

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - FEBRUARY 8, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 8, 1999, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present.

Minutes CORRECTED

The matter of needed correction of the May 15, 1998 GMA Workshop Notes, was presented for action, the Minutes from the 5/15/98 GMA, previously approved by the Board on 1/11/99 were in-complete and incorrect. At this time, by majority vote, Commissioner Thorn abstained inasmuch as he was not a Commissioner during 1998, the Board rescinded their 1/11/99 approval of the 5/15/98 minutes, and approved for replacement the completed corrected minutes presented this date, marked "Corrected Version".

MINUTES Approved

On majority vote, Commissioner Thorn abstaining, the Board approved minutes from June 5, 1998 and June 8, 1998 meetings, both Special Sessions to conduct GMA Workshops.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.)**
#43993-44206..... \$ 575,817.74.

EMPLOYEE SERVICE AWARDS

Employee Dept. Ann. Date # Yrs

Anita Foster Assessor 2/1/94 5

Ron Telles Assessor 1/1/84 15

Duwayne Evans Sheriff/Jail 2/1/94 5

Randy Diefert Public Works 2/1/84 15

Shelton Stremmer Public Works 2/15/89 10

EMPLOYEE OF THE MONTH - JANUARY, 1999

Ellen Meyer, Commissioners' Office

Hiring Requests And Personnel Actions

On presentation and brief summary by Dick Toft, Human Resource Director, the Board by unanimous motion, approved two personnel actions as follows:

Department PAA# Description/Action Eff. Date

Public Works 013/99 Plans Ex/Bldg. Insp. #402.05 Replacement 3/1/99

G.S.A. 014/99 Adm. Asst. #1509.00 Replacement 2/22/99

Resolution #C-12-99 In the Matter of Certifying the Levies for Collection of Taxes in the Year 1999

Tom Baenen, Island County Assessor, provided the following hand-outs pertinent to the presentation on certification of the levies of collection of taxes in the year 1999:

- o Assessor’s Annual Report together with 1998 Assessment for 1999 Tax Year

(abbreviated form) [note: map on the back page - population figure taken from State figures for Island County]

- o Pie Chart: 1999 Island County Taxes by Percentage (Rounded) – Showing \$1.00 of County tax

revenue based on this year’s levies and what portion of that dollar goes where

The 1998 assessed value for the County was \$5,589,126,246.00, representing an increase of .82 of 1%, slightly lower than the State implicit price deflater .85, the lowest increase in assessed value since changing for Island County to an annual program in 1984. Oak Harbor School District in-creased its budget by the State implicit price deflater (.85); State school levy was decreased by 25 cents; the four school districts were limited below the 106% by a statutory rate. All other districts took the 106%. New levies were approved for schools and annexations to the library district, hospital emergency services, and Coupeville school capital project. All together the amount of taxes by the taxing districts in 1999 is \$59,293,323.52, an increase of 6.7% over 1998. The average county levy rate was \$10.42 per \$1,000 compared to State average of \$13.52. Mr. Baenen will correct an error, the first sheet under the Resolution that shows Coupeville figures that does not now extend across the page – but does add up correctly.

By unanimous motion, the Board adopted Resolution #C-12-99 in the matter of certifying the levies for collection of taxes in the year 1999, with any necessary correction for Coupeville

totals that may be necessary.

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

IN RE THE MATTER OF CERTIFYING)

THE LEVIES FOR COLLECTION OF) **RESOLUTION C-12-99**

TAXES IN THE YEAR 1999)

_____)

WHEREAS, the Clerk of the Board of County Commissioners has received and filed as public record the certified budgets or estimates of the taxing districts of Island County, for the purposes of levying taxes, all as required by RCW 84.52.020, and

WHEREAS, the board scheduled a public meeting for February 8, 1999 to receive the levy estimates and requests, and to set the levies for the year 1999 and

WHEREAS, the Board of County Commissioners hereby determines to levy taxes as allowed and required by law, based upon the assessed valuation as determined by the Island County Assessor, and set forth in Exhibit A, which is attached hereto, and by reference incorporated herein, **NOW THEREFORE,**

BE IT HEREBY RESOLVED that the Board of County Commissioners of Island County, Washington, hereby levies and certifies to the Island County Assessor, the above taxes for collection in the year 1999 as set forth in Exhibit A attached hereto, to be extended upon the rolls against the taxable property in Island County.

NOW, THEREFORE, BE IT RESOLVED,

ADOPTED this 8th day of February, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Margaret Rosenkranz Mike Shelton, Chairman

Clerk of the Board Wm. L. McDowell, Member

BICC 99-61 Wm. F. Thorn, Member

[note: Exhibit A is on file with the Clerk of the Board attached to C-12-99]

HEARING HELD: ORDINANCE #C-05-99 AMENDING ISLAND COUNTY DISTRICT COURT DISTRICTING PLAN, CHAPTER 1.12 TO ESTABLISH A COUPEVILLE MUNICIPAL COURT DEPARTMENT

A Public Hearing was held at 9:55 a.m., as advertised, to consider Ordinance #C-05-99 Amending the Island County District Court Districting Plan, Chapter 1.12 ICC, to Establish a Coupeville Municipal Court Department.

No comments were made from members of the public, either for or against the proposed Ordinance.

Maggie Paczkowski, Administrator, District Court, was present and answered questions from Board members. As provided in the Ordinance, she confirmed the Judge's plan was to devote about 40 hours per year, or 2% of his time, based on a few hours on Wednesday afternoons. Court will be held in Oak Harbor. The Court does plan to go back and re-evaluate, based on the number of cases filed, the amount of time the Judge spends in the courtroom for Coupeville municipal cases to see if it still reflects 2%. Court will not be cut short in order to provide this service for Coupeville.

Chairman Shelton recalled that during the Districting committee meeting that generated the Ordinance, the Judge committed himself to the fact that he had adequate time to do this work.

By unanimous motion, the Board approved Ordinance #C-05-99 in the matter of amending Island County District Court Districting Plan, Chapter 1.12 ICC, to Establish a Coupeville Municipal Court Department.

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

IN THE MATTER OF AMENDING)

THE ISLAND COUNTY DISTRICT) ORDINANCE NO. C-05-99

COURT DISTRICTING PLAN,)

CHAPTER 1.12 ICC, TO ESTABLISH)

A COUPEVILLE MUNICIPAL)

COURT DEPARTMENT)

_____)

WHEREAS, the existing Island County District Court Districting Plan does not provide for a Coupeville

Municipal Court Department and the Town of Coupeville currently operates its own Municipal Court; and

WHEREAS, the Town of Coupeville Council and Mayor have petitioned the Board of County Commissioners to amend the Island County District Court Districting Plan to establish a Coupeville Municipal Court department of the District Court; and

WHEREAS, having determined that the District Court Judge and his staff have the time available to handle the Coupeville Municipal Court, the Island County Justice Court Districting Committee has recommended changing ICC subsection 1.12.080 of the Island County Districting Plan to reflect those changes as set forth on Exhibit "A" hereto; NOW, THEREFORE,

IT IS HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington that Island County Code section 1.12.080 be amended in the manner set forth in Exhibit "A" which is attached hereto and hereby incorporated by reference. Material lined through is deleted and material underlined is added. This amendment shall be effective immediately.

Reviewed this 25th day of January, 1999, and set for public hearing on the 8th day of February, 1999 at 9:55 a. m. in the Commissioners' Hearing Room.

BOARD OF COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

BICC 99-46

Ordinance C-05-99 is adopted this 8th day of February, 1999 following public hearing.

BOARD OF COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney and

Island County Code Reviser

[note: Exhibit A on file with the Clerk of the Board]

Interlocal Agreement between the Town of Coupeville and Island County for Coupeville Municipal Court

In conjunction with Ordinance #C-05-99, the Board reviewed proposed Interlocal Agreement for purposes of providing municipal court services for the Town of Coupeville. The term of the Agreement is noted as 1/1/99 running until terminated by either party. Although the Interlocal agreement is not specific about review in the future of that figure, the Board assumed that could be done.

Ms. Paczkowski confirmed that was her understanding as well and noted that this agreement is very similar to the agreement with Oak Harbor, and needed adjustments were made to that contract. Coupeville will pay 1/12th of what Oak Harbor pays the County per month.

By unanimous motion, the Board approved the Interlocal Agreement for the Coupeville Municipal Court, Contract # RM-DCRT-99-0001.

HEARING SCHEDULED: RES. #C-11-99 – ESTABLISHING ISLAND COUNTY JUVENILE DETENTION FACILITY FUND AND FIXING BUDGET FOR 1999 YEAR

On request of the Budget Director, the Board, on unanimous motion, scheduled a public hearing on Resolution #C-11-99 In the Matter of Establishing the Island County Juvenile Detention Facility Fund and Fixing a budget for 1999 to be held on February 22, 1999 at 1:55 p.m.

Appointment to CONSERVATION Futures Technical advisory Group [TAG]

A unanimous motion was adopted by the Board to appoint Ron Van Dyke, Coupeville, to serve on the Conservation Future Technical Advisory Group, refilling the position that had been held by Robert Van Deen.

Application for Special Occasion Liquor LICENSE License #091257

by Deer Lagoon Grange

Favorable recommendations were received from the Island County Sheriff and Health Department, and by unanimous motion, the Board authorized forwarding a recommendation of approval to the Washington State Liquor Control Board on Special Occasion Liquor License #091257 for Deer Lagoon Grange, Greenbank, an event scheduled on February 20, 1999.

Contract between Northwest Regional Council & Island County #99-CM/NOS 41 for Title XIX Case Management Nursing Services

The Board by unanimous motion approved Contract between Northwest Regional Council and Island County #99-CM/NOS 41 for Title XIX Case Management Nursing Services, in the amount of \$60,900.

Designation of Applicant's Agent for Disaster Funds

Designation of Applicant's Agent for Disaster Funds was approved and signed by the Board, on unanimous motion, as submitted under Memorandum dated February 2, 1999 from Betty Kemp, Director, G.S.A. The form comes from the Washington State Emergency Management Department for designation of Applicant's Agent to represent the County in obtaining FEMA disaster assistance funds obligated for the 1996 winter storm.

HEARING HELD – AND CONTINUED: TLC #457/98 Application to place 14 acres into Timber Land classification, Parcels R32804-101-2320 and R32804-035-2320, Mary Stewart and Dean Enell, Langley

The Chairman opened a public hearing at 10:15 a.m., having been scheduled for hearing by the Board at the December 21, 1998 meeting for this date and time, to consider a Timberland Classification Application TLC #457/98 by Mary Stewart and Dean Enell.

Vince Moore, Planning Director, requested that the Board continue the public hearing citing two problems:

1. Hearing not appropriately legally noticed, if indeed the Public Benefit Rating System is to be applied; Applicant was not notified of today's hearing.
- 2) Staff not sure whether this project is evaluated under the PBRs. There is some difference of opinion between an expert the Assessor consulted and the Code enacted by the County.

Mr. Moore confirmed that he called Dean Enell to explain the problem and Mr. Enell was completely understanding about the situation. It is a complicated process, and apparently

Mr. Duvenoy believes these are reviewed under the PBRs but the Assessor talked with a representative from the Department of Revenue who disagreed. However, Mr. Moore was not sure the Assessor in that conversation brought up the fact that it is a current use classification.

Larry Kwarsick, Public Works Director, agreed to make contact with Gene Duvernoy, special counsel who assisted in drafting the PBRs program, for a final answer.

As recommended, the Board, by unanimous motion, continued the hearing until **March 8, 1999 at 10:15 a.m.**

Escrow Agreement – Strider Construction – account to place retainage for Whidbey Slides project

On presented and recommended for approval by both the Public Works Director and County Engineer, the Board by unanimous motion approved Escrow Agreement #4735 44008559 allowing placement of contractor's, Strider Construction, retainage into escrow account, relating to the Whidbey Slides project.

Resolution #C-13-99 (R-5-99) Approving Specifications and Authorizing Call for Bids for Madrona Way Phase

2

Based on review and recommendation by Lew Legat, County Engineer, the Board by unanimous motion adopted Resolution #C-13-99 (R-5-99) Approving Specifications and Authorizing Call for Bids for Madrona Way Phase 2, Shoulder & Culvert construction, CRP 98-13 setting bid opening on March 4, 1999 at 11:00 A.M., Room 6, 5th and Center Streets, Coupeville.

Subsequent to that approval, however, Mr. Legat returned and advised that the bid date needed revision and the correct date should be 18 March 1999 at 11:00 a.m. The Board, by unanimous motion, made the requested revision in bid date.

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

IN THE MATTER OF APPROVING PLANS &)

SPECIFICATIONS AND AUTHORIZING CALL) RESOLUTION NO. C-13-99

FOR BIDS FOR MADRONA WAY PHASE 2) R-5-99

SLIDE REPAIR, CRP 98-13)

FEDERAL AID NO. ER-9701 (190))

WHEREAS, sufficient funds are available in the Island County Road Fund for Madrona Way Slide Repair, CRP 98-13; 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 18th day of March, 1999, at 11:00 A.M., Room 6, located at Fifth and Center Streets, Coupeville, WA 98239.

ADOPTED this 8th day of February, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: *Margaret Rosenkranz*

Clerk of the Board

BICC 99-65

Resolution #C-14-99 – Applying for Community Development Block Grant [CDBG] for Renovation of a Youth Center – City of Oak Harbor/Island County/Partnership With Youth

Mr. Kwarsick previously delivered to the Board a copy of the draft CDBG application and a proposed resolution. He requested at this time the Board approve the Resolution and authorize the Chairman to sign the grant application when it becomes available.

By unanimous motion, the Board approved Resolution #C-14-99 in the matter of applying for a Community Development Block Grant for Renovation of a Youth Center for Oak Harbor under Partnership With Youth, and authorized the Chairman to sign the application for the grant as it becomes available, with the Chair to bring the matter back to the Board should if uncomfortable with anything contained in said application.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPLYING FOR A)

COMMUNITY DEVELOPMENT BLOCK)

GRANT FOR RENOVATION OF A YOUTH) RESOLUTION C- 14-99
CENTER)

WHEREAS, Island County is applying to the state Department of Community, Trade and Economic Development for funding assistance; and

WHEREAS, it is necessary that certain conditions be met as part of the application requirements; and

WHEREAS, the City of Oak Harbor and Island County in cooperation with Partnership With Youth received a CDBG Planning Only Grant to conduct a youth programming study to examine the needs of low to moderate income youth in North and Central Whidbey Island; and

WHEREAS, the *Youth Programming Study* was completed in December of 1998 with a recommendation for phased program and facility development recommendations. The study, as reviewed and approved by the City Council of Oak Harbor is attached hereto as Exhibit A.

NOW, THEREFORE, be it resolved that Island County authorizes submission of this application to the state Department of Community, Trade and Economic Development to request \$750,000 towards the renovation of a youth center, a phase 1 improvement, and certifies that, if funded, Island County:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); has complied with all public hearing requirements and provided citizens, especially low- and moderate-income persons, with reasonable advance notice of, and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities;

Has provided technical assistance to citizens and groups representative of low- and moderate-income persons that request assistance in developing proposals;

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- to moderate-income owner-occupants;

Has established a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968);

Has adopted and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility of location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended. and

Will provide, upon request, and prior to any obligation of funds being made, a complete and accurate CDBG Federal Funds Disclosure Report detailing the required applicant/grantee information, and as appropriate other government assistance provided or applied for, interested parties and expected sources, and uses of funds.

Enter into a subrecipient agreement with the Partnership With Youth, a 501C3 organization that owns the facilities to be renovated and who will act as the umbrella organization for providing leadership so that a full array of services are available for children grades 6 through 12 from low to moderate income from North and Central Whidbey Island.

Island County designates Larry Kwarsick, Public Works Director, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Island County's participation in the Washington State CDBG Program.

APPROVED AND ADOPTED this 8th day of February, 1999

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

ATTEST: *Wm. L. McDowell*, Member

Margaret Rosenkranz William F. Thorn, Member

Clerk of the Board

BICC 99-68

ATTACH: Exhibit A Youth Programming Study

[Note: copy of Exhibit A is on file with the Clerk of the Board]

Estimated Closing Statement - West BEACH LAKE PROPERTY PURCHASE

As presented, the Board by unanimous motion, approved Estimated Closing Statement for the West Beach Lake property purchase, representing a balance due of \$373,471.51.

REPORT ON SLIDE AREAS AND WATER FLOW PROBLEMS

Roy L. Allen, Assistant Director, Public Works Department, apprised the Board concerning slide conditions and water flow problems as a result of the most recent wind and rain storm events, all in the South Whidbey area. Two reported slides [basically on private property]:

1. End of Brighton Beach in the vicinity where a cabin had been pushed off its foundation

in 1990, an area not serviced by a county road.

1. Scatchet Head, a slide close to the Clubhouse but away from the houses. The Association has requested contractor proposals.

Over-flow Water Problems:

- Andreason Road about 500' from the intersection in vicinity of first curve water is sheeting across Andreason

Road

- Amble Road fairly close to the intersection with Saratoga Road, the culvert cannot handle the flow of water
- Goss Lake is higher than it was last year. Property owner where the only discharge pipe is located is apparently digging in pipe to carry the flow from the County cross-culvert to the logging road with 6" pipe on Dave Campbell property. When Mr. Allen last talked with Mr. Campbell, he did not want the pipe enlarged until the whole southerly drainway had been taken care of because his pond that would receive all the water is 1/10th the size of Goss Lake and every inch of relief on Goss Lake is 10" on his property. This presents potential threat to East Harbor Road where Goss Lake intersects where 2 culverts are located; one 12" culvert that receives the Goss Lake runoff now running at capacity without receiving Goss Lake flow yet; and second, a 24" culvert on the south side of Goss Lake running at full capacity and about 10 days' ago overflowed the ditch and went over the road.
- One report received on Wall Road, which is being checked at this time
- Call received that the new outfall in Pine Street is apparently eroding footings to bulkheads.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 12:25 p.m. The next regular meeting to be held on February 22, 1999, beginning at 11:30 a.m.. [*Monday, February 15, 1999, President's Day, is a County Holiday*]

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Wm. F. Thorn, Member

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board