

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - APRIL 19, 2004

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 19, 2004 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. By unanimous motion, the Board approved the minutes from the April 12, 2004 meeting.

VOUCHERS AND PAYMENT OF BILLS

The Board by unanimous motion approved the April 15, 2004 payroll, along with approval of the following vouchers/warrants: Voucher (War.) #187284 to 187515 \$ 251838.62.

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
Auditor	033/04	Voter Regis. Deputy	207.00	Replacement	4/19/04
Prosecutor	034/04	Paralegal/Legal Secy. II	1808.00	Personnel Action [grant funded]	5/1/04
Public Works	035/04	SW Attend. .4 fte	2249.06	Replacement	4/19/04
Public Works	036/04	Wtr.shed Proj. Mgr. .5 fte	2266.07	New Position [grant funded]	4/19/04

APPOINTMENT TO SNO-ISLE REGIONAL LIBRARY BOARD

The Board by unanimous motion appointed Jacquelyn M. DeFazio of Camano Island to serve as one of two Island County representatives on the Sno-Isle Regional Library Board to fill the vacancy left on resignation of Denise Depont, for an exiting term to run until January 1, 2009.

TRANSFER OF ISLAND TRANSIT SURPLUS VANS TO ISLAND COUNTY

In accordance with discussion during the Board's Staff Session with GSA April 7, Betty Kemp, GSA Director, brought forward the request for approval by Island County to accept two surplus vans from Island Transit at zero cost to the County, for acceptance into the county's motor pool program and to provide for provision of community service programs. Description of the vehicles and license numbers are as stated in Ms. Kemp's memorandum recommending acceptance dated April 16, 2004.

The Board, by unanimous motion, accepted the two surplus vans from Island Transit as recommended.

TRAILHEAD AT SCENIC HEIGHTS – CONSERVATION FUTURE FUNDS

As explained in a memorandum dated April 16, 2004, Ms. Kemp requested permission to voucher for \$60,000 from Conservation Futures Fund to be delivered to the City of Oak Harbor for the Oak Harbor Trailhead at Scenic Heights. The Real Estate Purchase and Sales

Agreement for the project has been completed. The project was approved for the 2003 Conservation Futures Projects cycle July 21, 2003.

By unanimous motion, the Board authorized a voucher for \$60,000 be prepared from Conservation Futures Funds for the Scenic Heights trailhead for approval on April 26, 2004.

HEARING HELD: RESOLUTION #C-29-04 AMENDING THE 2003 ISLAND COUNTY BUDGET

At 9:50 a.m. as scheduled and advertised, the Board opened a Public Hearing to consider Resolution #C-29-04 Amending the 2003 Island County Budget. Elaine Marlow, Budget Director, in summary noted this 2003 budget resolution results in expenditures matching the budget. All expenditures as detailed in Exhibit A were approved by the Board, and basically are housekeeping in nature.

At the time the Chair opened the hearing for comments, no one spoke either for or against Resolution #C-29-04.

By unanimous motion, the Board approved Resolution #C-29-04 Amending the 2003 Island County Budget. [*Resolution on file with the Clerk of the Board*]

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REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor

Anne LaCour, Chief Deputy Auditor, presented the Auditor's written financial report for the period ending March 31, 2004. Percent to budget this point in the year is 25%, and the report indicates revenues and expenditures pretty much in line with last year at this time. Only note of interest is that the total for special fund expenditures is lower than the norm due to community health paying back a loan from Solid Waste.

Treasurer

Mark Heistad, Chief Deputy Treasurer, submitted the Treasurer's written report for the same period. The 25 % mark is more than reached revenue wise in most categories; nothing unusual to report. This month the office will make more adjustments with data software and try to do some compensating tax distributions.

NEW APPLICATION FOR LIQUOR LICENSE # 086245041-3C - DECEPTION PASS ENTERPRISES, INC. - LAMS GOLF LINKS

Based on a letter from the Planning and Community Development Department dated April 16, 2004 indicating that applicant has opted to hold off on obtaining the license until later in the year when he can provide further information to the County and State, the Board pulled the item from the agenda.

PUBLIC INPUT OR COMMENTS

Lori Hilleary, Clinton, had two concerns:

- Speed Limit concerns in the vicinity of Saratoga Beach, a plat about 2-1/2 miles long adjoining with Saratoga Road. Where Saratoga Road meets East Harbor Road, the speed limit is 25 mph, then goes to 35 mph a short distance, and to 50 mph through a highly dense residential area. At the end of the plat is a good size turn and three driveways. Her suggestion was that the speed limit be 35 mph and that once around the corner leaving the plat, the limit be 50 mph.
- Type 5 Stream setback. Having done some research on the Internet and looking at different counties trying to find justification for 50' setbacks for non-bearing fish streams, found none. Why when all other counties have a 25' setback does Island County require 50 feet?

Commissioner Shelton in response to the concern about speed limits, observed that particular stretch of road was one the County fairly recently reviewed and performed a speed study, and on Saratoga Road extended the 35 mph from the hairpin corner to the start of Saratoga Road some distance from that corner where Baby Island and Saratoga roads come together. East Harbor Road is a main county arterial and the County tries as much as possible to make those a speed which allows people to travel safely, recognizing it is one of the more heavily used roads and therefore left the remainder at 50 mph. He pointed out that the Public Works Director was in the audience and would take Ms. Hilleary's comments under advisement.

With regard to the 25' setback, Commissioner Shelton noted that issue was part of the County's Comp Plan that was appealed. The Growth Management Hearings Board reversed the County's decision on 25' setbacks; Superior Court agreed with the County for a 25' setback; and the Court of Appeals reversed Superior Court's decision and required a 50' setback. Island County filed a motion of reconsideration to the Court of Appeals.

Commissioner McDowell added to note that the issue is out of the County's hands and with the court system. Starting in 2005 the County will reopen the Comp Plan and that will provide an opportunity for Ms. Hilleary to become involved with the process, starting at the Planning Commission level.

Chairman Byrd suggested Ms. Hilleary contact the AG folks in Skagit County, having evidence showing that buffers

established really are not all that meaningful and in fact in some cases, found that bringing livestock down to a stream is beneficial.

Leslie Mills, WAIF Executive Director, presented the WAIF (Whidbey Animals' Improvement Foundation) 2003 Annual Report. The County contracts with WAIF to provide for a five-day care period for dogs. WAIF does that and so much more. Highlights from the Report:

- 461 dogs came to the shelter; 142 were returned to owners; 94% of incoming stray dogs found new homes.
- 550 cats were brought to the shelter; adoption rate was 97%. 160 cats suffered from upper respiratory illness, a 29% drop over 2002
- WAIF animals spent 3,173 hours in foster care; 53 families received crisis care assistance
- Volunteers logged over 6,000 hours; over 800 donors provided financial support
- Retail operations made a net profit \$115,429.
- Site selections are being considered for construction of a new shelter, probably 4-5 year timeframe

Commissioner Shelton observed that WAIF certainly was an outstanding organization that handled a problem he did not know how it would be handled otherwise, and expressed the Board's gratitude for WAIF and all its good work.

AWARD OF BID FOR TERRY'S CORNER PARK & RIDE

Bill Oakes, Public Works Director, presented the matter of awarding bid for Terry's Corner Park & Ride, under CRP 01-03, Work Order 289, to Jenkins, Inc. in the amount of \$531,467.60, the low bid. Mr. Oakes advised the Board that the Agreement between the Washington State Department of Transportation (WSDOT) and Drainage District #5 (DD #5) had not been signed, the Regional Administrator for WSDOT expects to have the signed agreement this afternoon or in the morning; the agreement has been approved by the State Attorney General's office. His request was that the Board approve and authorize the Chairman's signature on the bid award once the County receives a signed copy of the agreement between WSDOT and DD#5.

Commissioner McDowell moved to authorize the Chairman's signature on the bid award for Terry's Corner Park & Ride, under CRP 01-03, Work Order 289, to Jenkins, Inc. in the amount of \$531,467.60 once the County receives a signed agreement between the WSDOT and Drainage District #5. Motion was seconded by Commissioner Shelton.

Under discussion, in response to a question from Rufus Rose, South Whidbey, as to whether the property was zoned commercial, Commissioner Shelton stated that the property was zoned appropriately for this parking lot.

Mr. Rose commented that whenever the County allows removal from potential commercial use property, there should be an off-setting addition of commercially-zoned property. A parking lot generates no revenue, and had it been used for commercial purposes, would generate significant revenue. Since the spirit of the Comp Plan and GMA is to keep that kind of thing in balance, Mr. Rose urged that the Board consider some mechanism so that whenever commercially zoned property is taken out of potential commercial use, to return the same volume of property contiguous to that area.

Motion, as made and seconded, carried unanimously.

SUPPLEMENTAL AGREEMENT NO. 4 – PW-0120-20 - FAKKEMA & KINGMA - BOGUE PIT OPERATIONS & RECLAMATION PLAN

Based on recommendation of the Public Works Director, the Board by unanimous motion approved Supplemental Agreement No. 4, PW-0120-20 between Island County and Fakkema

& Kingma for the Bogue Pit Operations & Reclamation Plan, extending completion date to March 31, 2006.

QUIT CLAIM DEED – ISLAND COUNTY & MARIA EUGENIA GARGARI NOCHLIN; MAPLE GROVE ROAD

Quit Claim Deed on behalf of Island County was accepted and approved from Maria Eugenia Gargari Nochlin by unanimous motion of the Board, relating to Maple Grove Road, Parcel R23223-433-3280; Sec. 23, Twp 32N., R 2E., Work Order #296, with compensation in the amount of \$8,300.00.

ORDINANCE #C-16-04 (SUPPLEMENT) – FINDINGS OF FACT JUSTIFYING ADOPTION OF INTERIM ORDINANCE C-16-04, PLG-007-04, THUNDER RIDGE DIVISION NO. 2, CRITICAL DRAINAGE AREA DESIGNATION

Following unanimous motion of the Board during Special Session held on Tuesday, April 13, 2004 on Camano Island, repealing the Interim Official Control designating Division 2 of the Plat of Thunder Ridge as a Critical Drainage Area, the Board at this time, as presented by Bill Oakes, Public Works Director, unanimously voted to acknowledge receipt of signed Drainage agreement dated April 1, 2004 between Crosswind Landings, Inc. and TR Camano, Inc. Further, on presentation by Mr. Oakes, the Board by unanimous motion approved Ordinance #C-16-04 (Supplement) – Findings of Fact Justifying Adoption of Interim Ordinance C-16-04, PLG-007-04, Thunder Ridge Division No. 2, Critical Drainage Area Designation. *[Ordinance #C-16-04 (Supplement) along with copy of the signed Drainage Agreement, placed on file with the Clerk of the Board]*

SPECIAL SESSION - APRIL 20, 2004

The Board will meet in Special Session on April 20, 2004, from 7:00 p.m. to 8:30 p.m. at the Coupeville Middle School Performing Arts Center, 501 S. Main Street, Coupeville, to review hunting and shooting concerns on Whidbey Island.

With no further business before the Board at this time, the meeting adjourned at 10:22 a.m. The next regular meeting of the Board will be on April 26, 2004 at 11:00 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