

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - MAY 3, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 3, 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.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:
Voucher (War.) # 49317-49639..... \$288,074.08.

Resolution #C-49-99 Proclaiming May 1999 Community

Action Month IN ISLAND COUNTY

At the request of the Island Opportunity Council, the Board by unanimous motion adopted Resolution #C-49-99 proclaiming the month of May as Community Action Month in Island County. Island Opportunity Council is participating in a national event to declare May as Community Action Month to gain support and raise awareness of community action and its impact on the people and programs representing low income citizens in Island County.

PROCLAMATION RESOLUTION #C-49-99

BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

WHEREAS, the Opportunity Council is the community Action Agency in Island County, Washington, working to help low-income community members to help themselves; and

WHEREAS, the Opportunity Council as the designated Community Action Agency provides numerous programs to help low-income citizens of Island County through Child Care Resource and Referral, home rehabilitation and weatherization, emergency financial assistance with winter heating bills and rent, and emergency housing for the homeless; and

WHEREAS, the Opportunity Council, in partnership with elected officials, the private sector and low-income citizens, continues to identify challenges for those with low and fixed income and to seek ways to strengthen the community;

NOW THEREFORE, we, the Board of Island County Commissioners, hereby proclaim the month of May, 1999, as **COMMUNITY ACTION MONTH** in Island County, and urge all citizens to join us in this observance.

PROCLAIMED and ADOPTED this 3rd day of May, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY WASHINGTON

Mike Shelton, Chairman

Attest: by Ellen K. Meyer, Deputy Wm. L. McDowell, Member

Margaret Rosenkranz, William F. Thorn, Member

Clerk of the Board

Hiring Requests & Personnel Actions

After a presentation and review by Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorizations:

Dept. PAA# Description Position Action Eff. Date

Health 046/99 Pub.Hea Nurse .5 fte 2406.08 Personnel Action 5/3/99

(PAA 073/98 increased position #2406.08 to .8 fte; today's action changes it back to 5 fte)

Pro Atty 047/99 Leg. Sec/Dist Ct. pt 1811.00 Replacement 5/24/99

(refill part time position)

Maint. 048/99 Night Custodian 901.06 Personnel Action 5/3/99

(Camano Island Maintenance position to go from .38 fte to 1.0 fte to facilitate new Camano Health Building which will be opening in a few days; this action requires a follow-on budget action to recognize rent revenues from the building to pay for additional hours for this position)

Pub W 049/99 SW Attendant 2249.15 Personnel Action 5/3/99

(4 hours from position #2248.01 added to this position)

Pub W 050/99 Mech I Bayview 2237.02 Replacement 6/1/99

(Bill Burton, Mechanic, Bayview Road Shop retiring May 31, 1999)

Agreement for Professional Services - TEC Services, Everett

Agreement for Professional Services presented by the Island County Assessor, Tom Baenen, #RM-ASSR-99-0038 between Island County and TEC Services, Everett, was approved by unanimous motion of the Board, for programming, both design and coding necessary to enable installation of Appraisal Program on Assessor's Remote Computers.

Claim for Damages #R99-005 CD, JOHN Dyngen

Betty Kemp, Director, GSA/Risk Manager, again appeared before the Board with regard to 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 matter continued from April 26, 1999. On April 26th, after hearing from the Claimant and Larry Kwarsick, Public Works Director, the Board offered to not deny the claim and consider splitting the claim amount with Mr. Dyngen [the County pay one-half of the \$3,911.63], with Mr. Dyngen's assurance that as settlement, he would not later go to court to try to seek the other half of that amount. Rather than answering at that time, Mr. Dyngen asked for a week to provide an answer, which was granted by the Board.

At this time, Mrs. Kemp reported that Mr. Dyngen came in the Office last Friday stating his willingness to accept the County's offer to pay one-half the claim. Mr. Dyngen chose not to attend today's meeting, with Mrs. Kemp to state for the record the following on his behalf:

1. Mr. Dyngen obtained a copy of the tape recording from the meeting of April 26, 1999, and understands it was his responsibility to complete the deed transfer. As far as Mr. Kwarsick's statement that he should have known more than an ordinary citizen since he completed a short plat Mr. Dyngen did not believe was exactly right, because he filed an application and Fakkema and Kingma completed the rest of the permits for him.
2. After listening to the tape, Mr. Dyngen wanted to apologize to Commissioner Thorn when he had refused to look at a particular letter last week, now understand-ing that Commissioner Thorn in fact had a copy of that letter in hand.
3. Mr. Dyngen never meant for the Planning Department to do his work for him, just that he wanted to know how to complete the process [such as in the letter he received in Nov 1998].
4. Mr. Dyngen accepts the County's Offer to approve the claim in one-half the amount, and signed and submitted a "Release of all Claims" signed April 30, 1999, and provided a break-out of all legal fees as was requested by the Board.

Mrs. Kemp confirmed that she reviewed the list of all legal fees and was satisfied same were appropriate. Commissioner McDowell was absent from the April 26th meeting but on return, having read the meeting minutes, agreed with the recommendation of Commissioners Thorn and Shelton.

By unanimous motion, the Board accepted the Release of All Claims from John Dyngen in the matter of Claim for Damages R99-005CD wherein Island County will split the total amount of \$3,911.63 in legal fees and pay one-half of that amount, with Mr. Dyngen releasing Island County from any further claim.

REAPPOINTMENT TO BOARD OF EQUALIZATION

By unanimous motion, the Board reappointed James K. Johnston, Oak Harbor, to a three year term on the Island County Board of Equalization, the term to expire May 31, 2002.

Special Occasion Liquor License #368785 by Island Arts Council

Based on favorable reports from the Island County Sheriff and Island County Health Department, the Board by unanimous motion, agreed to forward a recommendation of approval to the Washington State Liquor Control Board for Special Occasion Liquor License #368785 by Island Arts Council.

Resolution #C-50-99 Establishing Island County Water

Resource Advisory Committee

The Board, by unanimous motion, adopted Resolution #C-50-99 establishing the Island County Water Resource Advisory Committee (WRAC) and at the same time to sunset the Groundwater Advisory Committee, Stormwater Advisory Committee and the North Whidbey Watershed Advisory Committee.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ESTABLISHMENT) RESOLUTION NO. C-50-99

OF THE ISLAND COUNTY WATER) R-25-99

RESOURCE ADVISORY COMMITTEE)

WHEREAS, Island County Board of County Commissioners convened three independent advisory committees by separate resolutions: Groundwater Advisory Committee (GWAC), North Whidbey Watershed Advisory Committee (NWWAC), Stormwater Advisory Committee (SWAC); and

WHEREAS, said committees have fulfilled their separate purposes of advising Island County in the matter of developing and adopting the Groundwater Management Program, the North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan and the Comprehensive Stormwater and Flood Hazard Management Plan; and

WHEREAS, the Board of County Commissioners desires to sunset said committees and convene one advisory committee for Island County's water resources hereafter known as the Island County Water Resource Advisory Committee; and

WHEREAS, Island County has entered into a contract with the Department of Ecology for Watershed Management Planning under the Watershed Management Act (RCW 90.82/ESHB 2514) which requires the establishment of a planning unit of citizen members hereafter known as the Island County Water Resource Advisory Committee (WRAC); and

WHEREAS, the WRAC shall determine the current water resource situation in Island County, Water Resource Inventory Area 6, by

1. Reviewing existing water resource plans: Groundwater Management Program, North Whidbey Watersheds Nonpoint Pollution Prevention Action Plan, Comprehensive Stormwater and Flood Hazard Management Plan;
2. Monitoring implementation of said Plans as well as similar future plans and programs dealing with surface and ground water;
3. Recommending, to the Board of County Commissioners, management of, and improvement to, the plans and programs; and
4. Coordinating efforts with other water resource management activities in the county;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Island County Commissioners that:

The following committees have served their intended purpose and shall hereby sunset:

Groundwater Advisory Committee
Stormwater Advisory Committee
North Whidbey Watershed Advisory Committee

The Island County Water Resource Advisory Committee shall be constituted as follows:

A. Nine (9) Voting Citizen Members

- o Three members from each of the county's distinct geographic areas North Whidbey, South/Central Whidbey and Camano Island representing the three water resource interests: Groundwater, Stormwater, and Watershed Management.

B. Non-Voting Technical Advisors

1. One or more representatives of Island County Health, Public Works and Planning Departments, Whidbey Island and Snohomish County Conservation Districts, and WSU Cooperative Extension. The Watershed Project Manager will act as facilitator for the Committee.
2. One representative each from the City of Oak Harbor, City of Langley and Town of Coupeville.
3. One representative of each local Native American tribe claiming jurisdiction in Island County.
4. One representative each for the following state agencies: Departments of Health, Transportation, Ecology, Natural Resources, Agriculture, Fish and Wildlife, Governor's

Salmon Recovery Office, Department of Community, Trade and Economic Development and Puget Sound Water Quality Action Team.

C. Terms

- o The initial appointments of the voting members shall be for staggered terms. Three terms (one from each geographic district) shall expire in one year, three (one from each geographic district) in two years, and three (one from each geographic district) in three years. Initial members shall be assigned these terms at random. After these initial terms; for those voting members in A. above; all terms shall be for three years. The terms for future members shall be staggered in a similar fashion.

FURTHERMORE, members of the public-at-large are encouraged to attend and participate in committee deliberations.

APPROVED and ADOPTED this 3rd day of May, 1999.

**BOARD OF COUNTY
COMMISSIONERS**

**OF ISLAND COUNTY,
WASHINGTON**

Mike Shelton, CHAIRMAN

Wm. L. McDowell, MEMBER

William F. Thorn, MEMBER

ATTEST: by Ellen K. Meyer, Deputy

For: MARGARET ROSENKRANZ

Clerk of the Board

BICC 99-262

Stormwater Mitigation Agreements

Holmes Harbor

Mr. Kwarsick presented four Stormwater Mitigation Agreements submitted per requirements in the Zoning Ordinance for pro-rata share participation to help resolve stormwater issues in Holmes Harbor RAID. By unanimous motion, the Board approved and accepted the following Agreements:

Crosswater Homes, Lot 8, Block 1, Holmes Harbor G&Y Club #6

Tony & Attina M. Bergrud, Lot 4, Block 2, Holmes Harbor G&Y Club #7

Richard & Janet Marciel, Lot 17, Holmes Harbor G&Y Club #4

Tim & Serene Shorey, Lot 5, Block 6, Homes Harbor G&Y Club #7.

PERSONAL Property Sale and Removal Agreement – Sean Byrne

As presented by Mr. Kwarsick, the Board by unanimous motion, approved Personal Property Sale and Removal Agreement between Island County and Sean Byrne, for the sale and removal of County property, a house located at 406 Haller Street, Coupeville, as part of the Coupeville Courthouse Expansion Project.

HEARING HELD: Ordinance #C-01-99,

Langley Interlocal Agreement

A Public Hearing was held, beginning at 10:45 a.m., continued from 4/19/99, on Ordinance #C-01-99 (PLG-003-99), Langley Interlocal Agreement.

As noted in an e-mail message to the Board last Thursday from the Planning Director, Vince Moore, Phil Bakke, Comprehensive Plan Manager, confirmed that Mr. Moore and the Langley Planning Director agreed that the matter should be continued another several weeks, suggesting the date of May 17th.

By unanimous motion, the Board continued the public hearing until May 17, 1999 at 11:15 a.m.

There being no further business to come before the Board at this time, the Chair adjourned

adjourned the meeting at 10:50 a.m., with the Board to meet next in Regular Session on

May 10, 1999, beginning at 9:30 a.m.

**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