

**ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
REGULAR SESSION - FEBRUARY 12, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 12, 2001 beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman; Mike Shelton, Member; and Wm. L. McDowell, Member, present. By unanimous motion, the Board approved and signed the following minutes:

- January 22, 2001 Regular Session
- January 26, 2001 Special Session
- February 5, 2001 Regular Session

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) # 93032 – 93308..... \$ 395,367.84.

Veterans Assistance Fund: [*emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential*]. By unanimous motion, Claim #V1-7 was denied in accordance with the recommendation of the Veterans Assistance Review Committee.

EMPLOYEE SERVICE AWARDS

Employee	Department	No. Years
Susie Walkwitz Clerk		5
Jeff Tate	Planning	5
Ryan Neighbors	Public Works	10
Marvin Messer	Public Works	10

EMPLOYEE OF THE MONTH - JANUARY, 2001

Congratulations to Jeff Tate, Planning Manager, from the Planning Department on his selection as the **Employee of the Month for January**.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented and explained briefly by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel actions:

PAA No.	Description	Position No.	Action	Eff. Date
PAA 022/01	Dep. Pros. Att-Dist Ct.	#1805.00	Replacement	3/6/01
PAA 023/01	4-H Program Coord.	#1201.00	Replacement	3/15/01
PAA 024/01	SW Attendant Sup.	#226200	Personnel Action	2/12/01
PAA 025/01	Env. Health Spec.	#2407.02	Replacement	3/1/01

2% HOTEL-MOTEL LODGING TAX – TOURISM PROMOTION, 2001 PROGRAM YEAR CONTRACTS

By unanimous motion, the Board approved and signed the remaining 2% Hotel-Motel Lodging Tax – Tourism Promotion, 2001 Program Year Contracts in accordance with the Island County Public Facilities fund 2% Hotel-Motel Lodging Tax awards for 2001 Program Year Projects and Activities approved December 11, 2000:

Central Whidbey Chamber of Commerce, Tourism Promotion	\$ 5,000
Central Whidbey Chamber of Commerce, Tourism Marketing/Fulfillment program	5,000
Coupeville Arts Center, Fall Comp Catalog of Workshops	2,500
Freeland Chamber of Commerce, brochure	1,000
Freeland Chamber of Commerce, Visitor Center operation	4,600

PUBLIC HEARING SCHEDULED: RESOLUTION #C-15-01 ESTABLISHING THE COMMUNITY MENTAL HEALTH FACILITY FUND

By unanimous motion, the Board scheduled a public hearing on February 26, 2001 at 1:45 p.m. for the purpose of considering Resolution #C-15-01 Establishing the Community Mental Health Facility Fund for collection of these funds and set a budget for the 2001 year in the amount of \$750,000.00.

RESOLUTION #C-16-01 TRANSFERRING FUNDS WITHIN VARIOUS BUDGETS AND FUNDS FOR YEAR END 2000

As prepared and presented by the Budget Director, the Board by unanimous motion approved Resolution #C-16-01 in the matter of Transferring Funds within various Budgets and Funds for End of Year 2000.

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

In the Matter of Transferring Funds Within the 2000 Island)
 County Current Expense Fund Budgets, Alcoholism & Sub-)
 Stance Abuse Fund Budget, Auditor's O & M Fund Budget,)
 Construction & Acquisition Fund Budget, Courthouse)
 Expansion Fund Budget, Conservation Futures Fund)
 Budget, Law & Justice Fund Budget, Drug Seizure Fund) Resolution # C- 16 -01
 Budget, Equipment Rental & Revolving Fund Budget,)
 Family Resource Center-Camano Fund Budget,)
 Family Resource Center-Camano Fund Budget,)
 Family Resource Center-Oak Harbor Fund Budget,)
 Harbor Fund Budget, Family Resource Center-South)
 Whidbey Fund Budget, Mental Health Fund Budget, Public)
 Works Fund Budget and Treasurer's M & O Fund Budget)

WHEREAS, all funds and department budgets are adopted and fixed by the Board of County Commissioners for each fiscal year, with expenditures listed in three general categories; Salary, Wages & Benefits, Maintenance & Operation and Capital Outlay, and

WHEREAS, it is permissible to transfer between these categories only by resolution of the Board, and

WHEREAS, various departments have requested transfers of funds between portions of their budgets, and

WHEREAS, it is necessary to transfer between these categories in order to cover for unexpected or heretofore unknown expenditures in one category from other budget category excesses, or from budgeted reserves, **NOW THEREFORE**

BE IT RESOLVED, that funds will be transferred in the 2000 Fund Budgets per the attached Exhibit A.

ADOPTED this 12th day of February, 2001.

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

William F. Thorn, Chairman
Wm. L. McDowell, Member

Mike Shelton, Member

ATTEST: Margaret Rosenkranz, Clerk of the Board
BICC 01-108

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

RESOLUTION #C-17-01 CANCELLATION OF UNCOLLECTIBLE PERSONAL PROPERTY TAXES AS OF FEBRUARY, 2001

As forwarded by the Island County Treasurer, Commissioner McDowell moved adoption of Resolution #C-17-01, in the matter of Cancellation of Uncollectible Personal Property Taxes as of February, 2001. Motion was seconded by Commissioner Shelton.

On further review and discussion, the Board asked that the Treasurer provide information in her attachment to show the actual dollar amount for each proposed personal property write-off. Motion tabled until February 26, 2001 meeting.

CLAIM FOR DAMAGES #R00-039CD BY JULIA L. HODSON

Betty Kemp, Director, GSA/Risk Management, presented Claim for Damages #R00-039CD by Julia L. Hodson, in the amount of \$6,959.4, accompanied by Memorandum dated February 8, 2001, detailing her recommendation of denial of the claim. Claimant in this case was not acting as a Guardian ad litem through the County's volunteer program, rather was appointed by the Court in accordance with RCW 11.88.090, and professional individuals in this type of a situation are usually paid from guardianship funds. A lawsuit was instituted by a relative that the guardian ad litem represented, and in the process, the claimant incurred substantial attorney bills and submitted a Claim for Damages to the County.

The Board agreed with the assessment and recommendation of Ms. Kemp and by unanimous motion denied Claim for Damages #R00-039CD.

EMERGENCY SERVICES CONTRACTS APPROVED

On behalf of GSA/Emergency Services, the Board, by unanimous motion, approved and signed the following contracts with the Washington State Military Department:

- A) EM 01-0344 Department of Justice (DOJ) Needs and Capability Survey \$3500.00
- B) EM 01-0370 Terrorism Consequence Management Preparedness \$5,000.00
- C) EM 01-0413 Hazardous Materials Emergency Preparedness \$3000.00

SUPPLEMENTAL AGREEMENT #2 – REAL PROPERTY TAXATION SYSTEM MAINTENANCE AND TRAINING

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As submitted and recommended for approval by Cathy Caryl, Director, Central Services Department, the Board by unanimous motion, approved and signed Supplemental Agreement #2 with TEC Services for Real Property Taxation System Maintenance and Training #RM-CENT-01-0016 extending term of contract for another two months, in the amount of \$11,450.00 .

RESPONSE TO WHIDBEY CAMANO LAND TRUST REGARDING A POTENTIAL DONATION OF LAND TO CREATE A NEW COUNTY OPEN SPACE PARK

The Board, by unanimous motion, authorized and signed the following response to the Whidbey Camano Land Trust's Written Proposal of February 6, 2001, regarding a potential donation of land to create a new county open space park:
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“This letter serves to confirm and clarify the Island County Board of Commissioner’s response to the Whidbey Camano Land Trust’s (WCLT) written proposal of February 6, 2001, regarding a potential donation of land to create a new county open space park.

1. Island County is prepared to gratefully accept a donation of either 38 acres or 120 acres as described in this proposal, subject to a conservation easement retained by WCLT.
2. Island County is prepared to commit Fifty Two Thousand Dollars (\$52,000) of wetland mitigation funds (Road Funds) toward this project and to make this funding available in advance of the proposed transfer of the property to Island County. A separate agreement will address the details of this transfer and reiterate that Island County wetland mitigation funds may not be put at risk in this proposed transaction.
3. Regarding the terms of the conservation easement to be retained by WCLT, it is Island County’s understanding that the intent is to keep the property in its scenic and natural condition as of the date the conservation easement is granted to WCLT and to allow only primitive improvements (trails, gravel parking area, informational kiosk, restroom facilities) unless otherwise approved in writing by the WCLT. Likewise the removal of trees and vegetation shall require the written consent of the WCLT. However, in the event certain trees are determined to pose a threat to public safety, these trees may be removed under the supervision of the WCLT. Use of the property shall be restricted to non-motorized passive recreation such as hiking, picnicking, environmental education etc. Under no circumstances shall organized sports such as baseball, soccer, tennis, etc., be considered as passive recreational activity and no improvements to facilitate same shall be permitted without the written consent of WCLT.

Consistent with the goals and objectives of the County’s Wetland Mitigation program, on-site wetlands and their associated buffers may be enhanced/restored by Island County. That portion of the 38 acres lying easterly of Saratoga Road is currently occupied, in part, by the abandoned County Road and functioning surface water outfall system. We have attempted to stabilize the shoreline slope through the placement of riprap upon and at the toe of the slope and also by the control of drainage. Island County reserves the right to maintain these features and to take whatever action may be necessary in the future to protect the function of the road and outfall system. If it is determined to be necessary to relocate Saratoga Road in the future, Island County similarly reserves such a right.

4. As discussed on February 7, 2001, Island County will make its best effort, based on available funding, to manage the property and make primitive public use improvements (gravel parking area, gates, trash cans, information kiosk, restroom facility). These improvements shall be in accordance with the terms of the WCLT conservation easement described above and shall be consistent with a management plan to be cooperatively drafted by representatives of WCLT, Island County and others. Moreover, it is Island County’s understanding that a Friends of Saratoga organization will be created to assist in raising funds for improvements and to organize volunteer efforts related to the property.
5. To the extent Island County is awarded Interagency for Outdoor Recreation (IAC) acquisition funds under a waiver of retroactivity, Island County may only act in a lawful manner with respect to using these funds to acquire additional lands adjacent to the property.

On behalf of the Island County Board of Commissioners, we want to take this opportunity to thank you for your February 6, 2001 proposal and wish you success in closing this exciting project. “

CONSULTANT AGREEMENT - FOR NEGOTIATION SERVICES

As presented by Lew Legat, County Engineer, the Board by unanimous motion approved Consultant Agreement #RM-PW-002028B between Island County and Certified Land Services Corporation for Rights-of-Way and Property Acquisition Negotiation Services, in an amount not to exceed \$55,000.

WSDOT TURNBACK AGREEMENT TB 1-0147 – SR 525, LAKE HANCOCK VICINITY TO DONAHEY ROAD

The Board, by unanimous motion, approved Washington State Department of Transportation (WSDOT) Turnback Agreement #TB 1-0147 associated with the SR525 Cameron Road to SR 20 WSDOT project 0L2742, R/W plan title

SR 525 Lake Hancock vicinity to Donahey Road. The State is expected to call for bids in April for this project, located directly north of Greenbank. Once the State completes the project, the right of way will be turned back to the County.

RESOLUTION #C-18-01(R-05-01) – APPROVING COUNTY ROAD QUIT CLAIM DEED TO WSDOT TO COMPLY WITH HIGHWAY PROJECT AND BENEFITS DERIVED BY TRANSFER FOR WIDENING AND CONSTRUCTION OF ROAD AND APPROVAL/SIGNATURE OF QUIT CLAIM DEED

The Board approved, by unanimous motion, Resolution #C-18-01(R-05-01) approving County Road Quit Claim Deed to WSDOT [per Turnback Agreement #TB 1-0147] to comply with highway project and benefits derived by transfer for widening and construction of road

(portions of Ellwood Drive, Puget Drive, Graymayre Road, Cox Street, Douglas Avenue, Ledgewood Beach Road, Hocker Street, Donahey Road and portions of an undesignated street. By further motion adopted unanimously, the Board approved and signed the Quit Claim Deed to WSDOT.

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

**IN THE MATTER OF APPROVING)
COUNTY ROAD QUITCLAIM DEED TO)
WSDOT TO COMPLY WITH HIGHWAY)
PROJECT AND BENEFITS DERIVED BY)
TRANSFER FOR WIDENING AND)
CONSTRUCTION OF ROAD)**

**RESOLUTION C-18 -01
R-05-01**

WHEREAS, WSDOT has been coordinating with Island County for/in the widening of SR 525 with various improvements thereto, all for the benefit of the motoring public, and in particular for the residents of Island County; AND a Quitclaim Deed to WSDOT is required to clear title to portions of Ellwood Drive, Puget Drive, Graymayre Road, Cox Street, Douglas Avenue, Ledgewood Beach Road, Hocker Street, Donahey Road and portions of an undesignated street and all county road right of way within the highway project limits of SR 525, Lake Hancock vicinity to Donahey Rd.; with portions of said roads and streets to be turned back by WSDOT to said Island County after completion of said project; and

WHEREAS, Island County holds title to those portions of said roads and streets needed by AND to be transferred to WSDOT for the widening and construction of said highway project. And, after construction, WSDOT will be responsible for any and all maintenance of said portions needed for the project, NOW THEREFORE,

BE IT HEREBY RESOLVED, that the Quitclaim Deed for transfer of portions of Ellwood Drive, Puget Drive, Graymayre Road, Cox Street, Douglas Avenue, Ledgewood Beach Road, Hocker Street, Donahey Road and county road right of way within the aforesaid project limits is approved and that the undersigned County Commissioners are authorized to sign, have notarized, and return said Quitclaim Deed to WSDOT, together with a signed copy of this Resolution.

ADOPTED this 12th day of February, 2001.

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

WILLIAM F. THORN, Chairman
MIKE SHELTON, Member
WM. L. MCDOWELL, Member

ATTEST: MARGARET ROSENKRANZ
Clerk of the Board
BICC 01-114

BID AWARD-MECHANIZED-FILING SYSTEM FOR LAW & JUSTICE FACILITY

- The Board approved recommendation of award of bid as presented by the County Engineer and awarded bid, by unanimous motion, to TAB Northwest, Federal Way, Wa., in the amount of \$24,279.49, including sales tax, for a mechanized filing system for Law & Justice Facility.

SITE PLAN REVIEW SPR 158/97 BY JPA ENTERPRISES, LLC - WINDERMERE REAL ESTATE OFFICE IN FREELAND

- Scott Johns, Associate Planner, presented for final approval, Site Plan Review SPR 158/97, by JPA Enterprises, LLC, for the Windermere Real Estate Office, Freeland, Wa., on Assessor Parcel #R22911-017-1240, in the SW ¼ of the SW ¼ of Section 11, Township 29 North, Range 2 East, W.M. As outlined in Mr. Johns' Memo of February 2, 2001, the SPR was granted conditional preliminary approval on August 18, 1997. Staff reviewed the application for final approval and determined all conditions of preliminary approval were met, and that the site plan conforms to requirements established prior to December 1, 1998 in ICC 16.15. Staff therefore recommend final SPR approval.

By unanimous motion, the Board approved final Site Plan Review SPR 158/97, by JPA Enterprises, LLC, Windermere Real Estate Office, Freeland, Wa., as presented.

[Decision Document signed and placed on file]

- **HEARING SCHEDULED: ORDINANCE #C-19-01 (PLG-001-01) IN THE MATTER OF ADOPTING SUBSTANTIVE AMENDMENTS TO THE ISLAND COUNTY SHORELINE MASTER PROGRAM, CHAPTER 16.21 ICC, AND CHAPTER 17.05 ICC**

- Phil Bakke, Planning and Community Development Director, and Jeff Tate, Planning Manager, introduced proposed Ordinance PLG-001-01) In the matter of adopting Substantive Amendments to the Island County Shoreline Master Program, Chapter 16.21 ICC, and Chapter 17.05 ICC, and recommended the Board schedule the matter for public hearing. Under cover memorandum dated February 7, 2001, Mr. Tate provided Substantive Amendments to the Shoreline Master Plan [GMA record #6292].

By unanimous motion the Board scheduled a public hearing to consider Ordinance #C-19-01 (PLG-001-01) In the matter of adopting Substantive Amendments to the Island County Shoreline Master Program, Chapter 16.21 ICC, and Chapter 17.05 ICC, on March 12, 2001 @ 1:30 p.m. [Ordinance #C-19-01 PLG-001-01 as introduced and set for hearing, GMA #6291].

HEARING SCHEDULED: ORDINANCE #C-20-01 (PLG-005-01) CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP & ISLAND COUNTY ZONING ATLAS

- As introduced by Mr. Bakke and Mr. Tate and recommended for subsequent public hearing, the Board by unanimous motion scheduled Ordinance #C-20-01 (PLG-005-01) Concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas for public hearing on March 5, 2001 at 10:45 a.m. [Ordinance #C-20-01 PLG-005-01 as introduced and set for hearing, GMA #6293]. Memorandum dated 2/8/01 from Jeff Tate regarding technical corrections to the zoning atlas accompanied the proposed ordinance [GMA #6294].

- **INTERIM MEASURE ADOPTED: ORDINANCE #C-21-01 AND FUTURE HEARING SCHEDULED: ORDINANCE #C-21-01 (PLG-006-01) ICC 17.02.110 TO COMPLY WITH THE INVALIDITY ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD REGARDING TYPE 5 STREAM BUFFERS**

The Board, by unanimous motion as an interim emergency measure adopted Ordinance #C-21-01 (PLG-006-01) in the matter of ICC 17.02.110 to comply with the Invalidity Order of the Western Washington Growth management

Ordinance C-03-00 within six (6) months from the date of enactment of this interim amendment, then the Board hereby declares its intent to reenact this interim amendment so that it remains in full force during the pendency of the lawsuit or until a determination is made whether any other permanent regulations are necessary.

Adopted this 12th day of February, 2001 and set for public hearing and adoption of findings of fact justifying this interim ordinance at 10:45 a.m. on the 19th day of March, 2001.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 01-120

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney & Code Reviser *[Exhibit A on file with the Clerk of the Board]*

EXECUTIVE SESSION

The Board met in Executive Session from 11:30 a.m. - 1:00 p.m. as allowed under RCW 42.30.140 (4) (a).

There being no further business to come before the Board at this time, the meeting adjourned at 1:00 p.m., on completion of executive session. The Board will meet next in Special Session on February 13, 2001, beginning at 9:30 a.m.

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

William F. Thorn, Chairman

Wm. L. McDowell, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board