ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - APRIL 26, 1999

The Regular Meeting of the Board of Island County Commissioners was held on April 26, 1999, beginningat 11:30 a.m. for the monthly Roundtable with Elected Officials, following with other meeting items as listed on the Agenda beginning at 1:30 p.m. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman and William F. Thorn present; Commissioner Wm. L. McDowell as absent.

Roundtable Meeting with Island County Elected Officials

Commissioners: Mike Shelton; William F. Thorn

Elected Officials: Tom Baenen; Robert Bishop; Marilee Black; Maxine Sauter, Attending portions of the Roundtable: Greg Banks; Suzanne Sinclair and Mike Hawley

Others: Margaret Rosenkranz

Miscellaneous. Mike Hawley handed out copies of the Sheriff's Office Annual report for 1998.

Sub-Group Budget Planning. Consensus at last month's Roundtable was to start off initially with some budget subgroupings, Law & Justice; Assessor/Auditor/Treasurer; GSA/Budget/Human Resources/Central Services/Maintenance, and the Board was to try to meet during a staff session with appointed department heads [from the Health Department, Public Works/Community Development, and Planning, to get their thoughts and suggestions on possible budget sub-grouping prior to a decision being made. At this point, that discussion has not taken place but is still on the Commissioners' follow-up agenda. Commissioner Thorn and Margaret Rosenkranz are working with regard to a proposed six year budget projection, at this time trying to get a sense of history and from that some preliminary rational in order to come up with some basis for initial discussion .

Computer Issues. Last month it was noted that Elected Officials had met with the Director of Central Services to start pursuing the idea of electronic imagining and to see what all the needs may be for Island County. Having met with Ms. Caryl again, Marilee Black noted those attending were asked to do a needs assessment and get back with her. Elected Officials are in the process of doing that now and have made some inquiries and on-site visits where other counties currently have such systems. The technology group is looking into this and Ms. Black hopes when Elected Officials complete their review and provide that information to Ms. Caryl that Central Services can do research and bring a recommendation back to the Board with a suggestion of how it might be phased in over a period of time.

Tom Baenen thought probably the County should be thinking about bar coding at the same time. He looked at the system in place in Snohomish County – the Snohomish County Auditor has been imagining for some time. There, one of the title companies sets up in the basement of the courthouse everyday, at their expense, and do the cataloging for the County in exchange for first access to the documents. Imaging is the coming thing, and dovetails with the rest of information throughout the county, but each of the offices would have different aspects. The cost would notbe insignificant on the County's part, but something he thought the County should look into seriously.

Suzanne Sinclair and the Record Manager attended an imaging presentation at State Regional Archive Office in Bellingham and are looking into what is available. She too thought there as some real potential for Island County. In going through and listing documents she thought logical to image, it was her conclusion there would be three different groups: Law & Justice; Land Use; and Accounting [Assessor, Auditor, Treasurer].

Greg Banks asked with regard to individual office computer equipment about the possibility that offices be allowed to purchase hardware and software other than going through Central Services.

Commissioner Shelton pointed out that in terms of hardware and software, the decision had been made

deliberately some years' ago that all purchases go through Central Services for purposes of compatibility as well as

servicing the equipment, an effort to try to get everyone on the same page.

Follow-up Next Roundtable:

1. Budgeting – long range financial planning and sub-group report
2. Report from Technology Group

3. Imaging/Scanning issue

Roundtable adjourned 12:20. Next Roundtable 5-24-99 @ 11:30 a.m.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.)** #48843 – 49126..... $ 459,254.97.

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Approve Minutes of Previous Meetings

By unanimous motion, the Board approved minutes from the meetings of April 5 and 12, 1999.

MAY, 1999 STAFF SESSION SCHEDULE

The Board, by unanimous motion, approved for distribution, the Staff Session for May outlining staff sessions for May 5 and May 19.

PUBLIC HEARING SCHEDULED: RESOLUTION #C-46-99 REVISING ICC 2.02.050

INCREASING THE SALARIES OF THE PROSECUTING ATTORNEY AND SHERIFF

On motion of the Board adopted unanimously, a public hearing was scheduled for May 17, 1999 at 9:50 a.m., to consider Resolution #C-46-99 In the Matter of Revising ICC 2.02.050 Increasing the Salaries of the Prosecuting Attorney and Sheriff.

Hiring Requests & Personnel Actions

As presented and described by Dick Toft, Human Resources Director, the Board by unanimous motion approved two personnel action authorizations for the Assessor's Office:

PAA No. Description Position No. Action Eff. Date

044/99 Dept. Support Asst. #115.01 Reclassification 4/26/99

045/99 Dept. Support Asst. #115.02 New Position 4/26/99

Provider Agreement: Island County and the Northwest

Washington Medical Bureau

The Board, by unanimous motion, approved and signed Northwest Washington Medical Bureau Participating Provider Group Agreement with Island County Health Department, Contract Control #RM-HLTH-990037, allowing the Health Department to bill for services provided to the NW Medical Bureau members.

Claim for Damages #R99-005CD BY JOHN DYNGEN

Betty Kemp, Director, GSA/Risk Manager, presented Claim for Damages #R99-005CD by John Dyngen, filed on March 9, 1999 requesting $3,911.63 in attorney fees, alleging negligence on the part of the Planning Department. The Risk Management review and report was provided in a Memorandum dated April 23, 1999, and Ms. Kemp noted that the claim had been reviewed by staff responsible for the permit process for a boundary line adjustment [BLA]. On first review of the data submitted by the claimant, Ms. Kemp noted that it appeared that Mr. Dyngen had completed the process; however, the Health Department and Public Works Department outlined the correct procedure and the responsibility of the applicant to ensure closure to the application and final approval of the BLA. Based on the facts outlined in a Memorandum from Public Works April 21, 1999, the Risk Manager concurred with the Public Works Director's recommendation to deny the claim.

Mr. Dyngen on 6/14/93 [see Chronology attached to Mr. Kwarsick's memorandum] recorded the easement with the Island County Auditor, which Mr. Kwarsick, Public Works/Community Development Director, stated was one of the conditions of final approval of the BLA. The

letter that Planning and Community Development sent to the applicant at that time was that a copy of the recorded drainfield easement was to be delivered back to the Planning and Community Development Department. In Mr. Kwarsick's discussion with the claimant, the claimant stated he delivered that, but the file does not contain a copy. Beyond that, if the claimant believed that the BLA was approved, the claimant's next action would have been to exchange documents to convey title between the two applicants, but that did not occur. If the claimant felt the BLA was not approved, claimant needed to ask why or what was the reason for holding it up. Basis for the claim is that nothing happened, and then one of the parties of the original BLA sold the adjoining property without benefit of having had the boundary line changed, and it was at that time that the problem was discovered. Mr. Kwarsick confirmed that it is always necessary to complete deeds in order for a BLA to be effective.

Chairman Shelton stated that if in 1993 under the then Code Mr. Dyngen came in and applied for a BLA and was told the BLA lacked a document, i.e. the revised drainfield easement, which was subsequently obtained and recorded, and Mr. Kwarsick says that Planning & Community Development did not receive a copy, if they had, he asked what would have occurred.

Mr. Kwarsick answered that the next thing that would have happened was that Mr. Dyngen would have received a formal letter stating that the BLA had been approved and he would have been given the approved document for recording; subsequently Mr. Dyngen and his partner in the BLA would have exchanged title to the property. Mr. Kwarsick wrote a letter when the problem came to a head and Mr. Dyngen came back in and was asking questions about the approval of the BLA. As soon as he had an application with the new owner and Mr. Kwarsick took over the

responsibilities for Community Development, a letter dated December 7, 1998 was written approving the BLA, and the applicant received the standard approval letter explaining what would happen next. The County does not have the power to convey title, rather it is up to the applicant to convey title. If Mr. Dyngen thought the BLA had been approved that would have been the next follow-on action he would have taken. The bottom line is that nothing happened; Mr. Dyngen did not contact the Planning & Community Development Department and the property did not exchange hands.

Mr. Dyngen remembered having met with Commissioner Shelton about two years' ago. He had gone to the Planning Department and asked about everything he needed for signature so he could get all the signatures at one time since the other party was then willing to sign. Mr. Shelton talked to the Planning Department and had them prepare the papers necessary for signature so he could come up the next morning to do that; there was no mention of transfer of title or signatures for transfer of title. It cost him another $500 in lawyer's fee to get the signatures on the Quit Claim deed. Although Planning claims he did not bring the papers, Mr. Dyngen said if he had not brought the papers how could the Health Department send the note to the Planning Department on June 14, 1993. The letter he received from the Planning Department on May 24, 1993 states "please provide this office with a recorded copy of the document" which he did; the document recorded at 10:15 a.m. and he and his wife brought it to the Planning Department.

Commissioner Shelton recalled when Mr. Dyngen talked with him, he called the Planning Department and asked them to prepare whatever papers that Department was responsible for and it sounded as though they did that; deeds were not

prepared because the Planning Department does not prepare Deeds.

Mr. Dyngen said he had not asked them to prepare the papers, just to tell him what he needed and apparently the Planning Department prepared the papers for the application to please Mr. Shelton. Mr. Dyngen contended that the Planning Department had the letter in the file in 1997 and since June 16, 1993 when the matter first came up, and that Department never mentioned to him they had that letter or that he had brought the papers, rather just denied he brought the papers.

Commissioner Thorn observed that Mr. Dyngen said that he delivered, in his wife's presence, a copy of the recorded papers several years back to the Planning Department; the Planning Department cannot find that, and Commissioner Thorn did not see that that necessarily was Mr. Dyngen's responsibility if Planning could not find the papers nor attest to the fact the papers were actually delivered. For the record he did think it would be appropriate that Mr. Dyngen provide specifically what the individual billings were for from his attorney [attachment to the claim] - a description of the services provided for each of those 14 items. Commissioner Thorn thought Mr. Kwarsick was correct in what he said; however he thought Mr. Kwarsick stood on a technicality based on the premise there was no drainfield easement delivered. The Commissioner thought there was culpability at least on the County's part in his opinion, and at the same time, he thought Mr. Dyngen could have been more diligent in pursuing things as Mr. Kwarsick pointed out. Because there was, in his opinion, some responsibility on the County's part, Commissioner Thorn suggested the claim not be denied, but that the County consider splitting the claim amount with him, i.e. the County pay one-half of the $3,911.63. He was willing to accept Mr. Dyngen's word that he delivered the papers as stated.

Chairman Shelton stated that before he would agree to accept responsibility on the part of the County for the claim and split the claim amount with Mr. Dyngen, he would need Mr. Dyngen's assurance that he agreed with that as a settlement and would not later go to court to try to seek the other half of that amount.

Mr. Dyngen asked for a week to provide his answer.

By unanimous motion, the Board continued consideration of Claim for Damages #R99-005CD by John Dyngen to May 3, 1999 during miscellaneous untimed items.

Drainage & Construction EasementS FOR Glendale

Road Creek REstoration

As presented and explained by Mr. Kwarsick, the Board by unanimous motion approved a Drainage Easement and a Construction Easement from John E and Ann C. Wojtacha for Lot 33-1, Plat of Glendale, associated with Glendale Road Creek Restoration project. Chairman Shelton complimented staff for working through a particularly difficult situation and staying the course to see it to completion.

Release of Bond – Robert K. Porter, et. al. , SITE PLAN REVIEW #44/91

On March 21, 1994, the Board approved a Traffic Mitigation Agreement with RKP Enterprises for partial cost of signalizing Bob Galbreath Road and State Highway 525. Condition #6 of the Agreement stated that the County would release any funds posted to the Bob Galbreath Intersection Improvement fund if the funds for the traffic signal were not expended within 5 years of acceptance of Declaration of Trust". At this point, Mr. Kwarsick reported that because there is no light at the intersection, his recommendation was that the bond in the amount of $7,370.00 plus accrued interest be released.

By unanimous motion, the Board released bond for traffic light under SPR 44/91, Robert K. Porter, et. al., in the amount of $7,370.00 plus accrued interest.

Supplemental Agreement No. 2 – Skillings-Connolly,

Woodland Beach Road

Mr. Kwarsick presented for approval of the Board, Supplemental Agreement #2 to existing A&E Contract with Skillings-Connolly, for the Woodland Beach Road repair project, extending time and increasing contract amount by $27,941.73, a FEMA funded project. Project was held up due to environmental permit processing .

The Board by unanimous motion approved Supplemental Agreement No. 2 to the agreement with Skillings-Connolly, for the Woodland Beach Road project as presented, under CRP 98-06, Work Order 127, Design and Construction Inspection Services Agreement Number PW-982019.

Change Order No. 4 – approving County Engineer's Signature on Change Order, Strider Construction Company REGARDING Is. Co. Slide Repairs

By unanimous motion the Board ratified its action at staff session 4/21/99 authorizing the County Engineer's signature in advance of this meeting, Change Order #4 for Possession Point Road CRP project, in the amount of $127,202.50, Strider Construction Company; for Island County Slide Repairs on Whidbey Island.

Mr. Kwarsick recalled that the change came as a result of a change in design based upon unforeseen undetected soils conditions at the site requiring significant modification into the perimeters in the design and installation of stone columns. He confirmed for the Board that this was not FEMA funded, the entire change order coming from the County. Because of the delays in the work on East Camano Drive this year, there will be sufficient funds without any additional recognition of beginning cash balance to cover this cost. Lew Legat, County Engineer, a number of the projects are in the category of what FEMA terms "improved projects". Improved projects have a limited amount of FEMA funding and the County's eligible amount prior to this change order on this project is all that will be funded from FEMA.

Certificate of Good Practice for 1998 –County Road Administration Board

Chairman Shelton presented to the Island County Engineer, a Certificate of Good Practice for 1998 which was approved by resolution of the County Road Administration Board at its meeting on April 8, 1999. A Certificate of Good Practice was transmitted to the State Treasurer on behalf of Island County pursuant to RCW 36.78.090 as shown on the certificate. This action by the CRABoard will assure the continued distribution to Island County of the monthly State gas tax allotment.

Resolution #C-47-99 – Approve specs & authorize call for bids for 1 (or more) new 1999 Dozer w/mandatory trade-in

The Board, on unanimous motion, approved Resolution #C-47-99 (R-23-99) approving specifications and authorizing call for bids for one (or more) new 1999 Dozer with mandatory trade-in of equipment #136, setting bid opening for May 18, 1999 at 11:00 a.m. in Hearing Room #3.

S T A T E O F W A S H I N G T O N

C O U N T Y O F I S L A N D

IN THE MATTER OF APPROVING SPECIFI- }

CATIONS & AUTHORIZING CALL FOR BIDS } RESOLUTION #C-47-99

FOR: ONE (1) NEW 1999 DOZER } RESOLUTION #R-23-99

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

One (1) or More New 1999 Dozer With Mandatory Trade-In #136

1976 JD 450 Dozer

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 18th day of May, 1999 at 11:00 a.m., in Conference Room #3, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this__26th___day of ____April_____, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

(absent, Wm. L. McDowell, Member)

William F. Thorn, Member

ATTEST: By Ellen Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board

BICC 99-249

Resolution #C-48-99 – Approve specs & authorize call for bids for 1 used Dozer w/mandatory trade-in of Eqt.

The Board, on unanimous motion, approved Resolution #C-48-99 (R-24-99) approving specifications and authorizing call for bids for one used Dozer with mandatory trade-in of equipment #382, and set the bid opening date for May 18,. 1999 at 11:15 a.m. in Hearing Room #3.

S T A T E O F W A S H I N G T O N

C O U N T Y O F I S L A N D

IN THE MATTER OF APPROVING SPECI- }

FICATIONS & AUTHORIZING CALL FOR } RESOLUTION #C-48-99

BIDS FOR: ONE (1) USED DOZER } RESOLUTION #R-24-99

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

One (1) Used Dozer Maximum/Minimum Operating Weights: 32,000/22,000 pounds

With Mandatory Trade-In #382

1968 D5 Caterpillar Dozer

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 18th day of May, 1999 at 11:15 a.m., in Conference Room #3, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this__26th___day of ____April_____, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

(absent - Wm. L. McDowell, Member)

William F. Thorn, Member

ATTEST: By Ellen Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board

BICC 99-250

There being no further business to come before the Board at this time, the meeting adjourned at 2:40 p.m. Next Regular Meeting will be held on May 3, 1999, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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William F. Thorn, Member

[Wm. L. McDowell, Member-absent]

ATTEST:

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Margaret Rosenkranz, Clerk of the Board