

ISLAND COUNTY COMMISSIONERS–MINUTES OF MEETING

REGULAR SESSION - MARCH 15, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on March 15, 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.

The Board, by unanimous motion, approved and signed minutes of previous meetings: February 22, 1999 Special Session; February 22, 1999 Regular Session; March 1, 1999 Special Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.#)**
#46173 - #46386..... \$373,762.51.

Human Resources PERSONNEL ACTIONS

After presentation and summary provided by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following two Personnel Action Authorizations:

Department Description/Position Proposed Effective

Action Date

Public Works Accounting Asst. P.W. #412.00 Replacement 3/31/99

Treasurer Deputy Treasurer 7 Mos. 5 fte #2108.00 Replacement 3/19/99

Island County law and justice council

The Board, by unanimous motion, appointed Keith Englund, Camano Island, to serve on the Island County Law & Justice Council for a term to February 1, 2000.

AMENDMENT #3 – CONTRACT WITH BOGLE & GATES

Bogle & Gates made the decision to cease practicing law as of March 31. There are two other contract amendments associated with this termination for consideration. Alison Moss has joined with Keith W. Dearborn's practice to form Dearborn & Moss; and Elaine Spencer has relocated with Graham & Dunn. Amendment #3 to Contract for Outside Legal Services with Bogle & Gates, to change the date of termination from December 31, 1999 to March 31, 1999, was approved by unanimous motion of the Board.

AMENDMENT #3 – CONTRACT WITH DEARBORN & MOSS

By unanimous motion, the Board approved Contract Amendment #3 with Dearborn & Moss, a contract for outside legal services associated with Island County's GMA Plan and appeals, to recognize firm name change from Keith W. Dearborn to Dearborn & Moss, and adding \$25,000 to the contract.

NEW CONTRACT: Outside Legal Services, Graham & Dunn

A new contract with the firm of Graham & Dunn P.C. in order to allow Elaine Spencer, formerly with Bogle & Gates representing the County, to continue to represent Island County in the Growth Board appeal of its GMA Comp Plan, was approved by unanimous motion of the Board, in the amount of \$15,000.

Appendix "A" – Annual Modification –MOA between WSU and Island

County wSU COOPERATIVE ExtENSION Program

Don Meehan, WSU Extension Agent, Island County, presented Appendix "A", representing the Annual Modification for the Memo of Agreement between WSU and Island County WSU Cooperative Extension Program. As noted, each year the Appendix is modified to bring current the amount of funds budgeted for the year, in this case, funds in the amount of \$28,585.00 for 1999.

By unanimous motion, the Board approved Appendix "A" for the MOA between WSU and Island County in the amount of \$28,585.00.

Contract between WSU and Island County: Receive corporate donation for WSU Beach WATCHERS Program/TEXACO

Don Meehan next presented for Board approval a Contract between WSU and Island County to provide the legal authority to WSU to provide the funds donated by TEXACO dedicated to the Island County Beach Watchers Program. The Contract has been through the Contract Review Process. The Contract Review Form was not supplied to the Board, and Mr. Meehan at this time provided same. He confirmed that the changes as suggested by Dave Jamieson, Jr., Deputy Prosecuting Attorney, had been made.

The Board, by unanimous motion, approved Contract with Washington State University allowing Island County to capture the TEXACO donation the funds given to support Island County's WSU

Beach Watcher's Program, the funds held at the University, providing that the University will pay up to \$14,000 to the County, under Risk Management Contract Control # RM-EXT-99-0018.

[subsequently determined that Page 1 of the contract needs to be corrected; refer to Staff Session notes of 3/17/99 and Board Meeting minutes of 3/29/99]

LIQUOR LICENSES

The Board, based on receipt of favorable recommendations from the Island County Sheriff and Health Department, and where applicable Island County Planning Department, by unanimous motion voted to forward a recommendation of approval to the Washington State Liquor Control Board on the following four applications:

New Application #081666-4I Sfoglia Fine Pastas & Gourmet Take-Out, 1594 Main Street, Freeland

Special Occasion License #090428 by Pilchuck Valley Wildlife Rehabilitation Center May 15, 1999, Camano Country Club, Camano Island County, Wa.

Assumption of License #35915-4I from Kent Meyers & Associates to James B. & Sandra H. Springer, d/b/a Casey's Red Apple, 14485 SR 525, Langley

Assumption of License 365905-4I from Ken Meyers & Associates, Inc., d/b/a Ken's Korner IGA, to James. B. and Sandra H. Springer, d/b/a Ken's Korner Red Apple, 11042 SR 525, Clinton.

Letter of intent – re interlocal cooperation agreement for construction/lease of space in fire district #3 new station

Discussion was brought forward having been continued from the Board meeting of March 8, 1999, concerning proposed letter of intent committing the County to enter into a long-term lease of a portion of Fire District #3's new

Freeland Fire Station.

In response to prior concerns and questions raised by the Board, Greg Banks, Prosecuting Attorney, submitted a revised draft letter of intent noting that:

"The County agrees in principle that Island County would pay that amount up front as consideration of a 20-year lease of the space. In addition, the County would pay its proportional share of the maintenance and repair costs each year. The County would be responsible for any further tenant improvements to the space leased. The lease would be renewable after 20 years, at the County's option, under the same terms (i.e. in consideration of payment of the County's proportional share of the maintenance and repair costs)."

Commissioner McDowell expressed concerns about the statement that the lease would be renewable after 20 years under the same terms, which is not the case; the County will not be paying another \$110,000 and he felt that needed to be clarified within the body of the letter to

specify that "the lease would be renewable after 20 years, at the County's option for an additional 20-year period under the same terms, except there will be no additional \$110,000 payment and the County will continue to pay its proportional share of maintenance and repair costs".

Commissioner Thorn expressed similar concern. Where the letter states ""The County agrees in principle that Island County would pay that amount up front as consideration of a 20-year lease of the space", he suggested after "as" to insert the words "its total" .

Other concerns are: the letter notes "...approximately \$110,000"; need to verify if in fact the figure of 1,000 square feet is what the Sheriff agreed on.

Follow-up/Action:

1. Prepare new draft letter with the following changes:

- last sentence to read: The lease would be renewable after 20 years, at the County's option for an additional 20-year period under the same terms, except there will be no additional \$110,000 payment. The County will continue to pay its proportional share of maintenance and repair costs.
- Middle paragraph, second sentence, add "its total" after the word "as".

2. Schedule discussion with the Sheriff during the March 17th Staff Session, and continue the matter for action at the Board Meeting scheduled on March 29, 1999.

RESOLUTION #C-25-99 DECLARING COUNTY PROPERTY SURPLUS

Lee McFarland, Assistant Director, GSA, presented for Board approval Resolution #C-25-99 to declare County property surplus, specifically four structures located in Coupeville, no longer of

economic value to the County; moving, demolition or donation for low income housing is necessary in association with the Courthouse Expansion Project.

By unanimous motion, the Board approved Resolution #C-25-99 in the matter of declaring the four structures as County surplus property.

Commissioner Thorn was interested in the County making every effort trying to make the houses available for low income [i.e. through the Housing Authority or Habitat for Humanity, etc..] as opposed to demolition.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF DECLARING)

COUNTY PROPERTY SURPLUS) RESOLUTION NO. C-25-99

WHEREAS, Island County Code Chapter 2.31, Sale Or Lease Of Surplus County Property, was adopted on April 11, 1994; and

WHEREAS, Island County owns structures on property as identified on Exhibit "A"; and

WHEREAS, RCW 36.32.415 authorizes the County to assist in the development or preservation of housing for persons of low income; and

WHEREAS, it may be possible to donate these structures for low income housing; and

WHEREAS, these structures are no longer of economic value to the County and moving of or demolition of these structures is necessary for expansion of the Court House Complex; and

WHEREAS, the Board of Commissioners of Island County Washington feel it is in the best interest of the Citizens of Island County that this expansion be completed; and

WHEREAS, Island County Code 2.31.010 requires the Board of County Commissioners to declare these structures surplus prior to moving or demolishing them; NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Island County, Washington that the aforementioned structures are surplus to County needs and are to be disposed of accordingly.

Adopted this 15th day of March , 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 99-145

EXHIBIT "A"

Parcel Number Structure Description Address

1. S6415-00-32001-0 2000 sq. ft. house 101 5th St. NE, Coupeville

689 sq. ft. detached garage

2. S6415-00-32007-0 1350 sq. ft. house 406 Haller St. NE, Coupeville

3. S6415-00-29003-0 1478 sq. ft. house 501 Center St., Coupeville

4. S6415-00-29004-0 1560 sq. ft. house 102 Fifth St. NE, Coupeville

HEALTH SERVICE CONTRACTS APPROVED

By unanimous motion, the Board approved four health-related contracts, said contracts having been discussed with the Board at a recent staff session:

- Contract #HD-02-99 Region 3, AIDS Service Network, for HIV/AIDS Program, in the amount of \$66,038
- Consolidated Health Contract Amendment, Contract #CO7711 (1), with State Department of Health, Amendment in the amount of \$33,534.00
- Contract #HS-16-97 Amendment 2, Island Employment Services, Amendment amount \$7,057 to serve

approximately three developmental disabled students transitioning out of high school

- Contract #HD-01-97, Amendment #2, Oral Health Contract, amendment in the amount of \$2500, to provide required dental professional oversight to oral health program

Claim for Damages #R99-002CD, Amex Insurance

- Ronald and Joy Edwards

Betty Kemp, Director, GSA/Risk Management, advised the Board concerning accident involving Ronald and Joy Edwards' son on November 24, 1998, with further detail in Memo dated 3/8/99

accompanying Claim for Damages and departmental review/investigation. As a result of storm on that date, power was out and traffic signal not working at the intersection of Maxwellton Road and SR 525. Ms. Kemp concurred with the recommendation of the County Engineer to deny the claim inasmuch as the County has no responsibility to maintain the State's traffic signal.

On unanimous motion, the Board approved the recommendation and denied Claim for Damages #R99-002-CD.

Claim for Damages #R99-003CD, Carol Cummings

Claim for Damages #R99-003CD by Carol Cummings alleged damages as a result of abuse of power by the Treasurer's Office related to property taxes due April 30, 1998, paid late, thus assessed the \$836.76 interest and penalties. Ms. Kemp confirmed the matter was reviewed with

the County's Chief Civil Deputy Prosecuting Attorney, and the Treasurer addressed all allegations. Recommendation of Risk Management is denial of the claim.

Commissioner Thorn advised that Mrs. Cummings came to see him about this matter. He thought there probably was some better handling on the part of the County that could have been done, but did not disagree what was done was legal. The fact the claim was so late persuaded him to agree, as noted by Mr. Jamieson, that was a primary and appropriate consideration.

Because Chairman Shelton was aware that claims ultimately could result in some cases as actual legal actions against the County, he cautioned about discussing claims for damages with claimants.

The Board, by unanimous motion, approved denial of Claim for Damages #R99-003CD by Carol Cummings.

Contract & Performance Bond – Jenkins, Inc.; Terry's

Corner Beautification project, WO 57

Larry Kwarsick, Public Works Director, presented for Board approval Contract and Performance Bond from Jenkins, Inc., the successful bidder awarded the bid for Terry's Corner Beautification Project, Work Order #57. By unanimous motion, the Board approved and signed the Contract and Performance Bond from Jenkins, Inc.

HEARING SCHEDULED: Ordinance #C-26-99 Closure of

A portion of Wilkinson Road

By unanimous motion, the Board scheduled Ordinance #C-26-99 (R-10-99) in the matter of closure of a portion of Wilkinson Road located in Section 13, Township 29N, Range 3E, for hearing on March 29, 1999 at 2:30 p.m.

HEARING SCHEDULED: Ordinance #C-27 -99 Load restrictions on Driftwood Way and Seaward Way, Plat of Ledgewood

Beach & Portion of Bon Air; 10 ton limit

By unanimous motion, the Board scheduled Ordinance #C-27-99 (R-9-99) in the matter of load restrictions on Driftwood Way and Seaward Way, Plat of Ledgewood Beach and a portion of Bon Air, a 10 ton limit, hearing scheduled for March 29, 1999 at :30 p.m.

Contract #RM-SW-99-0017 – Paul S. Running & Associates; Comprehensive Solid Waste MANAGEMENT PLAN, ETC.

The Board approved, by unanimous motion, after review and presentation by Dave Bonvouloir, Solid Waste Manager, Contract #RM-SW-99-0017 between Island County and Paul S. Running & Associates, for preparation of a Comprehensive Solid Waste Management Plan integrated with a local Moderate Risk Waste Management Plan; preparation of a Rate Study to set rates for Solid Waste and Septage for a 3-year period beginning January 1, 2000 through January, 2003; and preparation of a General Sewerage Plan, in the amount of \$139,260.

PROPERTY LEASE AGREEMENT: TEMPORARY SITING OF

GOVERNMENT OFFICES BETWEEN THE TOWN OF

COUPEVILLE AND ISLAND COUNTY

Mr. Kwarsick presented property lease agreement between Island County and the Town of Coupeville. The Town of Coupeville has agreed to lease the County Lots 7 & 8, Plat of Coupeville, together with adjoining vacated street right-of-way for a period of about 3-1/2 years, to begin April 1, 1999. The purpose of the lease is to provide a site for modular government office facilities during the period of time the Courthouse Expansion Project is under way. Mr. Kwarsick recommended the Board's approval of the agreement as signed by the Town of Coupeville, reviewed both by Risk Management and the Deputy Prosecuting Attorney's Office. The lease has a specific time frame, to run through 12/31/2002 and provides an opportunity to continue on for the period of the construction contract activities.

By unanimous motion, the Board approved Property Lease Agreement for the temporary siting of government offices between the Town of Coupeville and Island County.

PURCHASE ORDER APPROVED FOR TWO MOBILE UNITS

Mr. Kwarsick requested Board authorization on Purchase Order #02050 to acquire from the Navy Exchange two modular facilities to be located on the property leased from the town of Coupeville for use as offices during Courthouse Expansion project. The cost is \$35,000 plus tax, for a total of \$37,800. Each modular is 24x60, for a total

of 2,880 sq. ft. at a cost of \$12+ per sq. ft. The units have been reviewed by a structural engineer who has forwarded a certificate of structural integrity to the Department of Labor and Industries and the purchase is contingent upon the County's receiving certification from DOL.

The Board, by unanimous motion, approved Purchase Order #02050 in the amount of \$37,800.

HEARING SCHEDULED: ORDINANCE #C-28-99 IN THE MATTER OF AMENDING ISLAND COUNTY CODE, SECTIONS 6.08.0980 AND 9.40.280 – ESTABLISH AUTHORIZED DOG OFF-LEASH AREAS IN COUNTY PARKS

Lee McFarland requested that the Board schedule a public hearing on an ordinance to establish authorized dog off-leash areas in County parks, in response to a number of citizens who requested that areas be provided within County parks to exercise dogs off-leash.

The Board, by unanimous motion, scheduled a Public Hearing to consider Ordinance #C-28-99 on April 5, 1999 at 11:30 a.m.

HEARING HELD: APPLICATION #OPS 702/99, Eleanor C. River,

Designate 11.46 acres zoned Rural as Timber

Land Classification

A Public Hearing was held at 10:45 a.m., as scheduled and advertised, for the purpose of considering Application OPS 702/99 to designate 11.46 out of a 12.46 parcel, zoned Rural as Timber Land Classification, by Eleanor C. River, on Parcel #R13217-464-4400 located at 1664 W. Hastie Lake Road, N. Whidbey.

Phillip Bakke, Manager, Comprehensive Planning, Island County Planning Department, provided in the Board's meeting packet a copy of the Island County Planning Department Staff Report dated March 10, 1999. A copy of the Forest Management Plan was included for the Board's information. The Department recommended conditional approval of the application, with two conditions:

1. All future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan except that conversion of the pasture area shall be completed during the 2000 calendar year rather than 1999
2. All future forest practices activity on the subject property shall be consistent

with Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and

all other applicable County, State and Federal regulations.

He explained the condition to reflect the 2000 calendar year date was due to the late date of review of the application, feeling success of replanting would be inhibited if to begin the process toward the middle of March, and make more sense to start that process during the summer and fall of 1999 with replanting beginning 2000 this time of year.

Mrs. River confirmed that the delay of the conversion was acceptable.

At the time when the Chairman called for comments from anyone in the audience, no one came forward to speak either for or against the application.

The Board, by unanimous motion, approved OPS 702/99 as recommended by staff with the two conditions as stated.

REVIEW FINANCIAL REPORTS

(1) Treasurer: Current & YTD Cash Report & County Investment Report and Status

Maxine Sauter, Treasurer, gave her Current Expense year-to-date report for the period ending February 28, 1999, noting that being only two months' into the year she really did not see too much to make comment on. One thing she did note was that due to computer problems, property tax revenues had to be estimated since no posting of tax revenues had been done. She was hopeful for early resolution to the computer problem. Investments at this point amount to \$58,400,000.

(2) Auditor: Monthly Review of Revenues & Expenditures

In providing the Auditor's monthly report of revenues and expenditures for February, 1999, Suzanne Sinclair commented that revenues and expenditures appeared to be in line with budgeted amounts for 1999. She agreed to check on the listing/coding for a separate line item noted "Community Development" and the line item "Planning & Community Development" to make sure there was no mis-coding or duplication since Community Development is no longer a part of the Planning Department.

MEETING CANCELED AND RESCHEDULED

The Regular Meeting of the Board of Island County Commissioners has been canceled for **March 22, 1999**. The Board will meet instead on the following Monday, a Special Session, **March 29, 1999**, beginning at 11:30 a.m. for the monthly Round-table with Elected Officials, following with other meeting items beginning at 1:30 p.m. An agenda will be distributed on March 24th for the March 29 meeting.

BOARD CONDUCTS ANNUAL JAIL INSPECTION

The Board at Noon conducted the Annual Jail Inspection, after which the Board meeting was recessed until 2:00 p.m.

EXECUTIVE SESSION

Chairman Shelton announced that the Board would meet at 2:00 p.m. in Executive Session, WSU Conference Room, 5th & Main Streets, Coupeville, as allowed under r.c.w. 42.30.110(1) (i) to discuss litigation with legal counsel representing the County. He anticipated the session would last approximately 2-1/2 hours +, and did not expect any announcement afterwards in open public session today.

After completion of the Executive Session, the Board Meeting adjourned at 5:45 p.m.

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