

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - AUGUST 4, 2003

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 4, 2003, at 9:30 a.m. in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6th Street, Coupeville, Wa. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the following minutes: July 23, 2003 special session and July 28, 2003 regular session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, with the July 31, 2003 payroll for the pay periods July 1-15, 2003 and July 1-31, 2003:

Voucher (War.) # 170295-170460\$436,397.17.

COMMITTEE APPOINTMENTS AND/OR RE-APPOINTMENTS

The Board, by unanimous motion, made the following appointments and re-appointments to various committees and boards:

- Joan P. Nelson, Clinton, reappointed for a four-year term to the Clinton Ferry Advisory Committee, term expiring August 31, 2007
- Al Sherman, Coupeville, appointed to refill Position #6 [vacant following resignation of Kermit Chamberlin] with the existing term to October 1, 2004.
- Janet Hall, Coupeville, appointed to serve as member at large representing Central Whidbey Island on the Solid Waste Advisory Board.

CEMETERY DISTRICT ONE - WAIVER FROM PARTICIPATION IN LOCAL VOTERS' BROCHURE

The Board considered a letter from G. Durward Roberson, Chairman, Island County Cemetery District One, dated June 30, 2003 forwarded by the Island County Auditor, advising that Cemetery District One voted at the last regular meeting not to have a write-up/pictures in the Island County Voter's Pamphlet for the following reasons:

1. The Cemetery District cannot afford any additional election costs;
2. As far as is known at this time, only one person is running for the unpaid position open for election.

Pursuant to provisions of RCW 29.81A.020 the Board by unanimous motion found that the requirement would create an undue financial hardship for Island County Cemetery District One, and approved the waiver from the requirement.

LIQUOR LICENSE #083518 CHANGE IN CORPORATE OFFICERS ON APPLICATION

With no objections received, the Board by unanimous motion approved Liquor License #083518 for a change in Corporate Officers listed on application as requested by Kent Myers d/b/a Freeland Service Center, 5618 Fish Road, Freeland.

PUBLIC INPUT OR COMMENTS

Kristi O'Donnell, Greenbank, thanked the Board for writing a letter to the Army in regard to not building the SBX in Everett. She was, however, hopeful more could be done and would support the Board making a decision to join the City of Everett and Concerned Citizens Against SBX to not build the facility in Everett. She thought so much scientifically had not been proven and believed it would be detrimental to tourism and marine life. Island County was not contacted when it should be represented in the due process.

Dr. John Hurd, Clinton, on behalf of Concerned Citizens Against the SBX (CCA-SBX), entered concerns and a request to the Board for the record in order to help stop SBX:

- A. Anticipate and agree to file suit, if necessary, as have the City of Everett and CCA-SBX appealing any decision to place the SBX in Everett. Consult with the attorney for Island County about doing so. This is especially important in light of the lack of due process in

these proceedings by the military regarding our country.

- B. Since nothing can be litigated that hasn't been included in an FEIS response letter, it's critical that the Commissioners address all potential areas of future appeal litigation in another official FEIS response letter. This should be created in conjunction with the Island County Attorney's office. It must be received at the address cited below prior to the Aug 14, 2003 FEIS response cut-off date. Areas of concern to be included should be at least the following:

1. Cultural Resources, Noise, Socioeconomics
2. Air Quality
3. Air Space
4. Biologic Resources

5. Hazardous Materials and Hazardous Waste
6. Health and Safety
7. Transportation
8. Utilities
9. Visual and Aesthetic Impact
10. Due process

C. There is a specific address for responses. Although the commissioners have sent one short response letter it was not as detailed as it needs to be, or sent to the exact address required for official acknowledgment and inclusion in the record. The Commissioners must address these concerns with the FEIS to the following exact address:

US Army Space and Missile Defense Command
SMDC-EN-V, Mrs. Julia Hudson-Elliot
P. O. Box 1500
Huntsville, AL 35807-3801

Dr. Hurd commented that the City Attorney for Everett was prepared to file suit of appeal of the FEIS. He asked that Island County at least consider writing one more letter that addresses the ten areas outlined in his letter. Citizens of Island County have been uniquely wronged and have a unique voice and he thought it appropriate due process be addressed.

Malcom Ferrier, Langley, expressed concerns about what he sees as a vast experiment going on with the SBX, firing out beams of ten gigahertz, ten billion vibrations per seconds, bouncing off the atmosphere. Most measurements on the effects of the fields have been done by physicists on physical systems and a real worry in his mind is that experiments have not been done by biologists on biological systems, in particular living cells and developing fetal cells. This experiment on human and marine populations has never been done before and it is a great unknown. A similar experiment at Cape Code some 20 years' ago showed an increase in rate of childhood leukemia, which gives pause for concern.

Curtis Leonard, Langley, because of the nature of the situation and deadline for decision, commented on the groups' desire to meet with the County Attorney. They originally wanted an opportunity for more time on the Board's August 11th agenda but now felt that would be too late, and first want to talk to the County Attorney and then possibly a special session of the Board in the next few days to pass a resolution that the scoping process be restarted and involve Island County.

Commissioner Shelton believed the FEIS process was flawed and public input insufficient, especially noting that an ad in a Seattle newspaper clearly was not adequate on an issue affecting Snohomish and Island counties. He was hopeful the Army would recognize the community's resistance to this location and choose a locale not as densely populated. He pointed out that the County Prosecuting Attorney is a separately elected official and he suggested the folks contact him directly. The person he believed messages should be sent to about this issue is Congressman Rick Larsen, along with the two Senators representing this area, in that at some point in time the influence brought to bear on the Federal government is far better addressed through those offices than a local board of commissioners. Clearly the City of Everett is prepared to try and prevent locating the SBX at Everett and he felt certain there would be ample opportunity for Island County to be a part of that process through briefs and so forth.

Commissioner Byrd noted that the Commissioners were on record in the letter sent to the Department of Defense, Missile Defense Agency [July 21, 2003] which was also forwarded to the address Dr. Hurd and Ms. O'Donnell indicated. [another copy will be directed to the address].

Chairman McDowell reiterated Commissioner Shelton's comments about contacting the Prosecutor, a separately elected County official and ask to meet with him.

HEARING HELD - CANCELLATION OF FRANCHISE #33 - SEWER DISTRIBUTION LINE - J. GORDON SPARKS - PLATS OF BAKERVIEW TERRACE AND UTSALADY POINT TRACTS

A Public Hearing was held at 10:20 a.m. as advertised to consider cancellation of Franchise #33 by J. Gordon Sparks for sewer distribution line in the Plats of Bakerview Terrace and Utsalady Point Tracts, located in sections 13/24, Twp 32N., R 2E. Bill Oakes, Public Works Director, reported in favor of cancellation of the franchise. The request was initiated by Mr. Sparks who no longer needs the franchise.

At the time of hearing, no one in the audience spoke for or against said request to cancel. By unanimous motion, the Board canceled Franchise #33 by J. Gordon Sparks for sewer distribution line in the Plats of Bakerview Terrace and Utsalady Point Tracts, located in sections 13/24, Twp 32N., R 2E.

RESOLUTION #C-75-03/R-23-03 - ADOPTION OF ISLAND COUNTY'S SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2004-2009

As presented, the Board by unanimous motion approved Resolution #C-75-03/R-23-03 in the matter of Adoption of Island County's Six-Year Transportation Improvement Program for the years 2004-2009.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ADOPTION OF)	
ISLAND COUNTY'S SIX-YEAR)	RESOLUTION NO.
TRANSPORTATION IMPROVEMENT)	C-75-03
PROGRAM FOR THE YEARS 2004-2009)	R-23-03

WHEREAS, the County Engineer, in accordance with RCW 36.70A.070, 36.81.121 and WAC 136-14-040, has submitted his recommended plan for construction of roads for the years 2004 through 2009; and

WHEREAS, the Board certified that a priority array of the County Arterial System was prepared by the County Engineer and available during the preparation of this program; and

WHEREAS, the Island County Planning Commission has reviewed this program and found it in compliance with the Island County Comprehensive Plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Island County Board of Commissioners that the Six-Year Transportation Improvement Program for 2004 through 2009, as submitted this date, is hereby adopted.

ADOPTED this 4th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
Wm. L. McDowell, Chairman
William J. Byrd, Member
Mike Shelton, Member

Attest: Ellen K. Meyer, Deputy
Clerk of the Board

(attached Transportation Improvement Program on file with the Clerk of the Board)

RESOLUTION #C-76-03/R-30-03 CLOSING ISLAND COUNTY'S COMPLETED COUNTY ROAD PROJECTS AND MISCELLANEOUS PROJECTS

By unanimous motion the Board approved Resolution #C-76-03/R-30-03 in the matter of Closing Island County's Completed County Road Projects and Miscellaneous Projects, as presented by the Public Works Director.

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

IN THE MATTER OF CLOSING)
 ISLAND COUNTY'S COMPLETED) RESOLUTION NO. C- 76-03
 COUNTY ROAD PROJECTS AND) R-30-03
 MISC. PROJECTS)

WHEREAS, R.C.W. 36.77.070 requires the publication of the true and complete costs, and a brief description of all County Road Projects where the day labor, either estimated or actual cost, exceeds twenty-five hundred dollars. NOW, THEREFORE,

BE IT HEREBY RESOLVED that the following County Road Projects and the total costs as shown on the attached sheets are hereby approved and those C.R.P.'s with day labor in excess of \$2,500 be published in the local newspaper.

<u>NUMBER</u>	<u>WORK ORDER NO.</u>	<u>NAME</u>
CRP 96-13	137	East Camano Drive, Phase 1
CRP 98-03	220	Brighton Beach Road
CRP 98-05	36	Kettles Trail
CRP 98-06	127	Woodland Beach Road
CRP 98-09	117	Possession Road Slide Repair
CRP 98-10	167	Edgecliff Road Slide Repair
CRP 98-11	124	Ferrydock Road Slide Repair
CRP 98-13	187	Madrona Way @ Sherman Road
CRP 98-14	239	Wilkes Gary Heights Drainage
CRP 98-16	260	Goss Lake Overflow Pipe
CRP 99-01	103	Wilkenson Road Closure
CRP 99-02	86	West Beach Road Guardrail
CRP 99-03	274	ACP Overlays – Whidbey 1999
CRP 99-04	275	ACP Overlays – Camano 1999
PWP 01-97	211	Camano Water System
PWP 04-98	267	Coupeville Shop Fuel Facility
PWP 05-98	32	Camano Shop Fuel Facility
PWP 01-99	57	Terry's Corner Beautification

NOW BE IT FURTHER RESOLVED that the projects on the attached sheets are completed and therefore are closed to all charges as of July 9, 2003.

APPROVED this 4th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON
 Wm. L. McDowell, Chairman
 William J. Byrd, Member
 Mike Shelton, Member

ATTEST: Ellen K. Meyer, Deputy
 Clerk of the Board

[attachment placed on file with the Clerk of the Board]

RESOLUTION #C-77-03/R-31-03 ADOPTION OF ISLAND COUNTY'S SIX-YEAR CAPITAL IMPROVEMENT PROGRAM.

The Board approved by unanimous motion, Resolution #C-77-03/R-31-03 in the matter of adoption of Island County's Six-Year Capital Improvement Program.

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

IN THE MATTER OF ADOPTION OF)

ISLAND COUNTY'S SIX-YEAR) RESOLUTION NO.
CAPITAL IMPROVEMENT PROGRAM) C-77-03
FOR THE YEARS 2004-2009) R-31-03

WHEREAS, the Public Works Director, in accordance with RCW 36.70A.070(3) and WAC 365-195-315, has submitted his recommended plan for capital expenditures for 2004 through 2009; and

WHEREAS, the Island County Planning Commission has reviewed this program and found it in compliance with the Island County Comprehensive Plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Island County Board of Commissioners that the Six-Year Capital Improvement Program for 2004 through 2009, as submitted this date, is hereby adopted.

ADOPTED this 4th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
Wm. L. McDowell, Chairman
William J. Byrd, Member
Mike Shelton, Member

Attest: /Ellen K. Meyer, Deputy
Clerk of the Board

[Capital Improvement Program attached to Resolution #C-77-03 is on file with the Clerk of the Board]

**STORMWATER MITIGATION AGREEMENT & COVENANTS – MIKE C. & JENNIFER WILSON LOT 6,
BLOCK 4, HOLMES HARBOR GOLF & COUNTRY CLUB DIVISION # 9**

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Stormwater Mitigation Agreement and Covenants # PW0230-75 between Island County and Mike C. & Jennifer Wilson, Lot 6, Block 4, Holmes Harbor Golf & Country Club, Division #9 was approved by unanimous motion of the Board as presented by Mr. Oakes.

EXECUTIVE SESSION

Chairman McDowell announced that the Board would meet in Executive Session at 11:00 a.m. under provisions of R.C.W. 42.30.110 (1) (i) to discuss with legal counsel potential litigation, held in Conference Room #218 Courthouse Administration Building. No announcement was made on conclusion of the session, which lasted one-half hour.

There being no further business to come before the Board at this time, the meeting adjourned on conclusion of Executive Session at 11:30 a.m. The next regular meeting of the Board is scheduled for August 11, 2003, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
[absent when signed Wm. L. McDowell, Chairman]
William J. Byrd, Member
Mike Shelton, Member

ATTEST: Elaine Marlow, Clerk of the Board