

## ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

### REGULAR SESSION - OCTOBER 26, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 26, 1998, in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Tom Shaughnessy, Member, and Mike Shelton, Member, were present; Wm. L. McDowell, Chairman, absent. The Elected Officials Roundtable Meeting with the Board scheduled for 11:30 a.m. was canceled; therefore, the meeting began at 1:30 p.m.

#### VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher(War.)**  
#36686-36889.....\$421,053.08.

#### FERRY ADVISORY COMMITTEE – REAPPOINTMENT

On motion of Commissioner Shelton, seconded by Commissioner Shaughnessy, the Board unanimously reappointed Julia Hodson, Coupeville, to serve on the Keystone Ferry Advisory Committee for a four year term to August 31, 2002.

#### Staff Session for November 1998

The November staff session scheduled was approved for distribution, outlining staff sessions to be held on November 4 and 18, beginning at 9:00 a.m.

#### Amended claim for lien – non-payment of civil penalty under IS. CO. zoning ordinance – island county vs. delbert pfeifer

Phil Bakke, Code Enforcement Division, Island County Planning Department, discovered that Claim for Lien in the case Island County v. Delbert Pfeifer, signed by the Board on 7/20/98 recorded under Auditor's File #98014877 contained a technical error in the legal description of the property listed in attachment A. He presented at this time amended Claim for Lien to correct the Assessor's Parcel No. and street address of property.

By unanimous motion, the Board approved Amended Claim for Lien for non-payment of civil penalty under Island County Zoning Ordinance, correcting the parcel number and legal description of the property in Claim for Lien.

#### PROPOSED Ordinance - INCREASE Neutered/Spayed License Fees & Boarding Fees Established by Island County Dog Control Ordinance Chapter 6.08, Island County Code

Betty Kemp, Director, GSA, advised that the Chairman of the Board had a number of questions she was not prepared to answer at this time; therefore, she asked that a hearing not be scheduled at this point in time, rather the item held over until next week.

#### Agreement to Sell Forfeited Property

Lee McFarland, GSA/Property Management Section, submitted for Board approval as prepared by the Deputy Prosecuting Attorney, an Interlocal Cooperation Act Agreement to Sell Forfeited Property, signed by Snohomish County authorities and the Island County Prosecuting Attorney, to allow Island County to sell both pieces of forfeited property, the proceeds to be split with Snohomish County. As described in a memorandum dated October 12, 1998, from Mr. Jamieson, the agreement involves selling two parcels of property on South Whidbey Island near Holmes Harbor, forfeited as part of an investigation and prosecution of illegal drug activities in both Island County and Snohomish County by the same group of people.

The Board, by unanimous motion, approved Interlocal Cooperation Act Agreement to Sell Forfeited Property between Island County and Snohomish County.

**Resolution #C-137-98 Authorizing Sale by Private Negotiation of Certain Property Declared Surplus to County Needs**

As a follow-on item to the Interlocal Cooperation Act Agreement to sell forfeited property, Mr. McFarland presented for Board approval Resolution #C-137-98 authorizing the sale by private

negotiation. The normal process followed is to have an appraisal done and hire services of a Realtor to market the property.

The Board by unanimous motion, approved Resolution #C-137-98 in the matter of authorizing the sale by private negotiation of certain property declared surplus to County needs.

**BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS**

**IN THE MATTER OF AUTHORIZING )**

**SALE BY PRIVATE NEGOTIATION ) RESOLUTION NO. C-137 -98**

**OF CERTAIN PROPERTY DECLARED )**

**SURPLUS TO COUNTY NEEDS )**

**WHEREAS**, Island County and Snohomish County Prosecuting Attorney's Office obtained property as identified on Exhibit "A" as a result of criminal prosecutions involving drug trafficking and the State Criminal Profiteering Act; and

**WHEREAS**, Island County and Snohomish County have through an Interlocal Cooperation Act Agreement To Sell Forfeited Property, signed on October 26, 1998, declared subject property surplus to their needs; and

**WHEREAS**, Said Agreement authorizes Island County to perform the administrative work needed to sell the properties with proceeds to be distributed per the Agreement; and

**WHEREAS**, Chapter 2.31 of the Island County Code allows for the sale of surplus County-owned real property by negotiation; and

**WHEREAS**, the Board of Commissioners of Island County, Washington, has by a majority vote determined that it is in the best interest of the County and the Citizens thereof that subject surplus property be sold by private negotiations; NOW THEREFORE,

**IT IS HEREBY ORDERED** that real property as described on the attached Exhibit "A" be offered for sale by private negotiation pursuant to Island County Code Chapter 2.31 for a minimum price to be set by this Board.

Done in open public meeting this 26<sup>th</sup> day of October, 1998.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

[absent-Wm. L. McDowell, Chairman]

**Attest:** Mike Shelton, Member

Margaret Rosenkranz Tom Shaughnessy, Member

Clerk of the Board

**PROPOSED Ordinance TO AMEND ICC Chapter 3.06, Lodging Excise Tax, to Establish a Lodging Tax Advisory Committee**

The make up of the Committee must comply with provisions of 1998 state legislation, and before the Board for consideration was an ordinance to modify chapter 3.06 of the Island County Code to establish a Lodging Tax Advisory Committee to make recommendations to the Board regarding how county lodging tax funds should be spent by the County, as well as to review and comment on any proposed change in the lodging excise tax rate in Island County. The committee would be made up of an equal number of representatives of businesses subject to the tax and representatives of activities eligible to receive the tax funds. The Chairman of the Board would be a member of that committee and serve as chairperson. The previously established committee would be disestablished to be replaced by the new committee.

Commissioner Shelton understood the proposal before the Board was three members from each Commissioner District, with the Chairman of the Board would serve as Chair of the committee.

Commissioner Shaughnessy believed the Board had the discretion as far as the number of members to be appointed to the advisory committee, and he was not in favor of a 9 member committee.

Joanne Lechner, The Eagle's Nest B&B, Saratoga Road, Langley, appearing before the Board as the President of the Whidbey Island Bed and Breakfast Association, read from a letter to the Commissioners dated today, advising that at their October 13 Association meeting the following points were discussed and unanimously agreed upon, with direction same be provided in writing to the Board:

1. Any tourism advisory committee formulated to decide on the expenditure or disbursement of 2% monies be structured as outlined by Roger Brooks, August 3, 1998 Meeting recap recommendation number one. It is further our recommendation that this also be the make up of the current proposed committee to decide over unincorporated monies collected for 1998. We feel the expertise of a collective body comprised of all our chambers (incorporated & unincorporated) plus an equal number of county-wide accommodations members would have the qualifications needed to make judgments in our county's tourism interest.
2. If it is not too late to do so, that the 2% unincorporated monies for 1998 be used in whole as seed money to start immediately an all-Island County advertising campaign. We feel breaking this fund up into small grants as in the past has not been sufficient and has been ineffective in promoting tourism and raising awareness from outside the county,
3. While at this point we don't feel an additional 2% levied tax is preferable by our members, we do recognize that the Commissioners can lawfully levy such a tax. it is our unanimous preference that if such additional 2% monies are levied that they be used strictly to hire an outside firm to design and implement an Island County wide marketing plan to put "Heads in Beds", and that the chandler-Brooks meeting recap report recommendations 1 – 8 be implemented as written.

Ms. Lechner explained that the membership of the Whidbey Island Bed and Breakfast Association was comprised of businesses that have been operating in the hospitality industry in the County for the past 12 years. Seven of their members are in the unincorporated district of the county and contribute collectively 25% of the total 2% county Hotel-Motel funds and feel their opinions should be registered. She asked that the Commissioners consider their input and move responsively to make a better return of current 2% monies for tourism in Island County and invest for an even stronger tourism return in the future. [copy of letter placed on file]. Only two members of the Association are within any of the incorporated town or cities.

Commissioner Shelton reviewed the two issues involved with funding: the first 2% which is currently collected; and the second 2% which if imposed, he thought would only be enacted to implement the program presented as an All-Island marketing program. As a point of clarification, he recalled that when he met with Ms. Lechner at the Road Shop a month or so ago she advised that the County granted an award to an organization now defunct. He reported at this time the money awarded was being returned to the fund.

Robert L. Whitlow, owner, Colonel Crockett Bed and Breakfast Inn, Coupeville, reported that on October 14, 1998, approximately 60 overnight accommodation business owners, executive directors and board members of the various Island County Chambers of Commerce met at Greenbank to discuss:

1. makeup of the Tourism Advisory Board
2. intended use of the 2% hotel/motel tax
3. wisdom/need of the proposed 2% increase of tax at this time
4. and the use of this increase if implemented

The purpose was to develop a County-wide position supported by both overnight accommodation business owners and the various chambers regarding the proposed add-on 2% tax and its use. The following motion was made:

Support the idea, and to follow the Chandler & Brooks report, particularly the section 'Recommendations and To Do List' items 1-8. On the first ballot the motion prevailed without one dissenting vote.

The consensus was that Island County had been given an unbelievable opportunity to produce a common Island County-wide marketing program of the first quality through the 2% monies if these monies were spent as intended. According to the Chandler & Brooks report, "In Island County tourism is the second largest industry with nearly \$91 million in annual spending." We agree with the Report that these funds should not be doled out as grants but should result in bringing overnight visitors to Island county. The group concurred with the recommendation that basic tourism 2% tax dollars be divided 40% to facilities and organizations, 10% to events and 50% to marketing, and that if the additional 2% monies are collected that 100% be used in a common professional marketing program. They fully agree with the Report that the Tourism Advisory Board should include 6 representatives from the lodging industry, from Chambers of Commerce plus non-voting elected officials, for a committee of 16 persons. They support the proposal that a fully qualified professional marketing firm be hired, and that the 1998 2% basic tax funds from the unincorporated areas be used to initiate this marketing program. [copy of Mr. Whitlow's letter placed on file, along with the proposal considered by the group and signed by the various attendees at that meeting].

Don DeBode, owner of Best Western, Oak Harbor, served on the County's current tourism advisory committee for several years and thought more attention in structure probably was needed. In the past the committee tried to do a good job, but there are many people requesting the funds. Mr. DeBode attended the meeting Mr. Whitlow talked about and supported utilizing existing funds better. If in fact more funds have to be raised for additional marketing, then the additional 2% tax be considered; however, not recommend that immediately be done. He supported the Chandler-Brooks report.

With the two Commissioners present not in agreement about moving the ordinance forward to a public hearing in its present format, the matter was held over for the next meeting of the Board.

#### **AGREEMENT FOR PROFESSIONAL SERVICES – Bayview Road**

Lew Legat, Assistant County Engineer, requested Board approval on an Agreement for Professional Services with Perteet Engineering for Bayview Road Improvements Survey and Design Consultant Services Road project, for maximum payable amount \$203,138.00. The Contract has been reviewed by the Deputy Prosecuting Attorney and Risk Management.

Commissioner Shelton stated for the record that he discussed with Mr. Legat today the fact that Brighton Beach Road must be fixed this year. It is not only a safety issue, it is a single access to considerable numbers of homes and the longer repair is delayed the more opportunity there is to lose the entire road. It was his opinion this road needed to come to the top in terms of importance. In his review with Mr. Legat, some reductions in other road projects will be reduced in order to fund Bright Beach project; no road projects will be affected in either Commissioner District #2 or #3 as a result of funding Brighton Beach project.

Low Legat advised that readjustment of funding within the budget in order to provide funding for repair of Brighton Beach Road would be accomplished reduction or deferral of some other projects within Commissioner District #1 [about 3 different projects involved]. How that relates to Bayview Road is that in next year's budget identified \$180,000 worth of work on that project will be reduced to about \$100,000 and the bulk of the project deferred to a later date. What will be done as far as the contract with Perteet Engineering is that work will be limited within the first phase of the project; completion date of contract is February 29, 2000. Within the notice to proceed, the Department will stipulate limitations to certain tasks in the initial portion of the contract, and may have to extend the completion date at a later date.

Commissioner Shelton moved approval of Agreement for Professional Services with between Perteet Engineering and Island County for the Bayview Road Project in the amount of \$203,138.00. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

**RESOLUTION #C-138-98 [R-58-98] Initiating CRP 98-17, Bayview Road**

As follow-on action to Contract with Perteet Engineering regarding Bayview Road, the Board by unanimous motion, as presented and recommended for approval by Mr. Legat, adopted Resolution #C-138-98 [R-58-98] initiating County Road Project 98-17, Work Order #229, Bayview Road, CE, PE, and Contract Construction, for a total of project amount of \$2,240,000. The project is included in the officially adopted Annual Road Program as Item No's: 27, 28 and 29.

**CONTRACT/BOND/PURCHASE ORDER – Blue Ribbon STEEL BUILDINGS, INC. FOR constructING equipment storage shed**

The Board, by unanimous motion, approved a Contract, performance bond and purchase order to Blue Ribbon Homes Steel Buildings, Inc., Mt. Vernon, for the purpose of constructing an equipment storage shed at the Coupeville Shop, for a total of \$78,231.82.

**FINAL SITE PLAN APPROVAL - SPR 498/96 , RICHARD SOCHA**

**COMMUNITY DRAINFIELD**

Debra Little, Development Services Manager, presented final site plan approval SPR #498/96 by Richard Socha, for a community drainfield to be located on Parcel #R13221-509-0340 on a 5.5 acre parcel to serve 46 singlefamily residences in the Plat of Rolling Hills Div. 1 and 2, North Whidbey. Staff recommends approval, subject to Health Department conditions being met prior to issuance of the first building permit for the system, outlined in letter dated October 16, 1998.

The Board, by unanimous motion, approved final site plan approval SPR #498/96 by Richard Socha as recommended by staff, subject to Health Department conditions being met prior to issuance of the first building permit for the system as listed in Health Department letter dated October 16, 1998. [Approval document signed and copy placed on file]

**RESOLUTION #C-139-98 [CD-001-98] RELEASE LETTER OF CREDIT - SPR 062/93 - CAMANO PLAZA SITE PLAN REVIEW**

Based on recommendation by Debra Little to approve Release Letter of Credit in the amount of \$55,000 for Camano Plaza Site Plan Review, inasmuch as landscaping requirements had been completed to County standards and conditions, the Board by unanimous motion, approved Resolution #C-139-98 releasing said Letter of Credit in the amount of \$55,000.00.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF RELEASE OF THE**

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**FUNDS GUARANTEEING COMPLETION OF  
LANDSCAPING WORK AT CAMANO PLAZA  
IN ISLAND COUNTY, WASHINGTON**

**Owner: Myers Family Limited  
Partnership (Kent Myers)**

**Parcel Number: R33231-016-1600**

) RESOLUTION NO. C-139-98

) CD-001-98

)

**WHEREAS**, the completion of work in Site Plan Review #062/93 has been completed to County standards as of today's date, October 20, 1998 ; and

**WHEREAS**, the following described work: Proposed landscaping associated with the new Camano Plaza shopping center and parking lot has been completed; and

**WHEREAS**, to assure the completion of the landscaping above described, the applicant, **Myers Family Limited Partnership**, furnished Island County with a letter of credit in the amount of Fifty Five Thousand and no/100 Dollars (\$55,000.00) from Whidbey Island Bank; and

**WHEREAS**, said work has now been inspected and found to comply with the County standards and conditions; **NOW, THEREFORE,**

**IT IS HEREBY RESOLVED** that the said funds guaranteeing completion of said work be released to the Myers Family Limited Partnership this date.

**APPROVED AND ADOPTED** this 26<sup>th</sup> day of October, 1998.

**BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

[absent - Wm. L. McDowell, Chairman ]

*TOM SHAUGHNESSY*, COMMISSIONER

*MIKE SHELTON*, COMMISSIONER

ATTEST: Margaret Rosenkranz, Clerk of the Board

**EXECUTIVE SESSION HELD**

The Board met in Executive Session as allowed by R.C.W. 42.30.110 (1) to consider the minimum price at which real estate would be offered for sale or lease. The meeting was expected to last approximately one-half hour and the Board did not anticipate making an announcement in open public session on today.

With no further business to come before the Board, meeting adjourned at 3:30 p.m. on completion of the Executive Session. The next regular meeting will be held on November 2, 1998 beginning at 9:30 a.m.

**BOARD OF COUNTY  
COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

[absent, Wm. L. McDowell, Chairman]

Tom Shaughnessy, Member

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Mike Shelton, Member

**Attest:**

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Margaret Rosenkranz, Clerk of the Board