

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING APRIL 5, 2004

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 5, 2004, at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N.E. 6th Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The meeting began with the Pledge of Allegiance. The Board by unanimous motion approved the minutes from previous meetings of March 22, 2004, and Special Session March 31, 2004.

VOUCHERS AND PAYMENT OF BILLS

By unanimous motion, the Board approved payroll dated March 31, 2004, along with the following vouchers/warrants, with the exception of #1100247, as presented:

Voucher (War.) #186310 - #186629 \$392,094.20

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

<u>Dept.</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Auditor	026/04	Recording Mgr.	204.00	Replacement	4/12/04
Prosecutor	027/04	Paralegal/Leg Secy II	1815.01	Replacement	6/1/04
Juvenile Ct.	028/04	Juvenile Prob. Coun.	1402.04	Replacement	5/24/04

TEAMSTERS LOCAL 231 BARGAINING AGREEMENT 2004-2005

The Board, by unanimous motion, approved and signed Memorandum of Understanding by and between Island County and General Teamsters Local Union No. 231 Deputy Prosecutors Bargaining Unit for 2004-2005, as presented and recommended for approval by Dick Toft.

AWARD OF BID - 2004 TAX FORECLOSURE TITLE REPORTS

Memorandum from Linda E. Riffe, Island County Treasurer, noted bids had been received for 2004 Tax Foreclosure Title Reports from three local title companies in response to Resolution #C-23-04, approving specifications and Authorizing Call for Bids for Title Reports for the 2004 Tax Foreclosure dated March 1, 2004. Based on her recommendation, the Board by unanimous motion awarded bid to the low bidder, First American Title Company.

ISLAND COUNTY SUBSTANCE ABUSE ADVISORY BOARD REAPPOINTMENT

Lea Kouba, Langley, was reappointed by unanimous motion of the Board to a three year term on the Island County Substance Abuse Advisory Board, term to expire on April 1, 2007.

DIKING DISTRICT NO. 1 APPOINTMENT NAMED

In accordance with RCW 85.38.070 (5), on recommendation of Diking District No. 1 Commissioners Steve Arnold and Sally Berry, the Board by unanimous motion appointed Raymond E. Gabelein to serve as Diking District No. 1 Commissioner, to fill the vacancy created on the passing of Ray Gabelein, Sr.

REQUEST FOR LIQUOR LICENSE #086245041-3C - LAMS GOLF LINKS

As is customary, Application for New Liquor License #086245041-3C, by Jason Michael Gentry, d/b/a Deception Pass Enterprises, Inc., for Lams Golf Links, located at 597 Ducken Road, Oak Harbor, was forwarded to appropriate County departments for review and recommendation back to the Board. Because the application is still under

review by Planning & Community Development, the Board by unanimous motion agreed to request the Washington State Liquor Control Board grant Island County an additional 20-day period within which to respond.

SPECIAL OCCASION LIQUOR LICENSE APPLICATIONS APPROVED

Based on favorable recommendations from the appropriate County departments, the Board by unanimous motion voted to recommend approval to the Washington State Liquor Control Board for the following two Special Occasion Liquor License applications:

- #092668 by W.I.S.E. Music for special occasion to be held April 17, 2004, from 8:00 p.m. to 2:00 a.m. at the Clinton Progressive Hall, located at SR 525, Clinton, WA
- #092772 by W.A.I.F. (Whidbey Animal Improvement Foundation) for special occasion to be held May 15, 2005 from 5:00 p.m. to 9:00 p.m. at the Greenbank Farm, located at 765 Wonn Road, Greenbank, WA

RESOLUTION #C-35-04 PROCLAIMING THE WEEK OF APRIL 18-24, 2004 AS FRIENDS OF LIBRARY WEEK IN ISLAND COUNTY, WASHINGTON

Sno-Isle Regional Library System has five dedicated Friends groups in Island County who promote, encourage and enhance the work of local libraries; groups of hard-working citizen volunteers donating countless hours of their time and talent to provide essential work. In honor and recognition of these special volunteer Friends of the Library, the Board by unanimous motion adopted Resolution #C-35-04 proclaiming the week of April 18-24, 2004 as Friends of Library Week in Island County and urged all citizens in the County to recognize and appreciate the efforts of the Friends of the Library groups. *[Resolution #C-35-04 on file with the Clerk of the Board]*

AMENDMENT TO PROFESSIONAL SERVICES CONTRACT #HD-11-02 (3) - MARY JANE LUNGREN, DDS FOR ORAL HEALTH SERVICES

The Board by unanimous motion, approved Amendment to Professional Services Contract #HD-11-02 (3) with Mary Jane Lungren, DDS, for Oral Health Services, amendment amount \$6,000 for new total contract in the amount of \$39,637.00 [RM-HLTH-02-0067].

PUBLIC INPUT OR COMMENTS

Laurie Keith, Whidbey Island No Spray Coalition (WINS), Langley, read from a prepared letter for the record. In summary, she thanked the Commissioners for their decision two years' ago to find alternative methods of vegetation management. She understood the program was going well, that perhaps the cost was a bit more but there was a good chance that number would decrease over time as native plants become healthier and soil returns to a balance more conducive to healthy native plants instead of noxious weeds. She asked that the Board write a letter to the Washington State Department of Transportation (WSDOT) asking them to respect that policy and not use herbicides on the sole source aquifer island. She referenced a new website by doctors called www.preventingharm.org that gives the current facts on the situation.

Steve Erickson, WEAN, Langley, provided the following to the Board and for the record:

1. Graph depicting how much herbicide active ingredient has been used by WSDOT since 1994 statewide, showing for last year over sixty tons. The "Vegetation Free Area" is a three-foot strip along the highway WSDOT sprays nearly the entire length of the Island. Current plan is to continue doing that over about 94%, or thirty-six acres every year – termed routine maintenance and not subject to any decision making for reduction.
2. Copy of W.A.C. 173.270-040. Requires WSDOT prepare/implement a vegetation management program for all state highways within the Puget Sound basin and conduct a public hearing, formally consult with the tribes

and local governments during preparation. It includes procedures and standards for the preparation and implementation for roadside management plans for specific segments of state highway.

3. Copy of a Resolution adopted by the City of Bainbridge April, 2003, asking that WSDOT maintain state highways without use of toxic herbicides.
4. Proposed resolution for the Board's review and consideration modeled after the City of Bainbridge's resolution but drafted more specific to Island County.
5. Proposed letter for the Board to send to WSDOT requesting DOT implement plans to reduce herbicide use along all state highways and use only mechanical and non-toxic methods of vegetation management along all state highways within Island County.

Quentin Farmer, Coupeville, Island County 4-H'er, personally thanked the Commissioners for supporting 4-H. For the record, he gave the Board postcards collected over the past several months from 4-H members, leaders and parents thanking them for supporting 4-H, along with a letter from Erin Smith, President, Island County 4-H Leaders' Council thanking the Commissioners and asking for time on a future agenda for a short presentation on 4-H.

Rufus Rose, Clinton, brought three items to the Board's attention:

- (1) Noted an interesting presentation at the last Old Goats Luncheon where Jonathan Pile, 12-year old 4-H'er, gave an excellent presentation about presidential pets.
- (2) Regards support for no-spray, encourage the Board use best science and best judgment, keeping in mind it is an emotional issue. Provided the name of Dr. Mike Fox, Tri-Cities, as a person with very clear information about the topic.
- (3) Submitted a letter he wrote regarding "One thousand foot radius water well buffer around landfill/dump sites", and expressed his hope that the Chairman would encourage the various addressees respond to his letter.

ANNUAL CERTIFICATIONS FOR CALENDAR YEAR 2003 TO COUNTY ROAD ADMINISTRATION BOARD (CRAB)

Annual Certification for Calendar Year 2003 (WACO 136-04) – Annual Report to County Road Administration, as submitted by Bill Oakes, Public Works Director, signed by Richard K. Snyder, County Engineer, on March 30, 2004, was approved by unanimous motion of the Board, with a correction under item E, "Utility Accommodation" the date sent to CRAB corrected from 1977 to 1996.

Washington State County Road Administration Board Certification of Road Fund Expenditures for Fish Passage Barrier Removal for 2003 was approved by unanimous motion of the Board as presented by the Public Works Director.

By unanimous motion the Board approved as submitted, signed by Mike Hawley, Sheriff, and Suzanne Sinclair, Auditor, the Rural Arterial Program Certification of Road Fund Expenditures for Traffic Law Enforcement 2003.

FINAL ORDER OF VACATION RESOLUTION #C-125-03/R-07-04 SIGNED AND QUIT CLAIM DEED - PETITIONER CROSSWIND LANDINGS, INC., ET.AL. - PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS EAST CAMANO DRIVE

On February 24, 2004 a public hearing was held on Camano Island to consider Resolution #C-125-03, petition for the vacation of a portion of a County road known as East Camano Drive

located in Section 18, Township 31N, Range 3E, W.M., petitioned by Crosswind Landings, Inc., et. al. The Board, on conclusion of that hearing, approved the Final Order of Vacation to be signed upon receiving the necessary ten

foot wide right of way adjacent to the existing East Camano Drive right of way, obtained by an executed quit claim deed. Mr. Oakes presented, with his recommendation of approval at this time, Resolution #C-125-03/R-07-04, for the Board's signature on the Final Order of Vacation, and acceptance of Quit Claim Deed from Crosswind Landings, Inc. in consideration of fulfillment of the conditions of the vacation.

By unanimous motion, the Board signed Resolution #C-125-03/R-07-04, Final Order of Vacation of a County Road known as East Camano Drive located in Section 18, Township 31N, Range 3E, W.M., and accepted and approved the Quit Claim Deed from Crosswind Landings, Inc. in consideration of fulfillment of the conditions of the vacation.

[Final order of Vacation, Resolution #C-125-03/R-07-04 recorded with the Auditor and copy on file with the Clerk of the Board]

WATER RIGHTS VALUATION AND APPRAISAL CONTRACT #PW-0420-56 - WESTWATER RESEARCH, LLC

Water Rights Valuation & Appraisal Contract #PW-0420-56 between Island County and WestWater Research, LLC, in the amount of \$12,127.00 was approved by unanimous motion of the Board, to provide services necessary to evaluate Island County's water right permit on Camano Island and the water right application at the Rhododendron/Patmore pits on Whidbey Island.

AMENDMENT 3 TO CONTRACT #SW-04-0017 – SCS ENGINEERS

Amendment 3 to Contract #SW-04-0017 for Hydrogeologic Field Characterization and Groundwater Monitoring Network Enhancement, landfill gas Investigation and CDL Landfill Closure Design and permitting between Island County and SCS Engineers related to assignment of responsibility to SCS for flare upgrade with no increase in project cost, was approved by unanimous motion of the Board as presented and recommended for approval by Mr. Oakes.

PUBLIC COMMENT - REOPENED

On request of an audience member, the Chairman reopened the meeting to allow further public comment.

Laurie Hilleary, 2974 South Saratoga Road, addressed the Board concerning problems on East Harbor Road with water runoff down the sides of the roads, and gutters so full, the water almost comes over the road. She also expressed concern that the road crew cleans out the culverts but not the ditches. Culverts placed under the road dump out on private land,

destroying the land, then claims it a wetland and setbacks applied. For an example, on a map a type 5 stream with no point of origin. Property owners pay taxes and deserve the right to do what they want on the land if it does not hurt anybody.

While every ditch is not cleaned every year, Commissioner Shelton advised that there is a regular maintenance program for the ditches in the county. In Ms. Hilleary's particular case there is no question that her property at some point a long time ago had a man-made ditch across the property which is the result of drainage some are classifying as a type 5 stream that has developed wetland plants in the ditch. It was his understanding, however, that she received permission to re-route that.

She agreed she had that permission, but is being required to replant wetland plants which she contends were not there, that the "wetland" came about as a result of road runoff. She is concerned about setback requirements, a 50' setback each side if there is a drainage ditch through the property, so 100' of private property is "taken away". She has heard that WEAN is proposing the setback go up to 100'.

Commissioner Shelton pointed out that the drainage from the stream off the hillside behind is collected in the county ditches and has been historically routed the current direction, via culverts and ditch through her property. The County is trying to accommodate the fact that she moved that to a different spot on her property to make it more useable. State laws and County ordinances define critical areas that the County must abide by. As far as a proposed

100' setback, that has not been determined; the County will be updating the Comprehensive Plan next year.

Commissioner McDowell suggested that getting involved in the process was critical to folks with similar beliefs about property, and 2005 would be an important year since the state has mandated Island County, and others, to update the comprehensive plan, including the critical areas ordinance that defines what those setbacks are.

Chairman Byrd supported the comments of Commissioner McDowell. Having attended last week an AG Summit in Mt. Vernon, he was aware of the different views and information that diametrically opposed what WEAN requests. While he does not support either side, the point is there are different views and everyone needs to have their view heard.

With regard to a comment from Ms. Hilleary about Bill Green who lives in back of Ace Hard-ware, who gave an easement in order to be able to put a ditch by his property that goes down into the harbor, given in order for the shopping mall to go in, now has problems with flooding his land, Commissioner Shelton advised that was going to be corrected very shortly.

Ms. Hilleary mentioned the issue about pesticides and the fact there are toxic weeds such that people have to go to the hospital; it is a health hazard yet it seems officials hands are tied.

Commissioner McDowell observed there were always good and bad with anything, an example would be use the of DDT; always are two sides to everything and the Board must look at the wider spectrum and hear both sides.

There being no further business to come before the Board at this time, the meeting adjourned at 10:40 a.m., to meet next in regular session on April 12, 2004 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