

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - August 3, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 3, 1998, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm. L. McDowell, Chairman, Tom

Shaughnessy, Member, and Mike Shelton, Member, were present. Also in attendance were Margaret Rosenkranz, Clerk of the Board, and E. Meyer, Adm. Asst.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment, as well as July payroll, by unanimous motion of the Board: **Voucher (War.) #31319-31442..... \$123,802.47.**

WAIVER OF FINAL SITE PLAN APPROVALS: SPR 290/97 AND 113/98

Chairman McDowell commented that it had come to the Board's attention with respect to two Site Plan Review applications that the Hearing Examiner's recommendation was silent on the issue of waiver of final site plan approval as recommended by staff: Site Plan Review #SPR 290/97 by Island County Public Works Department, presented to the Board July 13, 1998, and Site Plan Review #SPR 113/98 for Western Wireless presented to the Board July 27, 1998.

Commissioner Shelton moved that the Board approve waiver of final site plan approval for Site Plan Review #SPR 290/97 by Island County Public Works Department and Site Plan Review #SPR 113/98 for Western Wireless. Motion, seconded by Commissioner McDowell, carried by majority vote, Commissioner Shaughnessy voting in the negative.

WCIF PARTICIPATING EMPLOYER MEMBERSHIP

By Memo dated July 30, 1998, Betty Kemp, Director, GSA/Risk Management, forwarded for approval and signature of the Board a Participating Employer Membership Request form. As she explained, it was the recommendation of the Medical Committee to move the medical coverage for Island County employees to CIF, based on more plan options, stability of a larger pool, Waif's past record of minimum rate increases, and moving away from the risk of a rate stabilization reserve, reduced expenditure of a brokerage fee and the service as promised by WCIF.

The Board, by unanimous motion, approved and signed the WCIF Participating Employer Membership Agreement and authorized the Chairman to sign as authorized employer representative. Additionally, by unanimous motion, the Board designated Wm. L. McDowell as the representative to the WCIF Board, with Mike Shelton the alternate.

FAIR MANAGER POSITION

Island County Code outlines Fair Association responsibilities and responsibilities of the Board of County Commissioners with regard to the fair manager position, and by letter dated July 14, 1998, signed by Marilyn Gabelein, Island County Fair Board, notified the Board that the Fair Board voted to terminate the fair manager position for 1998, effective immediately. the letter asked for the Board's prompt handling of this matter by concurring in the action of the Island County Fair Board.

ICC 2.20A.030

- 1. The Fair Association, through its Board of Directors, shall be responsible for the selection and hiring/firing of the Island County Fair Manager, subject to review and approval by the Board of County Commissioners.**

ICC 2.20A.050

a. **The Board of Directors of the Island County Fair Association in conjunction with the Board of County Commissioners shall be responsible for the hiring and firing of a full- time Island County Fair Manager. Decisions to initiate or terminate the employment of the Fair Manager shall be forwarded to the Board of County Commissioners for review and approval at its next regular meeting. The Fair Manager shall be an at-will employee of the Island County Fair Association, not an employee of Island County.**

Leroy Pool, Chairman, Island County Fair Board, confirmed the Fair board's meeting when the Board determined insufficient funds to continue the position and terminated the fair manager position. Mr. Pool acquired since that time a budget summary from Island County actually showing a balance of \$39,000 for payroll, thus he felt the termination was not correct. He understood that the terminated fair manager, Pat Nostrand, sent via her attorney a letter to the Fair Board asking that she be paid for the time or reinstate her for the two months she was to work. Initially Ms. Nostrand was laid off, to come back July 1st. A contract was provided to Ms. Nostrand which was signed; subsequently the Fair Board took action to germinate employment due to lack of funding for the position.

The County Commissioners agreed to continue until next Monday inasmuch as Mr. Pool indicated that after the Fair Association meeting this evening, a meeting of the Fair Board would be held at which time he would recommend the position be reinstated. Mr. Pool agreed to provide a letter after that meeting to clear up what official action of the Fair Board is.

HEALTH CONTRACTS APPROVED

By unanimous motion, the Board approved the following health services contracts, same having been reviewed and discussed at recent staff session:

Contract Amendment: HS-01-98(1), Center for Community Support, \$34,298.

Contract Amendment: HS-16-97(1), Island Employment Services, \$119,817.

Contract Amendment: HS-14-97(1), Service Alternatives, \$88,316.

Contract Amendment: HS-15-97(1), Toddler Learning Center, \$72,479.

Easement-Island County, Port of Coupeville to

Whidbey Telephone for Greenbank Farm

Lee McFarland, Assistant Director, GSA, received a request from the Greenbank Farm Manager to allow installation of Whidbey Telephone connection. The Easement has been reviewed and approved by the County's Deputy Prosecuting Attorney and Risk Manager, as well as approved and signed by the Port of Coupeville, who owns the portion of property the easement covers.

By unanimous motion, the Board approved the Easement between Island County and the Port of Coupeville to Whidbey Telephone company for phone lines on the Greenbank Farm portion of the property owned by the Port of Coupeville.

HEARING HELD: RESOLUTION #C-101-98 (R-40-98) Petition for vacation of a portion of First Street in the Plat of Saratoga; petitioner Shirish Sharma & Edwin Allison

A Public Hearing was held at 10:15 a.m., as advertised, to consider the Petition for Vacation of a Portion of First Street in the Plat of Saratoga submitted by Shirish Sharma and Edwin Allison.

Roy L. Allen, Island County Engineer, advised this was an unopened portion of a public right of way. There are a

number of vacant lots that have not been built on in the area, and the area has a single access road, Center Street, that intersects with Bells Beach Road. The area requested for vacation has not been opened primarily because where it butts up against Saratoga Way it is very steep and there is a ravine, drops off at the bluff where it meets Saratoga Way. The value of the right of way to the public is that when all properties are built out it could provide a loop between the narrow alleyway and Morning Glory Lane. If the property had to be purchased for needed right-of-way in the future it would certainly cost the public the going rate for the size of that parcel which equals a building lot in that area. Mr. Allen's recommendation was that it is not in the County's interest to vacate the right-of-way because it will be needed in the future. With respect to written public comments, objections have been received from: Kim Drury; Clancy and Mary Lou Overture; Al and Marion Schroeder.

Public Comments

Al Schroeder, 3723 Bells Ridge Lane, Langley, asked that the portion of First Street requested for vacation be left open for the public and the petition denied. He disagreed with petitioners statement that the vacation would not affect existing access to property by owners or emergency vehicles. Should the vacation be allowed he and others in the area would have limited access to their homes which would not only reduce property values but more importantly restrict emergency and other services. To assist his argument against the vacation, he provided a map and some photos of the area to show location of his house to the vacation requested. He and his wife are year-round residents and have owned the property since 1963, Lot 410 with the home located at the end of the 16' wide alley with a bluff and ravine on three sides. The front of the house faces the alleyway Bells ridge Lane and is the only way possible to get in or out to Center Street. For 35 years he and everyone who came down the alley to his home turned around on Mr. Allison's property [shown on the map and photo #2]. Without the turnaround all commercial and private passenger cars would have had to back up for more than 470' to get back to Center Street. There are three telephone poles in this alley. If Mr. Allison ever denied access to his property there would be a real problem. He asked how a tender truck would get to the fire scene with other emergency vehicles parked in the alley with no turn-around, and what would happen if there is a 911 call. On the other hand, if First Street is put through, even from Morning Glory Lane to Bells Ridge Lane, emergency and all vehicles could come off Center Street from Saratoga Road. There would be adequate parking and room for emergency equipment to get in and out.

Clancy Overture, 3770 S. Bells Beach Road, Lt., Saratoga Fire Station, spoke in opposition to the proposed vacation of First Street, noting that after viewing the site, he believed that First Street should be connected to the dead-end Morning Glory Lane. He is keenly aware of the importance of emergency access and parking - staging for emergency vehicles. Currently the only access to the Schroeder residence is a narrow dirt alley running several hundred feet from Center Street. First Street would connect with the alley if used as a road and connected at Morning Glory Lane and provide county access much closer to all the properties.

Shirish Sharma, Petitioner, 6375 So. Wilson Road, Clinton, expressed the thought that if the reasons not to vacate were really as important as stated why hadn't the road been opened a long time ago. If the main concern is emergency access his opinion was that could be handled by the County retaining an easement when the road is vacated. He thought it would be more convenient to gain access to the Schroeder house if the County completed the portion of First Street that joins Bells Beach Road because in the other direction Saratoga Road has a ravine which would require a certain amount of effort and taxpayer money to fill. While he and Mr. Allison want to be good neighbors and make sure nothing is done to endanger people or property the question if the petition had not been filed whether these concerns would have been raised independently, and if these concerns were really an issue, Morning Glory Lane should have been opened up a long time ago. His request was that the Board reconsider the application with the provision that the County maintain an appropriate easement and that the County Engineer look at other aspects of future expansion of First Street in both directions.

Board Action

Commissioner Shelton recalled that the public policy of the Board since he has been a Member had been not to vacate roads where there is the possibility for a public use even though the road has been there for some amount of time unopened. In this particular area where there are numbers of platted lots that would potentially use this right of way he did not think it feasible to vacate any right of way in the Plat of Saratoga.

Commissioner Shaughnessy concurred with Commissioner Shelton's assessment and with the recommendation of the County Engineer.

By unanimous motion, the Board approved Resolution #C-101-98 [R-40-98] denying petition for vacation by Shirish Sharma and Edwin Alison for vacation of a portion of a County Road known as First Street located in the Plat of Saratoga, calling special attention to the Sixth item, first sentence, in the Resolution stating: *"That said report of the County Engineer shows: that in his opinion said road should not be vacated"* and the last paragraph of said Resolution: **"It is Ordered by the Board, all the members concurring, that the county road petitioned to be vacated by Shirish Sharma and Edwin Allison, shall not be vacated."**

[Note: Resolution #C-101-98 recorded and on file in the Auditor's Office]

HEARING HELD: Franchise #301; John C. Cannon; for waterlines

in Bakken Road and Firehouse Road, Sec. 8, T30N, R2E

A Public Hearing was conducted, as advertised for 10:30 a.m., for the purpose of considering Franchise #301 by John C. Cannon for placement of waterlines in Bakken Road and Firehouse Road, located in Section 8, Township 30 North, Range 3 East, W.M.

Mr. Allen advised the Board by way of Memorandum dated July 14, 1998, that he reviewed the franchise application by Mr. Cannon for a water distribution system in County rights of way known as Bakken Road and Firehouse Road. All departments requested to comment responded with no objection to the proposal. Mr. Cannon by this franchise is requesting connection with Short Plat #83-96, which received conditional preliminary approval on August 20, 1997. The franchise has been reviewed and approved as to form by the Deputy Prosecuting Attorney and the Island County Risk Manager. The Public Works Department and Health Department note that should an upgrade take place in the future: (1) there may not be any road cuts allows; and (2) prior to work on an upgrade the plans and specifications will need approval from the State Department of Health. Based on the information, Mr. Allen recommended the Board grant the franchise as submitted.

Public Comment

John Cannon, Greenbank, requested approval of the franchise as submitted.

Mary Coop, Greenbank, owner/operator of the Greenbank Store located in the commercial piece of diamond shaped property in Greenbank, directly across from the property being developed. She understands that the property across from the store was sold with a water contingency; no water was available on that piece of property. Four homes are going in on about 7 acres on high bluff property; a well has been dug about 5/10th of a mile down Bakken Road; Puget Power had all the trees cut on the south side of the commercial property without any knowledge to Ms. Coop and her husband. There are a couple of buildings going up on the commercial property owned by Leona Ackre , and also where the water line is going through, and perhaps a holding tank or pump house.

Thom Gunn, Greenbank, inquired about the status of the project. As a resident of the neighborhood he is trying to figure out what the criteria is for accepting the franchise and he thought it had to be in the public interest. As a resident of Greenbank for the past 20 years he has watched it changed and watched action taken within the last couple of years detrimental to the community, such as the highway project, and having seen the experience of certain individuals in the community and what they have worked for, that piece of property does not have water, is not sustainable. There is a broad range of properties in the area that have salt water intrusion; therefore he views what the County is doing by this franchise as aiding and abetting a project which is trying to *"borrow water from Paul to pay Peter, but Paul doesn't have any water either"*.

Mr. Allen explained that what is being requested of the County is to grant a franchise for the use of public right-of-way for public purpose, laying water distribution lines in county right-of-way.

Public Works Department is required to manage what goes in the right of way for utilities serving the properties to

make sure there is no interference in the work being done does not interfere with maintenance on the road. This is managing the right-of-way not approving the water system, design or wells. Easements through private property would be the responsibility of the water purveyor. When people develop there is a need for a service for development, something acceptable for use of right-of-way, i.e. the laying of waterlines.

The Commissioners added comments to clarify the purpose of the franchise – a means by which the County is aware of all utilities, power, telephone, water lines, etc. in county right-of-way only. The venue for the issues and concerns Mrs. Coop expressed is through the land use process; the issues of sustainability and long-term water supply are decided in a different venue than this. The only thing the franchise would do is to give Mr. Cannon the right to place water lines in an approved fashion in County right-of-way; anything outside the scope of that is not subject to this public hearing. The Board is not considering a project, other than the franchise for placement of waterlines in County right-of-way. The Commissioners were not aware of a project or permit to which Mr. Gunn and Mrs. Coop referred to, only that being requested today a franchise for a waterline in a County right-of-way.

By unanimous motion, the Board approved Franchise #301 to John C. Cannon for a water distribution system in Bakken and Firehouse roads.

BID AWARD – 1998 MISCELLANEOUS ACP OVERLAYS

Whidbey Island, CRP 98-08, W.O. 256

As recommended by Mr. Kwarsick, the Board by unanimous motion awarded bid for the 1998 miscellaneous ACP overlays on Whidbey Island, under CRP 98-08, work order 256, to the low bidder, Krieg Construction, Inc., in the amount of \$479,315.

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RESOLUTION #C-102-98 (R-39-98) – Initiate CRP 98-05, Work Order 36

to pave 8-foot wide trail

Mr. Kwarsick asked that the Board initiate County Road Project 98-05, Work Order 36, to pave an 8-foot wide trail parallel to SR 20 from Main Street, Coupeville, and SR 20 westerly 2.14 miles, including fencing, to be accomplished by contract construction, for a total appropriation of \$185,000.

Al Lunneman, 2312 Cedar Hollow Lane, Coupeville, about 1.8 miles along the Kettle's Trail, had what he termed scattered thoughts to add in support of the resolution to authorize the bidding, asking that the Board disregard the following facts:

- that \$225,000 has already been spent and that the trail is rarely, if ever, used
- Skagit County built a similar trail that is being used for approximately half the cost per

mile that Island County has spent thus far

- In Skagit County there is no fence involved and a recent editorial suggested that perhaps

the County should reconsider the fencing idea and expenditure of funds that there is an

existing bicycle trail along the highway presently which leads to the trail & an existing

hiking trail along Ebey's Landing, the beach and out to the Kettles area

- gossip around town about the idea of returning the money to the Federal government
- what the additional costs over and above the grant might be for maintenance and supervision of the trail after

completion and need for some kind of a parking lot or parking area at the north end of the trail [but does not want the parking to be on the road he lives on]

He did want the Board to consider the fact that he probably would not be the only user of the trail nor the most frequent, but once there is a fenced, asphalted trail he would use it as it will provide him with a much easier and safer route to go directly from his house biking or hiking down to future meetings such as this, even though \$400,000 for his benefit may seem a bit much

he certainly urged the Board spend the money.

The Chairman explained that in fact, the fencing was required in this case by the State.

Commissioner Shelton noted some differing opinions or figures than quoted in the Coupeville Examiner.

By unanimous motion, the Board approved Resolution #C-102-98 [R-39-98] initiating CRP 98-05 and work order 236.

RESOLUTION #C-103-98 (R-41-98) – APPROVING plans and specs

AND authorize call for bids for Kettles Trail Paving

and Fencing, CRP 98-05

Mr. Kwarsick reported that plans and specifications for the Kettles Trail paving and fencing have been prepared and as submitted to the State Department of Transportation, reviewed and approved.

The Chair asked that the Department continue to work with private property owners so that in the future when and if parking area becomes necessary the County assure there is no trespass upon neighboring properties.

Mr. Kwarsick concurred, noting intent to work continuously to provide these types of recreational and transportation opportunities in Central Whidbey, with the hope to loop the

trail at some point in time and maximize use.

By unanimous motion, the Board approved plans and specifications, and authorized call for bids for Kettles Trail Paving and Fencing, CRP 98-05, with bid opening date set for August 27, 1998 at 1:30 in Room 5, Human Resources Building, 501 Center Street, Coupeville.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING PLANS &)

SPECIFICATIONS AND AUTHORIZING CALL) RESOLUTION NO.

FOR BIDS FOR KETTLES TRAIL PAVING) C-103-98

AND FENCING, CRP 98-05, WORK ORDER 36) R-41-98

WHEREAS, sufficient funds are available in the Island County Paths and Trails Fund for Paving and Fencing Kettles Trail; NOW THEREFORE,

BE IT HEREBY RESOLVED that the Plans and Specifications are approved and that the County Engineer is authorized and directed to call for bids for furnishing said construction. Bid Opening is to be the 27th day of August, 1998, at 1:30 p.m. in the Human Resources Building, Room #5, 501 Center Street, Coupeville.

ADOPTED this 3rd day of August, 1998

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz,

Clerk of the Board

DISCUSSION OF BIDS REGARDING WILKES GARY HEIGHTS DRAINAGE

As far as recommendation for award of bid for Wilkes Gary Heights Drainage System [Fowler]

West Camano Drive, Camano Island, Lew Legat, Assistant County Engineer, briefed the Board on the matter. Bids were opened July 23rd and the apparent low bidder, BBG Group, LLC, contained irregularity in bid submitted. Deputy Prosecuting Attorney opinion is that the bid proposal was in fact irregular and the bid should be rejected. Recommendation therefore is to award bid to second low bidder, Pacific North Construction, Inc. If the Board concurs with the recommendation, the Department will submit the bid to State Emergency Management for review, and upon concurrence, the bid can be awarded.

Mr. Kwarsick explained that initially the Department recommended the matter be reviewed first at staff session due to two questions:

1. the need for the Prosecutor's review which now has been obtained

1. clarification of the follow-on FEMA process which was accomplished this morning.

Consensus of the Board was that the Public Works Department staff provide the appropriate information for review and consideration by the Board at t Staff Session Wednesday, August 5.

ORDINANCE #C-104-98 [PLG-031-98] FINAL APPROVAL

Rezone #510/97 – Youderian & Gabelein

Debra Little, Development Services Manager, Island County Planning Department, presented for Board review and approval, final rezone #510/97, Parcels #R13101-164-3610 and R13101-188-4710, a rezone from split zoned Agriculture and Rural Residential to Rural Residential. The property consists of 44.3 acres located east of SR20 and S. of Morris Road, Central Whidbey. The application was approved by the Hearing Examiner on July 2, 1998, withno conditions of approval specified.

By unanimous motion, the Board approved Ordinance #C-104-98 [PLG-031-98] in the matter

of reclassification of parcels #R13101-164-3610 and R13101-188-4710, from split Agriculture and Rural Residential to Rural Residential by owners Curt & Tina Youderian & Raymond e. & Laurie Gabelein.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON



Clerk of the Board

The action proposed by this Ordinance has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore, AICP

Director, Planning/Community Development

EXHIBIT A

Abbreviated Legal Description: A portion of the north half of the southeast quarter of Section 1, Township 31 North, Range 1 East, W.M., Assessor Parcel Numbers R13101-164-3610 & R13101-188-4710.

Full Legal Description:

Parcel A:

That portion of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 31 North, Range 1 East, W.M., described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence south 1320 feet; thence west 1320 feet; thence north 660 feet; thence east 310 feet thence north 660 feet; thence east 1010 feet to the point of beginning.

Parcel B:

That portion of Government Lot 2, Section 1, Township 31 North, Range 1 East, W.M., described as follows: Beginning at the southwest corner of said Government Lot 2; thence north 660 feet thence east 745 feet; thence south 660 feet; thence west 745 feet to the point of beginning.

Executive Session

The Board met in Executive Session as allowed under RCW 42.30.110(1)(b) to consider selection of site or acquisition of real estate by lease or purchase. The Chairman anticipated the session would last approximately 15 minutes and there would be no announcement made today on conclusion of the executive session.

On conclusion of the Executive Session, the regular meeting of the Board was

continued to 1:30 p.m. for a Planning Department item regarding acceptance of plat bond.

SHORT PLAT #039/94 - David Gray and Robert Graham – BOND FOR COMPLETION ACCEPTED AND APPROVED

Ms. Little presented an item characterized as an emergency in that a short plat awaiting final approval/final recording [expires today]; it cannot be recorded until the bond submitted is approved or accepted by the Board of County Commissioners.

She presented a \$25,000 bond to cover costs to restore a shoreline bluff, completion of drainage improvements and grading requirements, under Short Plat #039/94 by David Gray and Robert Graham,

located along the shoreline of Holmes Harbor. The Short Plat received preliminary approval on August 3, 1995, subject to all conditions to be met and final short plat to be recorded by August 3, 1997, and applicants were granted a one year extension to today. The County Engineer reviewed the bond and confirms that \$25,000 will satisfy requirements to be completed.

The Board, by unanimous motion, accepted the \$25,000 bond for the Gray/Graham short plat #039/94 in lieu of completion of final drainage and grading requirements, and restoration of the shoreline bluff.

There being no further business to come before the Board at this time, the Chair adjourned the meeting at 1:35 p.m., the next Regular meeting to be held on 10 Aug. 1998 @ 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz, Clerk of the Board