

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - AUGUST 20, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 20, 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 minutes from the meeting of August 13, 2001.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.):  
#105375 – 105661. . . . . \$ 871,109.74.

**HIRING REQUESTS & PERSONNEL ACTIONS**

**Personnel Action Authorization**

The Board, by unanimous motion, approved PAA 091/01 from the Public Works Department, for Solid Waste Accounting Coordinator, Position #2263.00, a personnel action effective this date, as discussed in a recent staff session.

**Waiver-leave buy-out period.**

The Board considered a request from the Prosecuting Attorney for waiver of a leave buy-out period on a replacement action in that Office. The Board agreed to authorize moving ahead with recruitment, but took under advisement the question of leave buyout in light of resources available for the buy out, and scheduled further discussion on the Chairman’s Agenda during the September 5<sup>th</sup> Staff Session.

**APPOINTMENT TO MARINE RESOURCE COMMITTEE [MRC]**

The Board, by majority vote, appointed Phyllis Kind of Greenbank to serve as a member of the Island County Marine Resources Committee representing the “Citizens/Beachwatchers”, refilling the position previously held by Gary Wood, for with a term to December 31, 2003. The dissenting vote was Commissioner McDowell who explained that he would have liked to have seen the appointment of Richard L. Steinhoff, Freeland, giving a little more diversity as far as background, although he understood that Ms. Kind has a good background.

**LIQUOR LICENSE ASSUMPTION #080226-3G - CAMANO  
ISLAND ROASTER & ALE HOUSE**

Having received a favorable recommendation from the Island County Sheriff and the Health Department, the Board by unanimous motion, voted to forward a recommendation of approval to the Washington State Liquor Control Board for assumption of Liquor License #080226-3G, Camano Island Roaster & Ale House, 170 E. Cross Island Road, Camano Island, by Forrestwoods Restaurants LLC, Arthur Collins Woods.

**CLAIM FOR DAMAGES APPROVED**

Betty Kemp, Director, GSA/Risk Management, reviewed two claims for damages, both filed as a result of cracked vehicle windshields and chipped paint allegedly caused by Island County Road Department vehicle or operation. Claim for Damage #R01-015CD was filed by Dana Bieber on July 18, 2001, in the amount of \$1,174.70 for damages when a County dump truck drove past littering rocks and dirt. Claim for Damages #R01-017CD was filed by James W. Bird on July 25, 2001, in the amount of \$875.62, for damages as a result of a mowing operation. After investigation of both claims, Ms. Kemp reported that the Road Department and Risk Manager recommend approval.

By unanimous motion, the Board approved Claim for Damage #R01-015CD by Dana Bieber in the amount of \$1,174.70, and Claim for Damages #R01-017CD by James W. Bird in the amount of \$875.62.

**RESOLUTION #C-109-011/R-48-01 – SALE AND/OR DISPOSAL OF  
SURPLUS COUNTY EQUIPMENT**

As presented and recommended for approval by Larry Kwarsick, Public Works Director, the Board approved by unanimous motion, Resolution #C-109-01/R-48-01 in the Matter of the Sale and/or Disposal of Surplus County Equipment. The sale is scheduled to take place September 22 at the Oak Harbor County Road Shop beginning at 11:00 a.m.

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

***IN THE MATTER OF THE SALE ) RESOLUTION NO. C-109-01***

**AND OR DISPOSAL OF SURPLUS )  
COUNTY EQUIPMENT )**

**R- 48 -01**

**WHEREAS**, *Island County has certain equipment which has 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**, *said items have lost their economic value to the County, and it is in the best interest of the County and the citizens thereof that said items listed in Exhibit "A" be declared surplus to County needs and sold or disposed of in accordance with Island County Code Chapter 2.31;*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** *that the items listed on the attached Exhibit "A" are hereby declared surplus and shall be sold or disposed of in accordance with Island County Code Chapter 2.31. A Public Auction will be held at the Oak Harbor County Road Shop, 3149 Schay' Road, Oak Harbor, WA 98277, on the 22<sup>nd</sup> day of September, 2001 at 11:00 a.m.;*

**BE IT FURTHER RESOLVED:**

- 1) The Public will be able to view the vehicles shown on attached Exhibit "A" at the Oak Harbor County Road Shop on Friday, September 21, 2001 from 9:00 a.m. to 4:00 p.m. and on Saturday, September 22, 2001 from 9:00 a.m. to 11:00 a.m.
- 2) *All sales shall be for CASH (cash, cashier's check or money order) and shall be considered final.*
- 3) *The items are sold "AS IS AND WHERE IS", without guarantee of present or future condition or performance.*
- 4) *Equipment maintenance records will not be supplied with equipment.*
- 5) *A SALE OF EQUIPMENT AGREEMENT will be signed by the successful bidder for licensed equipment. After payment has been made and the Agreement form executed, the title will be signed over to the purchaser. Purchaser is responsible for paying sales tax and any other costs of title transfer.*
- 6) *The Island County Treasurer shall conduct said auction on the aforesaid date, time and place. After the items have been sold, the sale will be recessed for one-half hour to determine if items sold have been paid for and all necessary paperwork completed. If any item remains unpaid, it will then be declared up for bid.*
- 7) *All items sold shall be removed from County property no later than 4:30 p.m. Monday, September 24, 2001.*

ADOPTED this 20th day of August, 2001.

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

*William F. Thorn, Chairman*

*Mike Shelton, Member*

*Wm. L. McDowell, Member*

**Attest:** *Elaine Marlow,  
Clerk of the Board*

BICC 01-566

**SUPPLEMENTAL AGREEMENT NO. 3 - PW 9920-39; TRANSPORTATION PLANNING & ENGINEERING; EAST CAMANO DR./CROSS ISLAND ROAD**

The Board, by unanimous motion, as presented and recommended for approval by the Public Works Director, approved Supplemental Agreement #3 to Contract #PW9920-39, between Island County and Transportation Planning & Engineering, related to East Camano Drive/Cross Island Road project under CRP 99-07, extending completion date to May 31, 2002 [no dollar change].

**HEARING HELD: FRANCHISE #63R, RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM - ALDER STREET WATER SYSTEM, IN THE PLAT OF MADRONA ANNEX, CAMANO ISLAND**

At 10:20 a.m., as scheduled and advertised, the Board conducted a public hearing for the purpose of considering Franchise #63R, Alder Street Water System, renewal of an existing water distribution system in the Plat of Madrona Annex, located in Sec. 34, Twp 32N., Rge 2E, Camano Island.

As Mr. Kwarsick explained, there are no plans for expansion of current water system. All departments requested to comment responded with no objections to the proposal. The Prosecuting Attorney's Office reviewed and approved the documents as to form, as well as the Risk Management Department.

At the time of hearing, no one in the audience spoke either for or against approval of Franchise #63R.

- By unanimous motion, the Board approved Franchise #63R, Alder Street Water System, renewal of an existing water distribution system in the Plat of Madrona Annex, located in Sec. 34, Twp 32N., Rge 2E, Camano Island.

**AMENDMENT #6 AND #6 – BRYAN G. YOUNG, P.C.**

- Based on the review and summary presentation made by Mr. Kwarsick, the Board at this time approved, by unanimous motion, Amendment #6 and Amendment #7 to existing Contract #PW0120 with Bryan G. Young, P.C., as follows, both related to a formula change to the compensation for services based upon consumer price index provisions of the contract:

Amendment #6 – PW0120-73, Bryan G. Young, P.C. , change to Compensation for Services increased by an amount not to exceed \$13,462 thereby increasing total contract amount for Basic Services from \$1,045,778 to \$1,509,240. Compensation for additional services shall be increased by an amount not to exceed \$9,140. Compensation for allowances for additional work, if required, shall be increased by an amount not to exceed \$1,498.

Amendment #7– PW0120-74, Bryan G. Young, P.C., - Compensation for Basic Services increased by an amount not to exceed \$92,563 thereby increasing total contract amount for Basic Services from \$1,059,240 to \$1,151,803.

**HEARING HELD: FRANCHISE #112(1)R – RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM IN THE PLAT OF PARK ACRES, DIV. #1 - PARK ACRES COMMUNITY ASSOCIATION**

- At 10:25 a.m. as scheduled and advertised, the Board held a public hearing on Franchise #112(1)R, Park Acres Community Association renewal of existing water distribution system, located in the Plat of Park Acres, Div. #1, Sec. 1, Twp 33N., R 1E, North Whidbey.

In this case, Mr. Kwarsick pointed out that there were no plans for expansion of current system. Again, all departments requested to comment responded with no objections to the proposal. The Prosecuting Attorney's Office reviewed and approved the documents as to form, as did Risk Management.

No one at the time of hearing indicated a desire to speak either for or against franchise renewal.

By unanimous motion, the Board approved Franchise #112(1)R, Park Acres Community Association renewal of existing water distribution system, located in the Plat of Park Acres, Div. #1, Sec. 1, Twp 33N., R 1E, North Whidbey

**AWARD ALTERNATE (# 9) COURTHOUSE REMODEL – HANSON BROTHERS**

At the time the bid was awarded to Hanson Brothers for the Courthouse Remodel, the County reserved the right to award item #no. 9 based upon evaluation of conditions after the Courthouse was under construction to determine whether or not we needed seismic retrofit. The recommendation of structural engineer is that the installation of structural plywood on second floor of the Courthouse is necessary and appropriate. Therefore, Mr. Kwarsick recommended the Board award Bid Alternate #9 to Hanson Brothers in the amount of \$23,000 plus tax., replacing existing flooring with structural plywood to achieve both integrity and facilitate abatement of hazardous materials.

The Board, by unanimous motion, awarded Bid Alternate #9 to Hanson Brothers, #PWP-01-02, in the amount of \$23,000 plus tax., to replace existing flooring on the second floor of the Courthouse with structural plywood.

**CONSULTANT AGREEMENT – SCS ENGINEERS, INC., #SW0100-66**

- As presented and reviewed with the Board by Dave Bonvouloir, Solid Waste Director, the Board approved by unanimous motion, Consultant Agreement #SW0100-66 with SCS Engineers, Inc. for the Coupeville Solid Waste Facility Hydrogeologic Study in the amount not to exceed \$54,795.00, and end date October 31, 2001.

**SERVICE AGREEMENTS FOR BENEFICIAL USE OF BIOSOLIDS #RM-SW-01-0072**

- By unanimous motion, the Board approved Service Agreements for beneficial uses of biosolids from the Whidbey Island Septage Treatment Facility, as follows:

- Service Agreement for Beneficial Use of Biosolids between Island County and Gerald A. Bell
- Service Agreement for Beneficial Use of Biosolids between Island County and Charles E. Arnold.

**PUBLIC INVOLVEMENT AND EDUCATION PIE FUND GRANT APPLICATION FOR RAIN BARREL/CISTERN LOW IMPACT DEVELOPMENT EDUCATION PROGRAM**

Phil Cohen, Surface Water Manager, presented a Grant Application for Public Involvement Education Grant for rain barrel/cistern low

impact development education program.

At this point in time, it is a work in progress. The total funding figure requested is shown at this point to be \$36,000, but Mr. Cohen expects to fine tune costs within \$4,000 plus or minus that figure within the next few days. With an application deadline of August 27<sup>th</sup>

he asked that the Board authorize the Chairman's signature once the application has been finalized and remains within the scope and intent as presented today and the \$4,000 plus or minus figure as noted.

The Board by unanimous motion, authorized Chairman Thorn's signature on the Public Involvement and Education Pie Fund grant application based on the presentation today, keeping within the same scope and intent, and fine tuning costs within a \$4,000 plus or minus figure as outlined today by Mr. Cohen.

**RESOLUTION #C-110-01/R-50-01 - APPROVING PLANS & SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CAMANO ISLAND ROAD MAINTENANCE FACILITY PROJECT**

By unanimous motion, the Board approved Resolution #C-110-01/R-50-01 approving Plans and Specifications and Authorizing Call for Bids for Camano Island Road Maintenance Facility Project, Work Order #10. Gary Hess, Construction Engineer, hoped to have pre-construction conference on October 8, and anticipated completion of project September 4, 2002.

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

**IN THE MATTER OF APPROVING PLANS )  
& SPECIFICATIONS AND AUTHORIZING ) RESOLUTION NO. C-110 -01  
CALL FOR BIDS FOR CAMANO ISLAND ) R- 50 -01  
ROAD MAINTENANCE FACILITY PROJECT )  
WORK ORDER NO. 10 )**

**WHEREAS**, sufficient funds are available in the Equipment Rental and Replacement Fund and the Road Fund for the above project, **NOW, THEREFORE**,

**BE IT HEREBY RESOLVED** that the Plans and Specifications are approved and the County Engineer is authorized and directed to call for bids for the Camano Island Road Maintenance Facility. Bid Opening is to be at 2:05 P.M. September 22, 2001, in Modular Meeting Room #5, 501 NE Haller St. Coupeville, Washington.

**ADOPTED** this 20<sup>th</sup> day of August, 2001.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member  
William L. McDowell, Member

ATTEST: Elaine Marlow, Clerk of the Board BICC 01-574

**RESOLUTION #C-111-01/R-49-01 - INTERFUND LOAN FROM THE ISLAND COUNTY SOLID WASTE FUND TO THE ISLAND COUNTY REET 1 FUND**

Mr. Kwarsick advised that at the time final construction funds for the remaining projects were being put together, it was determined there was a potential cash flow situation within the REET 1 fund and that the best way to handle that was to provide an opportunity for an interfund loan on an as-needed basis. The amount of proposed interfund loan is \$600,000 for maximum duration limited to five years.

The Board approved by unanimous motion Resolution #C-111-01/R-49-01 approving an Inter-fund Loan from the Island County Solid Waste Fund to the Island County REET #1.

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

**IN THE MATTER OF APPROVING AN INTERFUND )  
LOAN FROM THE ISLAND COUNTY SOLID WASTE ) RESOLUTION C-111-01  
FUND TO THE ISLAND COUNTY REET 1 FUND ) R-49-01**

**WHEREAS**, the Board of County Commissioners, approved the issuance of the \$5,000,000 limited tax general obligation bonds on March 12, 2001 by resolution C-37-01; and

**WHEREAS**, it is the desire of the Board to provide cash flow to the Capital Improvement REET 1 fund for taxes not yet collected; and

**WHEREAS**, there are funds available in the Solid Waste Fund; and

**WHEREAS**, regulations governing interfund loans require that they bear interest at a rate equal to the externally earned rate available to the County and that the term of the loan shall be for no more than five (5) years; and

**WHEREAS**, the Island County Treasurer oversees the status and disposition of interfund loans with the Island County Auditor recording the balance due at the end of each calendar year as a liability of the borrowing fund and a receivable of the source fund; **NOW, THEREFORE, BE IT HEREBY RESOLVED** an interfund loan not to exceed \$600,000 is authorized from Fund 401 (Island County Solid Waste Fund) to Fund 134 (Island County Capital Improvements REET 1 Fund) with interest charged at the rate earned by County Funds in the State Investment Pool, said loan to be paid in full, in annual payments, within 5 years of the date of withdrawal of funds from the Solid Waste Fund. Direction for transfer of funds from the Solid Waste Fund to the Capital Improvement REET 1 Fund for the interfund loan will be given to the Treasurer's Office by Public Works.

**APPROVED AND ADOPTED** this 20<sup>th</sup> day of August, 2001.

**BOARD OF COUNTY COMMISSIONERS**

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

BICC 01-575

**HEARING SCHEDULED: ORDINANCE #C-112-01 (PLG-015-01) AMENDING ICC 17.02.107 TO COMPLY WITH THE ORDER OF THE WVGMB RELATING TO THE CRITICAL AREAS EXEMPTION FOR EXISTING AND ON-GOING AGRICULTURE**

- Phil Bakke, Island County Planning and Community Development Director, introduced for purposes of scheduling, proposed Ordinance #C-112-01 (PLG-015-01) Amending ICC 17.02.107 to comply with the Order of the Western Washington Growth Management Hearings Board relating to the Critical Areas Exemption for Existing and On-Going Agriculture [GMA Record #7002]

- By unanimous motion the Board scheduled a public hearing on September 10, 2001 at 10:45 a.m. to consider Ordinance #C-112-01 (PLG-015-01) Amending ICC 17.02.107 to comply with the Order of the Western Washington Growth Management Hearings Board relating to the Critical Areas Exemption for Existing and On-Going Agriculture.

**HEARING SCHEDULED: OPS 268/01 - SHARON EMERSON & CHARLES SNELLING - DESIGNATED FOREST TO TIMBER LAND CURRENT USE CLASSIFICATION**

The Board, by unanimous motion, scheduled a Public Hearing to be held on September 10, 2001 at 10:45 a.m. to consider OPS 268/01 by Sharon Emerson & Charles Snelling, Assessor's Parcel # R33029-099-0860 and #R33029-032-0870, requesting that 25.67 acres of the above-referenced parcels be changed from Designated Forest to Timber Land current use classification. Staff Report prepared by the Island County Planning & Community Development Department was provided dated this date.

**RESOLUTION #C-113-01 (PLG-016-01) ENFORCEMENT OF ISLAND COUNTY ZONING ORDINANCE – COV 723-00 LONNY D. HOAG**

- Mr. Bakke presented Resolution #C-113-01 (PLG-016-01) in the matter of enforcing the Island County Zoning Ordinance, Code violation file #COV-723-00 relating to Lonny D. Hoag. The property is located at 473 Boyer Lane, Freeland, Assessor's Parcel #R23032-100-1170 [off Bush Point Road]. This matter has been presented to the Board at two different staff sessions to discuss the lack of progress and severity of this case.

By unanimous motion, the Board approved Resolution #C-113-01 (PLG-016-01) in the matter of enforcing the Island County Zoning Ordinance, Code violation file #COV-723-00 relating to Lonny D. Hoag, 473 Boyer Lane, Freeland, Assessor's Parcel #R23032-100-1170.

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

IN THE MATTER OF ENFORCEMENT OF THE ISLAND COUNTY ZONING ORDINANCE – COV 723/00, LONNY D. HOAG )  
 ) RESOLUTION C-113-01  
 ) PLG-016-01  
 )

**WHEREAS**, numerous violations of Island County Code have occurred at 473 Boyer Lane, Freeland, Washington on Assessor's Parcel No. R23032-100-1170; and

**WHEREAS**, numerous attempts to correct the violations by Island County Planning & Community Development, Island County Health and the Island County Sheriff's Department have not been successful; and

**WHEREAS**, the Board of Island County Commissioners concurs that the matter should be forwarded to the Island County Prosecutor for legal action, **NOW, THEREFORE**,

**IT IS HEREBY RESOLVED** that the Board of Island County Commissioners hereby forwards Case No. COV 723/00, the summary of which is attached hereto as Attachment A, to the Island County Prosecutor for legal action.

APPROVED this 20<sup>th</sup> day of August, 2001.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow, Clerk of the Board

BICC 01-577

**MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER**

Auditor, Suzanne Sinclair, provided in writing her report for the period ending July 31, 2001 [copy on file], but was unable to stay for the meeting inasmuch as she was involved with another meeting.

The written financial report of the Treasurer, Maxine Sauter, was provided to the Board last week under Memorandum dated August 15, 2001. She explained at this time that revenues seemed to be holding, including investment interest because the rates were based on the previous, considerably higher rates. She was not optimistic about next year inasmuch as the rates have gone down again today, and are extremely low [i.e. 3.90% for 30 days]. If rates go up it will not be before next May or June.

Chairman Thorn was concerned about revenues because sales tax is 4% behind projections [\$132,000]; investment interest is running at 34%, equivalent to \$ 312,000 behind budget], which in aggregate is just over \$439,000.

Commissioner Shelton observed that the Treasurer's Report shows investment interest at \$773,960 year to date, while the Auditor's Report shows \$439,000. The Treasurer pointed out that was due to accrual versus cash, the Treasurer's Report is a cash report. However, Commissioner Shelton commented that an accrued investment interest figure is shown on the Auditor's Report. The Board requested that Ms. Sauter talk with the Auditor's Office to find out the disparity between those two numbers.

**EXECUTIVE SESSION**

At 11:00 a.m., the Chairman announced that the Board would meet in Executive Session as allowed under RCW 42.30.110 (1) (i) to discuss with legal counsel pending litigation. The session was estimated to last no more than one-half hour and no announcement afterwards expected in open public session.

There being no further business to come before the Board at this time, the meeting adjourned at 11:20 a.m., on completion of Executive Session. The Board will meet next in Special Session on Tuesday, August 21, 2001, beginning at 2:00 p.m., at Terry's Corner Fire Station, located at 525 E. North Camano Drive, Camano Island. The purpose of the Special Session is to conduct two Public Hearings.

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

\_\_\_\_\_  
William F. Thorn, Chairman

\_\_\_\_\_  
Mike Shelton, Member

\_\_\_\_\_  
Wm. L. McDowell, Member

**ATTEST:** \_\_\_\_\_

Elaine Marlow, Clerk of the Board