

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 26, 2004

The Board of Island County Commissioners convened in regular session at 11:30 a.m. on January 26, 2004, for a roundtable discussion with Elected Officials, held in the Board of County Commissioners Hearing Room (Room #102B), Island County Courthouse Annex, 1 NE 6th Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda, *including* Diking Improvement District #4. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

Elected Officials: Tom Baenen; Greg Banks; Sharon Franzen; Mike Hawley;
Suzanne Sinclair
Other: Elaine Marlow; Dick Toft
Public/Press: Nathan Whalen; Rufus Rose; Reece Rose; Diane Kendy

Roundtable Meetings.

Recognizing there are now three fairly similar meetings held on separate dates and times (Elected Officials Roundtable the fourth Monday at 11:30 a.m.; Appointed Department Heads Roundtable the second Monday at 1:30 p.m., and a Department Head Meeting the fourth Wednesday of each month where only the Chairman of the Board attends) roundtable participants discussed the potential to combine those three meetings into one meeting during a regular Monday Board meeting. Everyone at the table agreed it would be beneficial to combine the meetings during a regular Monday Board meeting when all three Commissioners are present. The agreed-upon date and time for the combined meeting will be during the Regular Board Meeting on the fourth Monday of each month beginning at 11:00 a.m., to be held in the Courthouse Annex Hearing Room. Chairman Byrd will follow-up with a memorandum or e-mail to all Elected Officials and Department Heads advising of the new schedule.

Tim Eyman Initiative

Discussed the Tim Eyman initiative that targets local government, and if enacted, the huge budget impact it would have on Island County for 2005: almost \$1.5 million Current Expense Fund and \$1.3 million County Road Fund. At this point talking conceptually. If it goes on the ballot and passes, there will be a major change of availability of funds for the county, and the Commissioners will have to look at priorities and programs. If and when the initiative makes it to the ballot will be the time to take a closer look. Comments were expressed that it should be incumbent on the Legislature to come up with some alternative that works, one that addresses concerns of the public while allowing local government to function. Mr. Banks will look at information about elections, reminders and cautions as provided in the RCW prohibiting the use of public facilities to support or oppose ballot measures and share that information with the Commissioners, Elected officials and Department Heads.

VOUCHERS, PAYMENT OF BILLS, MINUTES APPROVED

The meeting at 1:30 p.m. began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the January 12, 2004 meeting.

The payroll dated January 15, 2004 was approved by unanimous motion of the Board, and the following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.)	2003	#182318 to 182611	\$ 712,111.56
	2004	#182113 to 182317	177,983.50.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorization (s):

Dept.	PAA	Description	Position #	Action	Eff. Date
Coroner	#001/04	Adm. Asst, Temp	801.01	New Position	1-14-04
Sheriff	#002/04	Jail Supt.	4003.00	Replacement	4-1-04

HEALTH CONTRACTS APPROVED

By unanimous motion, the Board approved three Health Department contracts:

- Contract #HS-08-03 Amendment #1 [RM-HLTH-99-0073] - Compass Health-AL/SA Treatment and Crisis Services,

- Amendment Amount \$18,133 for total new contract \$853,984
- Contract #0463-41671 [RM-HLTH-03-0008] - DSHS for Alternative Response System Services in the amount of \$6,916
- Contract #20958 Amendment #7 - DSHS for Public Health Nurse, amendment amount \$10,716 for total new contract \$109,648.

STAFF SESSION SCHEDULE FOR FEBRUARY, 2004

The Board by unanimous motion approved the Staff Session schedule for February, 2004, outlining the regular sessions to be held on February 4 and 18, beginning at 9:00 a.m.

INTERLOCAL AGREEMENT - WASHINGTON STATE DEPARTMENT OF PRINTING

Interlocal Agreement between Island County and the Washington State Department of Printing Contract #RM-AUD-03-0078 brought forth by the Island County Auditor for discussion during a November, 2003 Staff Session and for approval of the Board this date, was approved by unanimous motion of the Board. The Department of printing has printing equipment and provides printing services to state agencies and the Interlocal Agreement provides the means by which the printing services are made available to the County.

RESOLUTION #C-04-04 PROCLAIMING THE WEEK OF FEBRUARY 9-15, 2004

RANDOM ACTS OF KINDNESS WEEK IN ISLAND COUNTY

As has been customary over the past several years, the Board by unanimous motion, approved Resolution #C04-04 Proclaiming the Week of February 9-15, 2004 Random Acts of Kindness Week in Island County, a week dedicated to celebrating the little things done for others.

[Resolution on file with the Clerk of the Board]

LOCAL RECORDS GRANT AGREEMENT BETWEEN ISLAND COUNTY AND THE STATE OF WASHINGTON, OFFICE OF THE SECRETARY OF STATE, DIVISION OF ARCHIVES AND RECORDS MANAGEMENT

Local Records Grant Agreement between Island County and the State of Washington, Office of the Secretary of State, Division of Archives and Records Management, OSOS Grant #G-2683, in the amount of \$15,000 (RM-AUD-04-0015) was approved by unanimous motion of the Board. The grant application was approved by the Board on July 21, 2003, to support the County's record management and preservation of the minutes and proceedings of the Board of Island County Commissioners 1853-2001.

LIQUOR LICENSE #086041-3D - FROSTY BAY SEA FOODS, INC., FOR GREAT BLUE HERON WINE CELLARS

New Application for Liquor License #086041-3D by Bonnie J. & Donald D. Brindle d/b/a/ Frosty Bay Sea Foods, Inc., for Great Blue Heron Wine Cellars located at Camano Commons, Terry's Corner, Camano Island, having been reviewed and recommended for approval by the appropriate County departments, was approved by unanimous motion of the Board.

HEARING HELD: RESOLUTION #C-128-03 AMENDING THE 2003 ISLAND COUNTY BUDGET

As scheduled and advertised, the Board opened a public hearing at 1:50 p.m. on Resolution #C-128-03 Amending the 2003 Island County Budget. Elaine Marlow, Budget Director, summarized the budget amendment detailed in Exhibit A to the resolution: a year-end resolution to bring actual expenditures in line with the budget, balancing out actions taken over the year.

No comments for or against were made by members of the public. By unanimous motion, the Board approved Resolution #C-128-03 Amending the 2003 Island County Budget.

[Resolution #C-128-03 on file with the Clerk of the Board]

CONTRACTS FOR TOURISM PROMOTION FUNDED BY ISLAND COUNTY 2% HOTEL-MOTEL FUND – PROGRAM YEAR 2004

As a follow-on action approving the projects and activities funded by 2% tax revenues December 8, 2003, the Board by unanimous motion approved the following Contracts for Tourism Promotion funded by Island County 2% Hotel-Motel Fund (Public Facilities funding for 2004 program year)

- Camano Arts Association for 2004 Camano Island Studio Tour; (\$1,700)
- Freeland Chamber of Commerce for Tourism Marketing (\$10,500) and Freeland Information Brochure (\$1,500)
- Greater Oak Harbor Chamber of Commerce for Tourism Marketing & Development and WOW Trailer (\$12,600)
- Langley South Whidbey Chamber of Commerce for Tourism Marketing Fulfillment Program, Visitors Information Center and Accommodation Referral Service (\$17,100)
- Island County Joint Tourism Marketing Committee – Washington State Lodging Guide-Advertorial (\$5,000).

[remaining contracts to be approved at a subsequent meeting once signed by contractors]

PUBLIC INPUT OR COMMENTS

Rufus Rose, Clinton, had questions about the contracts approved for the projects and activities funded by 2% tax revenues, related to process, number of applications funded and not funded and why, and where copies of the brochures were available.

Mr. Rose was referred to Donna Benson in the Commissioners Office who provides clerical support for the Lodging Tax Advisory Committee [previously known as 2% Special Excise Tax Committee] that reviews the applications [usually in September of each year] and recommends to the Board of County Commissioners those projects and activities to be funded from the monies generated by the tax. The Board makes the final decision, as was done for program year 2004 approved December 8, 2003.

Charles Brabant, resident in a handicap unit in Oak Harbor, praised Island Transit and provided some history about Island Transit from his research, along with para-transit services that allows his access to Virginia Mason Hospital for treatment. He asked that the Board investigate the situation, having experienced great turmoil with that agency, resulting in an arrest for harassment last Friday. The Judge this morning made a modification to allow him to ride para-transit and public busses as long as he does not harass the drivers. In his defense, he told the commissioners he had done none of those things. He urged that the Commissioners investigate what the basic documentation is in agreements between inter-jurisdictional units of regional transit.

Commissioner McDowell indicated that he and Commissioner Byrd sit on the separate Public Transportation Benefit Authority board, and each city and town has a member. He offered to talk with the Executive Director and other PTBA board members at a meeting some time in the

future. Mr. Brabant agreed to provide information in his own words that describes from his perspective what happened.

Mike Hayes, Camano Island, previously spoke with Commissioner Byrd, about concerns stemming from a December 2nd article in the Stanwood-Camano News quoting Jeff Tate that about 40% of the single family residence building permits over the last four years were issued from Camano Island. Being a builder on Camano for the last ten years, he has seen an increasingly slow process of getting permits and inspections. Looking at staffing on Camano versus Whidbey, there are four staff in the building section on Camano while the number totals twelve on Whidbey. He asked that the Commissioners look into more of a balance between the two islands, noting that on Camano, permits are backed up eight weeks.

Phil Bakke, Planning & Community Development Director, explained that there are four staff members on Camano handling building permits. Additionally, the Senior Plans Examiner provides fire review and fire inspections on Camano and Whidbey, and another position working between Whidbey and Camano that facilitates absences as well when a backlog begins to build up; plans are also brought over from Camano to Whidbey for review. Generally Whidbey and Camano staff both chip in to do the work. The Department continues to work on getting the backlog of permits down to a manageable level. Statistically, over the course of time, Camano permits stay on a more even keel than Whidbey. Mr. Bakke will meet personally with Mr. Hayes today with regard to the matter

CERTIFICATION OF 2004 ROAD LEVY (CRAB)

The Public Works Director, Bill Oakes, submitted to the Board the completed form for the annual certification of the 2004 Road Levy, in accordance with WAC 136-150-021– Annual Report to County Road Administration Board (CRAB). The Board, by unanimous motion, approved the document and authorized the Chairman's signature upon review and approval of figures by the Budget Director.

SIGNAL MAINTENANCE AGREEMENT #RM-PW-0320-155

Signal Maintenance Agreement #RM-PW-0320-155 between Island County and Hal Owens, for maintenance of County-owned signal lights was approved by unanimous motion of the Board.

SUPPLEMENTAL AGREEMENT #1 - SKILLINGS-CONNOLLY, INC.

The Board approved, by unanimous motion, Supplemental Agreement #1 to Agreement #PW-0220-30(A) between Island County and Skillings-Connolly, Inc. for Monroe Landing Road project under Work Order #356, revising completion date to December 31, 2004.

SUPPLEMENTAL AGREEMENT #1 - #RM-PW-0020-29(A) - PETERSON APPRAISAL AND CONSULTING SERVICES

Supplemental Agreement #1, #RM-PW-0020-29(A) between Island County and Peterson Appraisal and Consulting Services, was approved by unanimous motion of the Board, an agreement for appraisal services for various county projects.

SUPPLEMENTAL AGREEMENT #2-#RM- PW-9720-57(B) - WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By unanimous motion, the Board approved Supplemental Agreement #2 - #RM- PW-9720- 57(B) between Island County and the Washington State Department of Transportation, a Government Agreement for Aid #GCA-1238 representing Land Acquisition, Relocation & Related Services, with timeline extended to March 24, 2007.

PETITION TO VACATE COUNTY ROAD RIGHT-OF-WAY – PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS VINE STREET, CAMANO ISLAND

The Board by unanimous motion referred back to the County Engineer for processing a Petition to vacate a portion of County Road right-of-way known as Vine Street located in Section 34, Township 32 North, Range 2 East, Camano Island, submitted by Mike Hayes.

QUIT CLAIM DEEDS APPROVED-MAPLE GROVE ROAD PROJECT

On recommendation of the Public Works Director, the Board by unanimous motion accepted and approved the following quit claim deeds:

Quit Claim Deed – James R. and Betsy E. Shields, Jr., Maple Grove Road Work Order #296, with compensation in the amount of \$4,400.00 - Parcel S7470-00-00015, Plat of Maple Grove Beach, Camano Island

Quit Claim Deed – Michael G. and Lynda A. Towne; Maple Grove Road Work Order #296, with compensation in the amount of \$5,200.00; Parcel S7470-00-00017. Plat of Maple Grove Beach, Camano Island.

ADOPT-A-ROAD LITTER CONTROL PROGRAM – SOUTH WHIDBEY HIGH SCHOOL-DECA CHAPTER

Adopt-A-Road Litter Control Program with South Whidbey High School-DECA Chapter, for Langley Road from Ken's Korner Red Apple to 5493 Langley Road, was approved by unanimous motion of the Board.

TURNBACK AGREEMENT – #RM- PW-0320-83-WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TB1-062

Turnback Agreement #RM- PW-0320-83 with Washington State Department of Transportation, TB1-062, for SR 20, Ault Field South 7/8 and Ault Field North 2/7, Oak Harbor NCL to Frostad Road vicinity, was approved by unanimous motion of the Board.

STORMWATER MITIGATION AGREEMENT/COVENANTS #RM-PW-0320-96 - HOLMES HARBOR HOME BUILDING L.L.C.; LOT 8, BLK 5, HOLMES HARBOR GOLF & YACHT CLUB, DIVISION 8

Stormwater Mitigation Agreement & Covenants #RM-PW-0320-96 between Island County and Holmes Harbor Home Building L.L.C., Lot 8, Block 5, Holmes Harbor Golf & Yacht Club, Division 8, was approved by unanimous motion of the Board.

DRAINAGE EASEMENT – RM-PW-0320-154 - PORT DISTRICT OF SO. WHID.

Drainage Easement RM-PW-0320-154 with the Port District of South Whidbey related to Freeland Park Outfall, Work Order No. 130, Parcel Nos. S6655-00-01004, S6655-0-01005 and S6655-00-01006 in the Plat of Freeland, Whidbey Island, was approved by unanimous motion of the Board.

HEARING SCHEDULED: ORDINANCE #C-05-04 ESTABLISHING PARKING RESTRICTIONS ON ISLAND COUNTY PROPERTY, NEW CHAPTER 10.10 ICC

The Board by unanimous motion scheduled a public hearing on Ordinance #C-05-04 Establishing Parking Restrictions on Island County Property, New Chapter 10.10 ICC, to be held on February 23, 2004 at 2:15 p.m. The Ordinance is intended to regulate and enforce parking regulations on Island County property within the geographical boundaries of the Town of Coupeville.

CONTRACT #SW-04-0017 AMENDMENT #2 - HYDROGEOLOGIC FIELD CHARACTERIZATION & GROUNDWATER MONITORING NETWORK ENHANCEMENT, LANDFILL GAS INVESTIGATION & CDL LANDFILL CLOSURE DESIGN & PERMITTING

Contract #SW-04-0017 Amendment #2 to the Agreement Regarding Hydrogeologic Field Characterization & Groundwater Monitoring Network Enhancement, Landfill Gas Investigation, CDL Landfill Closure Design and Permitting, was approved by unanimous motion of the Board. Commissioner Shelton clarified for Rufus Rose that this was a matter related to the closed landfill east of Coupeville and relates only to that project.

CONTRACT #SW-04-0014- WASHINGTON LAND RECYCLING, LLC.

Contract #SW-04-0014 between Island County and Washington Land Recycling, LLC, for the purpose of grinding and removal of brush and wood waste, in the amount of \$10,017.75 was approved by unanimous motion of the Board. Although not formally bid, there were the required five telephone quotes solicited, and this was the low bid received.

GRANT APPLICATION – WHIDBEY NONPOINT POLLUTION PREVENTION ACTIVITIES-DOE CCWF FOR 2005-2007

Grant application for Whidbey Nonpoint Pollution Prevention Activities between Island County and the State Department of Ecology-CCWF for 2005-2007, for a total project cost of \$360,665 (DOE \$270,499/County \$90,166) was presented and reviewed with the Board by Mr. Oakes and Gwen Maxfield, Assistant Public Works Director.

Mr. Oakes indicated this was in relation to the South-Central Whidbey Watershed, the implementation grant for that. The implementation grant for the North end and South end of the Island has been used for the entire Island; for example, the real estate seminars on BMPs that were held County-wide but funded from the implementation grant. Water quality testing sites are very specific in each plan.

Responding to various questions and concerns from Board members, Ms. Maxfield referred to the last page of the document that identified swim beach test sites. Site specific swim beaches are in addition to the original five sites routinely tested for non-point pollution because the Health Department had an interest in that. Swim beach sites have their own sources of pollution and purely for health reasons. The first implementation grant did not test specifically the swim sites. This grant, in addition to calling out swim beach locations, has five or six specific sites that were part of the non-point pollution grant for South and Central Whidbey. Page 18 of 30 references swim beach water quality testing; the Health Department has been sampling these beaches since the 1980's and this would continue that testing and put the information into a useable data base. She verified that those sites were not in the North Whidbey Plan per se', rather picked up in addition to the others in order to help continue to fund for purposes of collecting water samples and then be able to put that data in a reasonable format.

Commissioner McDowell had concerns relating to the switching of funding sources for that purpose, not interested in County Public Works dollars paying for testing or sampling for a city swim area. Clearly, the swim beach site listed as City Beach is within the City of Oak Harbor and cannot be a problem as a result from water runoff from County roads, therefore, not an appropriate County Road Fund expenditure. That is not to say the beach should not be

tested, only that the testing continue with whatever funding source was paying for it, because the Road Fund is not appropriate.

As to whether there are any other items in the North end grant application affecting the North end not included in the North end plan, Ms. Maxfield answered no, it has water quality sampling education and outreach and analysis of ditch effectiveness [biofiltration swales].

Commissioner McDowell moved approval of the grant with the deletion of the swim beach test site at Oak Harbor City Beach. Motion was seconded by Commissioner Shelton.

Under discussion, Commissioner Shelton commented that from a public health perspective he hoped that the Health Department would continue to test the sites at Oak Harbor City Beach.

Motion carried unanimously.

AMENDMENT #1 -#RM-PW-0320-101 DEPARTMENT OF ECOLOGY GRANT AGREEMENT #G0000207 – WATERSHED IMPLEMENTATION ACTIONS

No action; pulled from today's agenda.

HEARING HELD (CONTINUED FROM 01/12/04) - PBRs 390/03, WHIDBEY INSTITUTE APPLICATION FOR CLASSIFICATION AS OPEN SPACE UNDER THE PUBLIC BENEFIT RATING SYSTEM

A Public Hearing, continued from 01/12/04), PBRs 390/03, Whidbey Institute. Application for Classification as Open Space under the Public Benefit Rating System on Assessor's Parcel Nos. R32922-106-2800, R32922-064-3430, S7303-00-0000J-0, R32927-492-1650, R32927-450-1670 and R32927-409-2010 located on South Whidbey Island, Wa. opened at 2:30 p.m. as scheduled. Pursuant to discussion at Staff Session, the Planning Director forwarded the matter to the Prosecuting Attorney for legal advice, and Mr. Bakke recommended the hearing be continued until next week.

By unanimous motion, the Board continued the public hearing on PBRs 390/03, Whidbey Institute. Application for Classification as Open Space under the Public Benefit Rating System until February 2, 2004 at 10:30 a.m.

HEARING SCHEDULED: ORDINANCE #C-06-04 (PLG-015-03) AMENDMENTS TO CHAPTER 13.03A ICC RELATED TO FIRE FLOW STANDARDS AS THEY PERTAIN TO AGRICULTURAL BUILDINGS

Ordinance PLG-015-03 having been introduced by Mr. Bakke for purposes of scheduling for public hearing, the Board by unanimous motion scheduled a public hearing for February 23,

2004 at 2:30 p.m., to consider Ordinance #C-06-04/PLG-015-03, an Ordinance concerning amendments to Chapter 13.03A of the Island County Code related to Fire Flow Standards as they pertain to Agricultural Buildings. [GMA #]

RESOLUTION #C-07-04 (PLG-002-04) AMENDING SERVICE AREA FOR THUNDER RIDGE ESTATES WATER SYSTEM SERVICE AREA BY REMOVING PARCELS R33118-157-0390 AND R33118-177-0350 AND ANNEXING THEM INTO CAMANO WATER ASSOCIATION SERVICE AREA.

Jeff Tate, Assistant Planning Director, presented for approval Resolution #C-07-04/PLG-002-04 Amending the Service Area for the Thunder Ridge Estates Water System Service Area by removing Parcels R33118-157-0390 and R33118-177-0350 and annexing them into the Camano Water Association Service Area. In the latter part of 2003 the Board approved a service area for the Thunder Ridge Estates Water System, essentially the subdivision of Thunder Ridge Division I and II, with one annexation to the north. Inadvertently two parcels were included in the request, owned by the same person who was in the process of subdivision and securing water from Camano Water Association. Mr. Tate confirmed that Thunder Ridge did not intend to include or serve those parcels and had no issue with removing them; Camano Water Association wants the parcels added, having been in negotiation with the developer of that property to provide water.

By unanimous motion the Board approved Resolution #C-07-04/PLG-002-04 Amending the Service Area for the Thunder Ridge Estates Water System Service Area by removing Parcels R33118-157-0390 and R33118-177-0350 and annexing them into the Camano Water Association Service Area. (*Resolution #C-07-04/PLG-002-04 on file with the Clerk of the Board*)

HEARING SCHEDULED: ORDINANCE #C-08-04/PLG-003-04 - REPEALING ORDINANCE PLG-015-02, C-92-02 DESIGNATING THE CAMP CASEY CONFERENCE CENTER AS A SPECIAL REVIEW DISTRICT

Mr. Tate brought before the Board for purposes of scheduling, Ordinance #C-0804/ PLG-003-04 in the matter of repealing Ordinance #PLG-015-02, C-92-02 designating the Camp Casey Conference Center as a Special Review District. Findings contained within the Ordinance explain the timelines placed on the County by the Western Washington Growth Management Hearings Board (WWGMGB). Action is required by the County to bring the property into compliance with GMA within 180 days of the final decision and order issued by the WWGMHB on August 25, 2003. The Board, by unanimous motion, scheduled a public hearing on Ordinance #C-08-04/ PLG-in the matter of repealing Ordinance #C-92-02/PLG-015-02, designating the Camp Casey Conference Center as a Special Review District, for February 23, 2004 at 2:30 p.m. [GMA].

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor's Financial Report

Suzanne Sinclair, Island County Auditor, presented the Auditor's December, 2003 financial report. She noted that Current Expense departments had done a good job in bringing in revenue at 103% of budget, and held down expenditures ending the year at 99% of budget with those under their direct control. With the transfer to the Courthouse Expansion the figure was brought to 101%. Special revenue funds brought in 109% and spent 93% of budget. There were some individual funds particularly low or high but overall that was the result.

Treasurer's Financial Report

Mark Heistad, Chief Deputy Treasurer, submitted the December 2003 Treasurer's report, and noted on Page 2 percentages were relatively the same as what the Auditor presented. He pointed out that jointly with Auditor's Office and Central Services, distribution of all comp taxes that were received, and the office assured by Central Services that functionality will be in the new tax system to be received shortly and distribution made on a monthly basis.

No further business to come before the Board at this time, the meeting adjourned at 3:30 p.m., with the next regular meeting to be held on February 2, 2004, beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

William J. Byrd, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: _____
Elaine Marlow, Clerk of the Board