ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - APRIL 9, 2001

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 9, 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: March 26 Regular Session; March 28 Special Session; and April 2 Regular Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #96522 – 96747. . . . . $286,558.28.

EMPLOYEE AWARDS

Employee Service Awards

Employee	Department	No. Years
Lori Prendergast	Sheriff/Jail	10
Karen Haster	Public Works/Engr.	5
Buddy Badger	Solid Waste Department	10
Dennis Bodley	Maintenance	5

Special Recognition

Greg Banks Island County Prosecuting Attorney
Mr. Banks received a letter of appreciation from the Board of County Commissioners in recognition of volunteer work as expressed in a letter dated March 22, 2001 received from Barbara Ballard, Teacher, Coupeville School District, English Department. Mr. Banks accomplished exemplary volunteer work with Seniors in Ms. Ballard's Contemporary Issues/English 12 Class at the Coupeville High School.

Motoka Pleasant Auditor's Office
Mokoto passed all four parts of the CPA examination and results were reported in February, and on behalf of the Board, received a letter of acknowledgment from the Board of County Commissioners, complimenting her on passing the final test, a significant milestone. Chairman Thorn noted too that Angie McDowell was working to pass her CPA exam, with two more parts to go.

[Employee of the Month for March will be presented at the next award presentation, May 14th]

HIRING REQUESTS & PERSONNEL ACTIONS

The Board, on unanimous motion, approved three Personnel Action Authorizations as follows:

Department	Description/Position #	Action	Eff. Date
Prosecutor	Paralegal/Legal Asst.1 .5 fte #1811.00	Replacement	5/1/01
Health	Env. Health Spec 1, #2408.00*	New Position	4/9/01
[*18 month position only; could be extended provided additional grant funds are available]			
Maintenance	Night Custodian .5 fte #901.03	Replacement	4/9/01

RESOLUTION #C-47-01 AUTHORIZING A TEMPORARY TWO DAY CLOSURE - ISLAND COUNTY ASSESSOR'S OFFICE

By unanimous motion, the Board approved Resolution #C-47-01 as submitted by Tom Baenen, Island County Assessor, for the purpose of closing the Assessor's Office May 3 and 4, 2001, due to relocation from the Island County Courthouse to a mobile office building located at 501 Haller Street, Coupeville.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING }
A TEMPORARY TWO-DAY CLOSURE}
ISLAND COUNTY ASSESSOR'S OFFICE } RESOLUTION #C-47-01
_____}

WHEREAS, the Bids for remodeling/renovation of the Island County Courthouse project were opened on April 5, 2001; and

WHEREAS, according to the current relocation schedule, the Island County Assessor's Office will be moving from the Island County Courthouse to the Mobile Office Building located at 501 Haller Street, Coupeville, WA; and

WHEREAS, the Island County Auditor has requested permission to close the office for those two days, Thursday, May 3, 2001, and Friday, May 4, 2001, working days when the Office is ordinarily open to the public; and

WHEREAS, closing of the office would allow better service to the public by being organized and open again rather than attempting to work with makeshift systems prone to error or loss; and

WHEREAS, RCW 36.16.100 states that "All county and precinct offices shall be kept open for the transaction of business during such days and hours as the board of county commissioners shall by resolution prescribe."; NOW THEREFORE

BE IT HEREBY RESOLVED that the Board of Island County Commissioners authorizes closure of the Island County Assessor's Office during the time of relocation from the Island County Courthouse to the Mobile Office Building located at 501 Haller Street Coupeville, WA., on May 3 and May 4, 2001.

ADOPTED this 9th day of April 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 01-230]

BID AWARD: TITLE REPORTS, 2001 TAX FORECLOSURE

As authorized under Resolution #C-28-01 dated March 5, 2001, the Island County Treasurer, Maxine Sauter, received

bids on April 2 for furnishing Island County with title reports for 2001 Tax Foreclosure. Ms. Sauter reported by memorandum this date that after review of the bids she recommended award to Land Title Company, for acreage, platted and tract book, a total of $31,168.83, the overall low bid. The Board concurred, and by unanimous motion, awarded the bid to Land Title Company *[BICC 01- 01-231]*.

APPOINTMENT TO ISLAND COUNTY TECHNOLOGY COMMITTEE

In accordance with Resolution #C-44-01 dated March 26, 2001, the Board made appointments to the Committee on April 2nd filling all but one slot, and by unanimous motion today, the Board made the last appointment to the Committee by appointing Laura Olsen, representing the Public Works Department.

PUBLIC INPUT

Theresa Marie K. Gandhi, P. O. Box 1522, Coupeville, Wa., 98239. Entered for the record, letter and materials dated April 2, 2001, including a computer disk with bibliography, abstract and text files from multiple universities, Center for Disease Control, World Health Organization, medical and scientific journals on the toxic and long-term effects of chemicals. Other documentation she referenced was all on pesticides, herbicides and toxicity in the environment, and she only pulled out information on the ones specific to glyphosates of Roundup, Oust and Direx. Comments today related to the County's Capital Improvement Program and Annual Road Construction Program with respect to chemicals sprayed on county rights-of-ways, objecting to spraying by Island County and asking for an immediate moratorium to halt the County's purchase and use products Roundup, Oust and Direx, and others that may be considered. Ms. Gandhi is coordinating with different organizations who have collected about 20 pages of signed petitions on the issue of no spray. She noted a release of a million documents that chemical companies tried to hide for decades as brought out in Bill Moyers "Trade Secrets" aired on PBS March 28, 2001 [to be re-broadcast April 20]. Ms. Gandhi thought the most significant paragraph in all the material she submitted [refer to her Bibliography of Scientific Studies of Effects of Roundup, Oust and Direx attached to letter of 4/2/01] was:

> "Reading through the literature a recurring phrase occurs again and again: 'Testicular atrophy' i.e. shrinking balls. This along with an epidemic of penile dysfunction, diminishing size, even elimination of male genital and lowered sperms counts has and is being documented in wildlife, aquatic life and humans and linked to exposure to glyphosates along with other endocrine disruptors. Additional diseases now being linked to glyphosate and multiple pesticides included but are not limited to: Testicular cancer, Lymphoma, Non-Hodgkin Lymphoma, miscarriages, congenital anomalies & defects resulting in still born births, attention deficit hyperactivity disorder, Parkinson's Disease, Multiple Sclerosis, Multiple Chemical Disease, Propheria, violent behavior in children and depression.".

Jefferson County has not sprayed since 1978. Given the chance she offered to do the research to show documentation that it would be profitable for every property owner on the Island to take the no spray stance, i.e. a raise in property values and increased tourism. She left a copy of Governor Lock's proclamation issued on March 21, 2001, acknowledging multiple chemical sensitivity [MCS] as a disease, and a leaflet announcing that on May 1st at the Bayview Hall, Bradford S. Weeks, M.D. would speak on why all spraying should stop.

Chairman Thorn expressed appreciation for Ms. Gandhi having brought this to the Board's attention, and confirmed that the Board would review the materials.
[see end of minutes – public input continued at the request of late arrival]

CLAIM FOR DAMAGES R01-004CD, JIM KOEPKE

Betty Kemp, Director, GSA/Risk Management, advised that Claim for Damages #R01-004CD filed by Jim Koepke with Risk Management on February 12, 2001, in the amount of $912.07
claiming damage to vehicle as a result of flying debris from County sanding operation. All parties involved were interviewed, as well as the repair shop who provided the estimate of damage. After review and investigation, staff

determined that it was possible the sanding operation could have caused the broken windshield, but that the sander could not have damaged the vehicle to the extent claimed by just driving by. The recommendation was that the County pay the $50.00 deductible related to the windshield and that the balance of the claim be denied.

Marv Koorn, Oak Harbor Road Shop Supervisor, reported the following information to the Board in conjunction with the Claim:

> This is not a situation of disputing whether the damage to the vehicle was new or old, rather whether the damage was caused by the County or the claimant. Claimant stated he met the County sander and the damage was done. County crew members in the truck do not recall meeting claimant's pickup, not to say it could not happen. The sander drops sand about 18" off the ground and the only thing that would come up would be if a pebble was bouncing which could hit the windshield. Claimant apparently turned around and followed the sander when it was sanding right up behind the sander so close the crew did not know the vehicle was there and the sand continued to come out of the back of the sander. If the vehicle met the sander the damage should have been on the driver's side of the vehicle, but in this case, looking at the photographs taken of the vehicle there is substantial damage on the passenger front side of the vehicle, impossible to get from meeting a sander. It is possible that a pebble could have bounced up and hit the windshield, therefore, agreed with the recommendation that the County pay $50 deductible. However, the amount of damage on the vehicle from meeting a sander he did not see any way it could have possibly been done as claimed. Damage on the driver's side was on the front fender and front door of the quad cab; from the quad cab back there was no damage. That damage probably occurred as a result of the claimant turning around and coming right up behind the truck sanding and continued to be peppered with sand until the truck came to a stop sign. Talking with the two operators in the sander, neither knew claimant was behind the sander and even as they pulled up to the stop sign could not see the vehicle behind the sander. Operators do watch the mirrors and if someone gets too close, will shut the sander down. The County driver did confirm that the claimant eventually talked to him about this. Island County practice is to attempt to shut the sander off when meeting a vehicle; according to the State DOT operators, the State does not shut off the sander when meeting vehicles once they start sanding roads.

Commissioner McDowell brought up a question of County responsibility when a vehicle comes up behind the truck that is sanding. He did not think employees were saying necessarily it did not happen, only that they did not see the claimant drive by.

Commissioner Shelton thought common sense played a role; the County must sand the roads and clearly has a huge liability if roads are not sanded. The fact that someone would drive behind the sanding truck outside of the visibility and not expect some vehicle damage is something that common sense would indicate to back off on and wait until the truck stops, then confront the operators.

Ms. Kemp, in response to a question from Commissioner McDowell, confirmed that staff talked with the claimant about the matter who indicated he did not follow that closely.

Mr. Koorn commented that the sand was pretty fine and would not make the big chips. The thing that got the wind shield had to be something that bounced up off the road.

Chairman Thorn agreed there had to be some degree of common sense and it would not make sense to drive so closely that the vehicle would get blasted with the sand. The paint damage is characterized as chips and he did not see getting chips out of sand. He was prepared to support the recommendation of Public Works and Risk Management.

Commissioner McDowell's opinion was that if not the entire claim, the County should pay at least for the windshield and left side of the vehicle.

Commissioner Shelton moved that the Board accept the recommendation of Risk Management to pay $50.00 deductible on the broken windshield and deny the balance of the claim.

With no second to the motion from Commissioner McDowell, Chairman Thorn seconded the motion.

Commissioner McDowell commented that it was his opinion the County should either deny the whole claim, or agree it happened and pay for the damage on the left side of the vehicle.

Motion, as made and seconded, carried by majority vote; Commissioner McDowell voting in opposition for reasons so stated *[BICC 01-235]*.

PURCHASE & SALE AGREEMENT: NATOLI PROPERTY ON CAMANO ISLAND [AND OTHER ASSOCIATED CLOSING DOCUMENTS]

As presented by Lee McFarland, Assistant Director, GSA/property management, and additional financial and funding information provided by Larry Kwarsick, Public Works Director, the Board by unanimous motion approved the Purchase & Sale Agreement to purchase the Natoli Property on Camano Island, in the amount of $818,000, and authorized the Chairman to sign the remaining associated closing documents as appropriate.

RESOLUTION #C-48-01(R-19-01) – IN THE MATTER OF THE SALE AND/OR DISPOSAL OF SURPLUS COUNTY PROPERTY

As recommended by Mr. McFarland as well as Mr. Kwarsick, the Board by unanimous motion approved Resolution #C-48-01(R-19-01) in the matter of the sale and/or disposal of surplus County Property as listed on Exhibit A, Courthouse Inventory Surplus List, the items having lost economic value.

STATE OF WASHINGTON
COUNTY OF ISLAND

IN THE MATTER OF THE SALE)	**Resolution No. C-48 -01**
AND OR DISPOSAL OF SURPLUS)	**R-19-01**
COUNTY PROPERTY)	

WHEREAS, Island County has certain property which have lost its economic value/utility to the County; and

WHEREAS, pursuant to Island County Code Chapter 2.31, such items may be disposed of; and

WHEREAS, the items described on attached Exhibit "A" are now and have been the property of Island County, State of Washington; and

WHEREAS, it is in the best interest of the County and the citizens thereof that said items listed in Exhibit "A" be sold or disposed of in accordance with Island County Code Chapter 2.31; NOW THEREFORE,

BE IT HEREBY RESOLVED THAT the items listed on Exhibit "A" shall be sold or disposed of in accordance with Island County Code Chapter 2.31.

ADOPTED this 9th day of April, 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 01-237 *[Exhibit A on file with the Clerk of the Board]*

RESOLUTION #C-49 -01(R17-01) – AUTHORIZING CALL FOR BIDS FOR ASPHALT CONCRETE MATERIALS

The Board, by unanimous motion, approved Resolution #C-49-01(R-17-01) in the matter of Authorizing Call for Bids for Liquid Asphalt Materials for period of May, 2001 through May, 2002, including Modified G, Class B, ATB & Tack Coat Oil.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING	**}**	
SPECIFICATIONS & AUTHORIZING	**}**	**RESOLUTION #C-49-01**
CALL FOR BIDS FOR:	**}**	RESOLUTION #R- 17-01
ASPHALT CONCRETE MATERIALS	**}**	

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

Asphalt Concrete Materials for the period of
May 1, 2001 (or date of bid award) to May 1, 2002
Modified G, Class B, ATB & Tack Coat Oil

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 supplies; **BID OPENING** to be the 23rd day of April, 2001 at 11:30 a.m., in Conference Room #3, N.E. 6th Street, Coupeville, Washington.

ADOPTED this 9th day of April, 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 01-238

RESOLUTION #C-50 -01(R18-01) – AUTHORIZING CALL FOR BIDS FOR LIQUID ASPHALT MATERIALS

Jack Taylor, Maintenance Superintendent, explained that in an effort to better address emerging concerns, two additional products, CMS-2P and CRS-2P, were included to be purchased in limited quantities, a trial application in selected locations for "Polymers" a product added to the oil at the plant that tends to give the oil elasticity and results in better rock retention. Island County wants to apply it in areas that have high traffic volumes and/or higher speeds . The second benefit is reported to be the lower or zero percent of solvents by content and may be of help to chemical-sensitive people who have a problem with standard products containing solvents. The products does cost about one third more than the cost of the standard product.

Mr. Kwarsick confirmed that those people who have called with concerns will be notified and their participation solicited in the test application.

The Board, by unanimous motion, approved Resolution #C-50-01(R-18-01) in the matter of Authorizing Call for Bids for Liquid Asphalt Materials for period of May, 2001 through May, 2002, including CRS-2, CMS-2, CSS-1, CMS-2P and CRS-2P.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING }
SPECIFICATIONS & AUTHORIZING } RESOLUTION #C-50-01
CALL FOR BIDS FOR: } RESOLUTION #R- 18-01
LIQUID ASPHALT MATERIALS }

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

Liquid Asphalt Materials for the period of
May 1, 2001 (or date of bid award) to May 1, 2002
CRS-2, CMS-2, CSS-1, CMS-2P & CRS-2P

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 supplies; **BID OPENING** to be the 23rd day of April, 2001 at 11:15 a.m., in Conference Room #3, N.E. 6th Street, Coupeville, Washington.

ADOPTED this 9th day of April, 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 01-239

BID AWARD - CULVERT SUPPLIES - ISLAND COUNTY ROAD SHOPS FOR 2001

The Board, by unanimous motion, based on recommendation of the Public Works Director and County Engineer, awarded bid for Culvert Supplies for Island County Road Shops for 2001 to award to H. D. Fowler Company, Inc., Bellingham, Wa. in the total amount of $9,074.61, including sales tax *[BICC #01-240]* per bids opened on March 27, 2001 under Resolution C-23-01/R-06-01.

BID AWARD FOR ONE NEW 2001 BACKHOE LOADER WITH OPTIONS
SMITH TRACTOR & EQUIPMENT CO., INC.

Mr. Kwarsick reported that after review of the bids received for one new 2001 Backhoe Loader with options per bids opened on March 27, 2001 under Resolution #C-24-01, the recommendation was to award the bid to Smith Tractor & Equipment Co., Inc., in the amount of $68,169.98, including trade in and state sales tax, and exercise the options to purchase two each hydraulic breaker/hammer and two each hydraulic compactor/hoepac, at a cost or $44,976.80, including state sales tax. This bid award as Jack Taylor explained, was to other than the lowest bidder, and based on the lowest responsible bidder who met specifications, as outlined in Findings of Fact dated today for the Board's approval, along with bid award.

By unanimous motion, the Board awarded bid to Smith Tractor & Equipment Co., Inc., as recommended, and approved Findings of Fact *[BICC 01-241]* for awarding bid to other than the apparent low bidder.

PURCHASE ORDER APPROVED FOR HERBICIDES - STATE CONTRACT

By unanimous motion, the Board approved and signed a Purchase Order for purchasing listed herbicides off the State Contract for use during 2001 for roadside shoulder application as discussed previously at staff session.

BOND FOR RELEASE OF RETAINAGE – BY MOOSE CITY SERVICE ELECTRIC - EAST CAMANO DR./CROSS ISLAND RD. SIGNAL PHASE 1, CRP 99-07

As presented and recommended for approval by Mr. Kwarsick, the Board by unanimous motion accepted the Bond in Lieu of Retainage, Bond #RSB-748830 by Moose City Service Electric and RLI Insurance Company, in the amount of $20,442.00, with regard to Contract for East Camano Dr./Cross Island Rd. Signal Phase 1, Camano Island under CRP 99-07.

HEARING SCHEDULED: - ORDINANCE #C-51-01 (PLG-008-01) AMENDING CHAPTER 17.02 ICC RELATED TO CERTAIN PROVISIONS OF THE COUNTY'S CRITICAL AREA REGULATIONS (17.02.110.C)

As introduced by Phil Bakke, Island County Planning and Community Development Director,
the Board by unanimous motion, scheduled a public hearing to consider Ordinance #C-51-01 (PLG-008-01)Amending Chapter 17.02 ICC related to certain provisions of the County's Critical Area Regulations (17.02.110.C), on May 14, 2001 at 10:45 a.m. [GMA Record #_____]

ORDINANCE #C-52-01 [PLG-009-01] AMENDING ORDINANCE #C-27-01 ADOPTED ON MARCH 26, 2001 TO CORRECT ASSESSOR'S PARCEL NO.

As presented and recommended by Mr. Bakke, the Board by unanimous motion approved Ordinance #C-52-01 [PLG-009-01] Amending Ordinance #C-27-01 adopted on March 26, 2001 to replace all references to Assessor's Parcel #R32222-290-0440 with R33222-290-0440, a typographical error in one of the parcel numbers. [GMA record #]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING	)	
ORDINANCE #C-27-01 TO REPLACE ALL	)	ORDINANCE C-52-01
REFERENCES TO ASSESSOR'S PARCEL	)	PLG-009-01
R32222-290-0440 WITH ASSESSOR'S	)	
PARCEL R33222-290-0440	)	

WHEREAS, since the adoption of C-27-01 on March 26, 2001 it has been discovered that the Board of County Commissioners inadvertently referred to Assessor's Parcel R32222-290-0440 as one of the parcels identified as being currently zoned CA; and

WHEREAS, all review by the Planning Department and Board of County Commissioners was based on Assessor's Parcel R33222-290-0440; and.

WHEREAS, PLG-009-01 is intended to correct the inadvertent referral to R32222-290-0440 and replace the reference with R33222-290-0440; **NOW THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby modifies Ordinance C-27-01 to replace all references to R32222-290-0440 with R33222-290-0440.

ADOPTED this 9th day of April, 2001.

BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

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

ATTEST: Margaret Rosenkranz
Clerk of the Board *[BICC 01-246]*

RESOLUTION #C-53-01 APPOINTING INITIAL COMMISSIONERS OF THE MAIN STREET SEWER DISTRICT

Keith Higman, Environmental Health Director, addressed the Board concerning formation of the Main Street Sewer District. Mr. Higman reviewed the April 5, 2001, opinion from the Prosecuting Attorney's Office, along with the Resolution presented today prepared by that office. The Health Department's recommendation, as outlined in Memorandum to the Board dated April 6, 2001, is to appoint the commissioners for the Main Street Sewer District based upon the following:

(1) Resolution #C-82-95 adopted by the Board was contingent upon approval of the treatment technology by the State Department of Ecology [DOE]. The approval process from the State DOE is threefold:

1) comprehensive plan that is originally submitted [conceptual idea of what the project is about, the type of treatment to be utilized;

2) engineering report which is much more detailed and specific with respect to the construction of the facilities

3) construction plans and specifications submitted [match engineering report].

In this case the applicant has an approved comprehensive plan, approved in 1997 when the project was proposed by a different proponent, but it is the same technology proposed. Applicant currently does not have an engineering report approved, but that likely will be approved within the next week or so. The State Department of Health (DOH) has approved the engineering report. DOH and DOE are reviewing the project because of the proposal to use reclaimed water as part of the project and drip irrigation on site.

(2) Both the WAC governing sewer systems and the RCW utilized with respect to reclaimed water require that a district be in place to receive the approval granted by the regulatory agencies.

The Health Department will continue along the normal path of requiring different levels of review prior to the applicant moving forward with different aspects of the project.

By unanimous motion, the Board approved Resolution #C-53-01 appointing initial commissioners of the Main Street Sewer District, James Mock, Sr., James Mock, Jr., and Erling F. Bangston.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

RESOLUTION APPOINTING)
INITIAL COMMISSIONERS) RESOLUTION NO. C- 53 -01

OF THE MAIN STREET SEWER)
DISTRICT)

WHEREAS, the Board of County Commissioners conditionally approved the establishment of the Main Street Sewer District (District) by adoption of Resolution C-82-95 on November 13, 1995; and

WHEREAS, the condition that needed to be fulfilled for formation of the District was approval of the District's proposed aerobic technology sewage disposal system by the Department of Ecology, State of Washington; and

WHEREAS, this Board finds that the Department of Ecology, State of Washington, has now approved the District's proposed aerobic technology sewage disposal system; and

WHEREAS, initial commissioners need to be appointed to carry out the business of the District; and

WHEREAS, there are no people currently residing in the area covered by the District and there will be no residents in the District until new development utilizing the District's sewage disposal system is completed; and

WHEREAS, when there are no residents, RCW 57.04.140 allows for appointment of non-resident initial sewer district commissioners to serve as commissioners until seventy-five percent of the new development is sold and occupied and new sewer district commissioners are elected; and

WHEREAS, three individuals have volunteered to be appointed as initial commissioners of the District; NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Main Street Sewer District is established in accordance with Resolution C-82-95, November 13, 1995, the condition precedent to establishment having been met.

BE IT FURTHER RESOLVED that the following persons are appointed as the initial Main Street Sewer District Commissioners, public officials, to serve according to law:

James Mock, Sr.	James Mock, Jr.	Erling F. Bangston
1967 E. Hillvista Place	6026 S. MacMaster Road	Post Office Box 760
Freeland, WA 98249	Freeland, WA 98249	Freeland, WA 98249

The commissioners shall serve until seventy-five percent of the development is sold and occupied. The commissioners are not entitled to any form of compensation from the District. New commissioners shall be elected according to the procedures in chapter 57.12 RCW at the next election held under RCW 29.13.010 that follows more than ninety days after the date seventy-five percent of the development is sold and occupied.

BE IT FURTHER RESOLVED that the above initial District commissioners shall notify the Island County Auditor immediately when seventy-five percent of the development is sold and occupied so that an election can be called.

BE IT FINALLY RESOLVED that if the District wishes to change its name from the Main Street Sewer District to another name, the District commissioners must apply to this Board pursuant to the procedures of RCW 57.04.065 to change the District's name.

DATED this 9th day of April, 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 01-247

ANNOUNCEMENT - PRESENTATION ON THE ENDANGERED SPECIES ACT

The Chairman reminded that a public presentation was scheduled this evening from 6:30 to 8:30 p.m., at Coupeville Middle/High School Performing Arts Center, sponsored by the Board of Island County Commissioners and the Island County Public Works Department for citizens, elected officials, municipal employees, local organizations and anyone interested in learning more about the Endangered Species Act.

PUBLIC INPUT

Lori O'Neal came to provide public input but arrived late, and was granted time at the end of the session in order to provide her comments.

Lori O'Neal, 3795 E. Hubble Court, Clinton . Letter to Larry Kwarsick dated April 2, 2001, submitted for the record, from Ms. O'Neal as the Chairman, Whidbey Island Chemically Injured Network [WICIN], representing a growing population on the Island who are chemically injured, most become violently ill from exposure to herbicides and pesticides. Members have all been placed on the Washington State Pesticide Sensitive Registry, and the State is required by law to contact those members before spraying. Whidbey General Hospital is in the process of implementing new programs being recognized by national agencies such as EPA and DOL, on pesticide recognition and management. She and her neighbors worked to become a no spray community in Island County and appreciated County efforts in helping them accomplish that, now a much healthier neighborhood. As far as alternatives to the use of chemicals, she was aware that Alaska railroads and other cities were using steam machines, and understood there are manufacturers in Australia, Los Angeles and Oregon. On request, she agreed to do the research and provide same to Jack Taylor and Commissioner McDowell. She asked that there be an injunction or reconsideration of the decision to use chemicals for the next six years on Whidbey Island.

Commissioner McDowell commented that nothing the Board did today approved the use of chemical sprays for the next six years, clarifying that the Six Year Road Program basically was used as a six year planning document, one that the Board reviews annually to come up with the Annual Road Program.

The Chairman went on to explain that at this point the only viable alternative the Commissioners were aware of was the steam machine in terms of a direct attack of weeds, and the County is continuing to monitor several counties on the East Coast who are using the steam machines. With his background in chemical engineering, he does not like the idea of the proliferation of chemicals in general into the environment, and agreed there was growing evidence of an attack on immune systems by certain chemicals. However, he was not prepared to accept unsupported anticdotal information. Important to note that the County has a serious and genuine concern with the roads and the shoulders are a functional part of the road, a safety concern and have to be maintained in a certain condition.

Commissioner Shelton was aware that the practice is to limit the spraying to a very shallow distance from the edge of the pavement out. There is an issue of safety and the requirement there be some kind of a shoulder and vegetation on the shoulder has to be controlled and spraying provides an economical way to take care of the shoulder, but acknowledged it does not take into account the effect it has on those who are chemically sensitive.

There being no further business to come before the Board at this time, the meeting adjourned at 11:25 a.m.
The Board will meet next in Regular Session on April 16, 2001, beginning at 9:30 a.m.

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