/a Partnership With Youth, filing an application for a Community Development Block Grant for the program aspect of the future Youth Center at the Roller Barn site. Assistance is needed by way of the grant in order to design the program to fit with the site. The downstairs area has a lot of space and PWY envisions making the site available for youth services, i.e. Guardian ad Litem; probation; DSHS/CPS, in a safe, cozy environment. The City of Oak Harbor will be considering at its next meeting the Resolution of Support and Interlocal Agreement. PWY hopes that the Board of County Commissioners on behalf of Island County will join in this endeavor and participate by way of an interlocal agreement.

Commissioner Shaughnessy agreed the concept was fantastic and concept wise he was very supportive, and suggested Ms. Karahalios return with proposed resolution and interlocal agreement once the City of Oak Harbor takes action. The Chair agreed, expressing his view that the Board was very supportive and certainly wanted to go on record as supporting the grant request.

ISLAND COUNTY HEALTH SERVICES CONTRACTS

The Board reviewed and by unanimous motion approved the following health services contracts as forwarded by the Health Services Director, Tim McDonald:

DDD Interagency Work Order between DSHS & Island County, \$627,205.

Northwest Regional Council, Epidemiology Services, \$15,000

Substance Abuse Treatment, Biennium Contract between DASA and Island County, \$770,954.

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PUBLIC WORKS CONTRACTS AND PERFORMANCE BONDS ACCEPTED

PER BIDS PREVIOUSLY AWARDED

As presented and recommended for approval by Mr. Kwarsick, the Board by unanimous motion approved the following contracts and accepted performance bonds for previously awarded bids:

Contract between Island County and Krieg Construction, Inc., accepting performance bond, for 1997 asphalt concrete pavement overlays for Whidbey Island under CRP # 97-07, per bid awarded on 7/14/97 in the amount of \$506,660.00

Contract between Island County and Signal Electric, Inc., and accepted performance bond for Ault Field/Goldie Road Traffic Signal Upgrade, under CRP #97-02, per bid awarded on 7/14/97 in the amount of \$68,557.00

Contract between Lyrch & Associates for Humphrey Road Drainage Outfall, under CRP 97-06, per bid awarded 7/21/97 in the amount of \$89,551.07.

RESOLUTION #R-51-97 INITIATING CRP#97-06, HUMPHREY

ROAD DRAINAGE OUTFALL - CONTRACT CONSTRUCTION

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By unanimous motion, the Board adopted Resolution #R-51-97 to initiate CRP #97-06, work order #120, Humphrey Road Drainage Outfall, by contract construction, contracting with Lyrch & Associates. The total appropriation, including the contract of \$89,551.07, comes to \$177,800.00, the project included in the officially adopted annual road program as Item #9E.

SUPPLEMENTAL AGREEMENT #1 – HLB PROPERTY SERVICES

Mr. Kwarsick asked that the Board approve Supplemental Agreement #1 to existing professional services contract between Island County and HLB Property Services, to increase agreement amount by \$10,000, adding an Associate position to the fee schedule and to correct an error in per parcel amounts. This is for right of way acquisition

(County's negotiator), for additional work to meet County deadlines, completing current right of way acquisitions. The original contract was \$45,000.

By unanimous motion, the Board approved Supplemental Agreement #1 with HLB Property Services increasing current contract by \$10,000, adding associate and correcting error on per parcel amounts.

SUPPLEMENTAL AGREEMENT #1 – Fakkema & Kingma, Inc.

Freeland Drainage Outfall

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As recommended by the Public Works Director, the Board by unanimous motion approved and signed Supplemental Agreement #1 to the agreement entered into between Fakkema & Kingma, Inc., and Island County on August 29, 1996, for an for additional scope of work, increasing the original agreement amount by \$9,240, and extends time of completion to November 1, 1997. The additional scope of work involves additional plan preparation and easement acquisition for the storm drainage spur line running along the north property boundary of the Freeland Plaza Shopping Center. The line will connect East Harbor Road drainage with the Freeland outfall project.

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VEGETATION/SLOPE CONTROL EASEMENT - ROGERS/FARRAND

REGARDING DOUBLE BLUFF ROAD

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Mr. Kwarsick presented for acceptance a Vegetation/Slope Control Easement from John T. Rogers and Robin C. Farrand, for \$2,040.00, Parcel #R22923-520-5210, needed in association with improvements along Double Bluff Road. An error was discovered in the legal description (page 2 of 3) 32 should be corrected to 52 and that page approved and initialed by the Board.

The Board, on motion adopted unanimously, approved and signed Vegetation/Slope Control Easement with Rogers/Farrand, with initialing of the correction on page 2 of 3 as stated.

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Commitment to Issue Financial Guaranty Insurance Policy, IsLAND county General Obligation Improvement & Refunding Bonds, 1997

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Mr. Kwarsick, as a follow-on action item from the special session held on July 23, 1997, with regard to issuance of \$9,900,000 Limited Tax General Obligation Improvement and Refunding Bonds, 1997, presented for the Board's approval an agreement between Island County and MBIA Insurance Corporation, agreeing to issue a financial guaranty insurance policy for the \$9,900,000 limited tax general obligation and refund bond issue, to insure the payment of principal of and interest on the obligations when due, for a nonrefundable premium in the amount of \$18,000.

By unanimous motion, the Board approved the Commitment to Issue a Financial Guaranty Insurance Policy with MBIA as presented.

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Weed Control Contract between Washington State Department of Agriculture and Island County for controlling and eradicating Spartina within Island County, WSDA Contract #IA98-03-05

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Gloria Wahlin, Coordinator, Island County Noxious Weed Control, requested the Board's approval and signature on an Interagency Agreement between Washington State Department of Agriculture and Island County, in the amount of \$40,000 to be used for the purpose of controlling and eradicating Spartina within Island County, beginning July 1, 1997 to be completed on June 30, 1998.

By unanimous motion, the Board approved Contract #I 98-03-05 between WSDA and Island County.

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Weed Control Contract between Island County and Steve Wirth for services relating to eradication of Spartina

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Next, Ms. Wahlin presented for approval a contract with Steve Wirth, Burlington, using funds above from the WSDA grant, for the purpose of eradication of Spartina. Mr. Wirth will use his own equipment inasmuch as the equipment purchased by the County from previous grant is now being used by the Department of Fish and Wildlife who received a \$450,000 grant (settlement from Texaco for oil spill in Anacortes) being used for Spartina control in Northern Puget Sound. She confirmed that Mr. Wirth provided the appropriate proof of insurance naming Island County as additional insured.

The Board, by unanimous motion, approved Weed Control Contract between Island County and Steve Wirth.

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ANIMAL CONTROL CONTRACTS

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Betty Kemp, Director, GSA/Risk Management, brought to the Board for signature, three contracts related to animal control. The existing animal control contract has been revised such that a portion of the animal control responsibility is separated out from shelter management, one a contract with Carol Barnes who will continue to provide animal control and a separate contract with WAIF to operate the animal shelter. The 3rd contract presented was a Spay/Neuter Facility Agreement with WAIF.

The Board, by unanimous motion, approved the three contracts:

Animal Shelter Contract, Whidbey Island, #RM-GSA-97-0027, between Island County and Whidbey Animals' Improvement Foundation (WAIF) to operate an animal shelter

Animal Control Contract, Whidbey Island, #97-0028, between Island County and Carol Barnes, for animal control services; and

Spay/Neuter Contract between Island County and WAIF.

PUBLIC HEARING SCHEDULED TO CONSIDER PROPOSED ORDINANCE #C-40-97, CODE AMENDMENT TO CHAPTER 16.09 ICC - PROPOSAL TO CREATE CIVIL INFRACTION FOR REMOVAL OF PLANNING & COMMUNITY DEVELOPMENT NOTICES OR ORDERS

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By unanimous motion, the Board scheduled a public hearing for August 18, 1997 at 10:45 a.m. to consider proposed Ordinance #C-40-97, a proposal to create civil infraction for removal of Planning and Community Development notices or orders. If approved, the provision would be added to the general planning agency chapter of the Island County Code, Chapter 16.09 .

ORDINANCE #C-41-97 (PLG-014-97) REZ# 089/97 - Rezone from split-zoned Agriculture and Rural Residential to entirely Rural Residential. Owners: S. Curtis Gordon, Ray Gabelein

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Erika K. W.Jensen, Associate Planner, presented for approval Rezone #089/97, granted conditional approval by the Island County Hearing Examiner on July 3, 1997. Ms. Jensen confirmed that all conditions of approval were met. The owners are S. Curtis Gordon and Ray Gabelein, and the split-zoned parcel contains approximately 10 acres, located in the SE 1/4 of Sec. 15, Twp. 29N, Rge 3E, W.M., South Whidbey, Parcel #R32915-172-3290. County staff recommends that the Board approve Ordinance #PLG-014/97, Rezone #089/97, from Agricultural and Rural Residential to entirely Rural Residential. She mentioned the fact that this was being done under a section of the Code not

invalidated by the Growth Management Hearings Board. Agricultural zoning on the property is actually a wetland area and not really appropriately zoned agricultural which would allow farming. This is being done for a two-lot short plat of two five acre pieces of property and the short plat is ready to be processed.

By unanimous motion, the Board approved Ordinance #C-41-97 as presented.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATER OF RECLASSIFICATION OF PARCEL)

#R32915-172-3290 FROM AGRICULTURE AND RURAL) ORDINANCE NO. C-41-97

RESIDENTIAL TO ENTIRELY RURAL RESIDENTIAL) PLG-14-97

OWNERS: S. CURTIS GORDON, RAY GABELEIN)

WHEREAS, an application for rezone, REZ 089/97, was accepted by the Department of Planning and Community Development on March 26, 1997, wherein S. Curtis Gordon and Ray Gabelein request to reclassify a split-zoned parcel containing approximately 10 acres, located in the Southeast quarter of Section 15, Township 29 North, Range 3 East, W.M., Whidbey Island, from the Agriculture and Rural Residential zone entirely into the Rural Residential zone; and

WHEREAS, said application was heard at a public hearing before the Island County Hearing Examiner on July 3, 1997, and

WHEREAS, the Hearing Examiner found the said reclassification to be in conformance with Island County Zoning Code Subsection 17.02.210.d.10; and

WHEREAS, the Hearing Examiner prepared Findings of Fact, Conclusions of Law and Conditions of Approval on said reclassification, attached as Exhibit A; NOW < THEREFORE,

BE IT HEREBY ORDAINED that the property described in attached Exhibit B is consistent with the conditions set forth in Exhibit A,. And is hereby reclassified to Rural Residential.

DATED this 28th day of July, 1997.

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

[Wm. L. McDowell - absent]

ATTEST: *Tom Shaughnessy, Member*

Margaret Rosenkranz, Auditor

& Ex-Officio Clerk of the Board

CONSULTANT CONTRACT - PLAN REVIEW - Building Plans

Len Eserhut, Consultant

Bob McCaughan, Building Official, recommended Board approval on a Consultant Contract between Island County and Len Eserhut, Oak Harbor, for the purpose of performing plan checks for Island County building plans required for residences, barns, pole buildings, garages, offices and other legally permitted structures, to assist in depleting the backlog of permits in the Building Division. Contract amount is not to exceed \$4, 850.00 in fees, with Contract to expire on October 31, 1997. Mr. Eserhut would retain the right to refuse projects that he may consider to be beyond his abilities.

By unanimous motion, the Board approved the consultant contract between the County and Len Eserhut as described and presented.

There being no further business to come before the Board at this time, the meeting adjourned

at 2:50 p.m.. The next Regular Meeting is scheduled for August 11, 1997, beginning at

9:30 a.m. August 4th meeting has been canceled.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Tom Shaughnessy, Member

[absent-Wm. L. McDowell, Member]

ATTEST:

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board