

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 14, 2005 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the November 7, 2005 regular meeting.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) #225741-226018..... \$970,211.57.

**HIRING REQUESTS & PERSONNEL ACTIONS**

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

<b>Dept.</b>	<b>PAA #</b>	<b>Description/Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Extension	106/05	Prog. Coord. Beach Watchers #1207.01	Replacement	3/1/06
Central Ser	107/05	Micro-Cptr Spt Tech 6 mos. #708.01 6 mos.	New Position	11/14/05
Treasurer	108/05	Adm. Asst. #2111.00	Extend to 12/31/05	11/14/05

**REAPPOINTMENT TO HOUSING AUTHORITY OF ISLAND COUNTY**

By unanimous motion, the Board reappointed Judy Yeakel, Langley, to serve another term as a Commissioner on the Island County Housing Authority for a term running until December 6, 2010.

**RESOLUTION #C-127-05 PROCLAIMING DECEMBER 7<sup>TH</sup> OF EACH YEAR AS PEARL HARBOR REMEMBRANCE DAY**

Resolution #C-127-05 Proclaiming December 7<sup>th</sup> of Each Year as Pearl Harbor Remembrance Day was approved by unanimous motion of the Board. [*Resolution #C-127-05 on file with the Clerk of the Board*]

**SELECTION OF 2006 CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS**

The Board by unanimous motion selected Wm. L. McDowell as Chairman of the Board of Island County Commissioners for the year 2006. Effective **January 1, 2006**, the following signature block format should be used when preparing resolutions, ordinances, contracts, grants and correspondence for the Board's signature:

Board of Island County Commissioners  
Island County, Washington

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

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

**LIQUOR LICENSE APPLICATION #087652-3F, MV CATHLAMET, BY CDX FERRY  
CONCESSIONS, INC., CHRISTINE Y. CHOE, MICHAEL CHO AND KYU LEE**

Before the Board was Liquor License Application received from the Washington State Liquor Control Board (WSLCB) #087652-3F, correcting a previously-approved liquor license by CDX Ferry Concessions Inc. for the MV Cathlamet serving the Mukilteo-Clinton ferry run. Chairman Shelton noted that previous recommendations of approval forwarded to the WSLCB from the Board of Island County Commissioners were: 3/28/05 on the original liquor license; a correction to the license 5/23/05 and another correction to the license 6/13/05. As received from the WSLCB, the corrected application before the Board today corrects the following:

- Trade Name – from Ferryboat Café to MV Cathlamet
- Change in Applicants under CDX Ferry Concessions, Inc.
- Change in privileges applied for from 2B to 3F - Beer/Wine Rest-Beer/Wine Ferry Boat

In her capacity as Coordinator for the Impaired Driving Impact Panel of Island County (IDIPIIC), JoAnn Hellmann submitted a written statement for the record [on file with the Clerk of the Board] noting that serving alcohol on the ferries was an issue of great public interest and concern. She shared one of the concerns she recently received:

“I ride the ferry on a regular basis, and am not the least bit interested in having my fellow passengers imbibe alcohol during the 15-20 minute trip. 90+% of those passengers will go downstairs and get behind the wheel of a vehicle to drive off the boat. This license proposal seems like a very foolish move. It is essentially a guarantee that there will be some impaired drivers coming off the ferry. Does granting such a license imply support from an agency of the government for driving under the influence?”.

Ms. Hellmann commented that Senate Bill 5277/State of Washington/57<sup>th</sup> Legislature/2001 Regular Session proposed by Senator Haugen and others sought to prohibit the sale of alcohol on state ferries. Unfortunately, it never came to pass, for a number of reasons, which apparently outweighed the preservation of public health and safety. Sources including the National Highway Traffic Safety Administration, the National Institute on Alcohol Abuse and Alcoholism, the American Medical Association, the National Commission Against Drunk Driving, and [www.webMD.com](http://www.webMD.com) show that as little as .02 BAC-which can be one drink for some people – can impair your driving ability. She felt there had been inadequate public notice of this proposal to grant a license for sale of alcohol on the MV Cathlamet or for the one for MV Kittatas on November 7. In the interest of the public and their safety, she requested that the Board table the item and schedule a public hearing, unless the Board preferred simply to deny the liquor license.

The Chairman noted it important to understand that if this liquor license is to be denied it would be denied by the WSLCB. From the WSLCB Fact Sheet-Objections to Liquor License Applications and Renewals, he read:

**What happens if someone objects to the original issuance of a liquor license?**

When deciding Whether to issue or deny a liquor license application, the Board [WSLCB] will consider any input they receive.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

**Public Meeting.** The Board [WSLCB] may choose to hold a public meeting to gather input from interested parties before making a decision on a liquor license application. If the Board [WSLCB] decides to hold a public meeting, it will notify the appropriate government jurisdiction; schools, churches and public institutions if it's a new or change of license class application; and all persons who gave comment on the application.

The application was sent to the County and County has 20 days from date of application to respond with a recommendation back to the WSLCB. Island County, in its review, sends the application to appropriate county departments, one of which is the Sheriff. Chairman Shelton did state that he never understood why one arm of state government sold liquor to individuals and another arm arrests them. He provided Ms. Hellmann with the WSLCB contacts so she could take her fight to the WSLCB.

Commissioner McDowell had no problem with the Board re-considering the license approval recommendation. The more he thought about it he could see no reason why alcohol had to be provided on a state boat – selling potentially to a driver on a 15 minute ferry run.

Chairman Shelton did not disagree, but pointed out the only reason this Board was in a position to consider it was because there was a lapse of time when there was no vendor on the ferries for a year or so. The previous vendor had the liquor license; when there was a new vendor for the ferry that new vendor probably took it over with the idea of being able to serve alcohol as a means of supporting the business. The matter before the Commissioners is a correction to a previously-approved license. He suggested that the Board ask the WSLCB for an extension of time, up to 20 days, based on the fact that serving alcohol on the ferries is an issue of great public interest and concern in Island County, and the Board of Island County Commissioners want to provide an adequate opportunity for members of the public to comment on the appropriateness of selling alcohol on the ferries, and re-schedule on the agenda again on December 5; in the meantime, the Chair will also obtain assistance from legal counsel.

The Board by unanimous motion agreed to request an extension of time for up to 20 days on liquor license application #087652-3F from the Washington State Liquor Control Board (WSLCB) correcting a previously-approved liquor license by CDX Ferry Concessions Inc. for the MV Cathlamet.

**HOUSING AUTHORITY - WISH PROGRAM APPLICATION FOR CDBG FUNDS**

Steve Gulliford, Executive Director, Housing Authority of Island County, presented a Community Development Block Grant application (CDBG) for the Board's approval. The CDBG application is primarily for housing for senior citizens under two different options, and the Housing Authority of Island County would be the sub-recipient of funding for both. The two programs were explained:

1. Fund for one year the WISH Program (Whidbey Island Share a Home). The program matches individuals without housing with those who do but may need some assistance with either services or a small amount of rent to retain that housing. The plan is to fund the project for the first year while in the process of moving that organization to another larger non-profit in the community and find on-going support for it.
2. Construction of a 35 unit low income senior citizen housing project in Freeland next to the senior thrift store, with an on-site resident manager. The block grant in the amount of \$800,000 would go towards the purchase price of the land for that project. Several different sources of grant money will have to be brought into the project, the most significant likely will be the low income housing tax

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

credits being applied for in January. The estimated total cost of the project and funding sources are:

Total project – about \$4.3 million, funded:

\$ 800,000 CDBG  
500,000 State Housing Trust Fund  
1.5 million from low income housing tax credits  
Remainder - conventional commercial real estate loans, with  
the source of repayment from rents on the property over 30 years.

Letters of support for the low income housing project have been received from Senior Services of Island County and a number of other organizations on South Whidbey, including Trinity Lutheran Church, Good Cheer and Goosefoot. People's Bank has indicated an interest in providing construction financing for the project. The block grant application is the first part of the process. He clarified that the figure of \$1,323,135 listed on the Applicant Recipient Disclosure Update Report is the proposed purchase price; the difference will come through a bank loan, as well as tax credits.

Chairman Shelton recalled that Mr. Gulliford discussed the application briefly at a recent staff session, but the Board needs to understand as the recipient of the CDBG, what the responsibilities of Island County are.

Mr. Gulliford stated that the block grant money coming in to the County would only be disbursed if the project has all of the other support in place to make that happen. When funds would actually be expended from the block grant, would be when it is known that the project will be moving forward and that all of the other funding sources are in place. The County's responsibility is to monitor the process to make sure the money is being spent as stated in the block grant application.

Commissioner McDowell recalled that the Board at staff session was okay with Mr. Gulliford moving forward on the portion of the application related to WISH, but before moving forward on the second part specifically wanted assurance from CTED that Island County in no way would be on the hook for repaying this.

Mr. Gulliford did not personally discuss that with CTED and did not have that assurance; however, he had been advised by Jeff Tate, Planning & Community Development, that that assurance was provided by CTED for another project that the County sponsored some time ago. The Housing Authority is the sub-recipient of the funds and responsibilities of the Housing Authority have been delineated. At the point that funds are actually disbursed the County's responsibility would be to make sure the agency does what is stated in the application.

The Chair recalled that on the other project the County sponsored, great lengths were taken with CTED to create the understanding that Island County was merely a pass-through agency and all the County was willing to be in terms of the on-going operation of the other agency.

Commissioner McDowell observed there obviously would not be any pass-through of money until all "real" money had been collected. His understanding with CDBG grants is that should promises not be fulfilled, there is a potential to face having to pay back the money; if the loans are not repaid obviously

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

people cannot fulfill what was promised. Those are the issues he requests answers for before he agrees to move forward; his questions are about financial responsibility.

Mr. Gulliford pointed out the application deadline of November 17<sup>th</sup> and that he had been sharing information with the Planning Department trying to make sure he presented an application that made sense to everyone. He asked that the Commissioners look at the Housing Authority's track record for similar projects. They have about five projects that were funded through grants from Housing Trust Fund combined with commercial real estate loans; all of those projects are doing what is supposed to be done and the funds are being repaid to the bank and to the Housing Trust fund.

Chairman Shelton suggested that Mr. Gulliford work with Bill Oakes, Public Works Director, the department normally handling CDBG applications, between now and Wednesday's staff session. If concerns are resolved between now and then the Board will have an opportunity to review and approve the application in time for the Housing Authority to submit by November 17<sup>th</sup>. Commissioner McDowell mentioned that if for some reason assurance the Board requires cannot be obtained from CTED for the second part of the application, Mr. Gulliford should be prepared to re-do the application for only that portion relating to the one year WISH project request.

**ADOPT-A-ROAD LITTER CONTROL AGREEMENTS APPROVED**

By unanimous motion, the Board approved Adopt-A-Road Litter Control Agreements between Island County (1) Friends of Holmes Harbor, Bercot Road from Shoreview Drive to East Bercot Road; and (2) Friends of Holmes Harbor, Shoreview Drive from Honeymoon Bay Road to the playground at Freeland Park.

**TURNBACK AGREEMENT TB 1-0190 - WASHINGTON STATE DEPARTMENT OF  
TRANSPORTATION - SR 20, SIDNEY STREET VICINITY TO SCENIC HEIGHTS ROAD**

Pulled from agenda

**MONROE LANDING ROAD PROJECT – CONSTRUCTION EASEMENTS,  
QUIT CLAIM DEEDS APPROVED**

As presented and recommended for approval by Mr. Oakes, the Board by unanimous motion, approved the following construction easements and quit claim deeds associated with the Monroe Landing Road project, CRP 02-03, Work Order 356:

Construction Easement #PW-0520-146 between Island County and William P. & Geri B. Morgan and Ralph R. Collins, Parcel 494-1340; Sec. 22, Twp 32N, R 1E.

Quit Claim Deed – Island County and William P. & Geri B. Morgan and Ralph R. Collins, \$1,900.00 (\$1,300.00/land, \$600.00/gravel), Parcel 494-1340, Sec. 22, Twp 32N, R 1E.

Construction Easement #PW-0520-158 between Island County and Kellie M. Hampton; Parcel 150-5110, Sec. 16, Twp 32N, R 1E.

Quit Claim Deed – Kellie M. Hampton, \$4,400.00 (\$2,300.00/land, \$2,100.00/improvements); Parcel 150-5110, Sec. 16, Twp 32N, R 1E.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

Construction Easement #PW-0520-159 between Island County and Robert Tull, Parcel 093-5100 & 121-4050, Sec. 16, Twp 32N, R 1E.

Quit Claim Deed – Robert Tull, \$9,572.00 (\$4,100.00/land, \$2,700.00/improvements, \$2,772.00/administrative settlement), parcel 093-5110 & 121-4050, Sec. 16, Twp 32N, R 1E.

**CAMANO HILL ROAD PROJECT – QUIT CLAIM DEEDS, CONSTRUCTION EASEMENTS,  
TEMPORARY CONSTRUCTION EASEMENTS AND PROPERTY VOUCHERS APPROVED**

Quit Claim Deeds, Construction Easements, Temporary Construction Easements, Property Vouchers associated with Camano Hill Road project under CRP 02-04, Work Order No. 176, were approved by unanimous motion of the Board, subject to changes noted:

Quit Claim Deed – Bruce & Shari Bunting, \$6,000.00 (land); Parcel 231-0530; Sec. 12, Twp 31N., R 2E

Quit Claim Deed – James K. Moore, Trustee & Deborah A. Moore, Trustee, \$7,750.00 (\$5,550.00/land, \$2,000.00/administrative settlement, \$200.00/statutory allowance), Parcel 324-0910; Sec. 12, Twp 32N, R 1E.

Construction Easement #PW-0520-104 between Island County and Suk Dong & Nam Suk Kang, Parcel 354-0880; Sec. 6, Twp 31N, R 3E.

Quit Claim Deed – Suk Dong & Nam Suk Kang, \$7,400.00 (land); Parcel 354-0880; Sec. 6, Twp 31N, R 3E.

Temporary Construction Easement #PW-0520-112 between Island County and Paul J. & Brenda S. Munck, Parcel 025-5000; Sec. 1, Twp 31N, R2E.

Temporary Construction Easement #PW-0520-113 between Island County and Paul J. & Brenda S. Munck, Parcel 025-5000A; Sec. 1, Twp 31N, R 2E., subject to change by adding “A” to page 2 of 7 on the Assessor’s Parcel Number.

Quit Claim Deed – Paul J. & Brenda S. Munck, \$14,000.00 (\$8,800.00/land, 5,200.00/landscaping), Parcel 025-5000, Sec. 1, Twp 31N, R 2E.

Property Voucher in the amount of \$14,000 for the above Quit Claim Deed, for property acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03)

Temporary Construction Easement #PW-0520-115 between Island County and Tom R Paur, Parcel 073-4080, Sec. 11, Twp 31N, R 2E.

Quit Claim Deed – Tom R. Paur, \$10,900.00 (\$10,400.00/land, \$500.00/relocate gate); Parcel 073-4080, Sec. 11, Twp 31N, R 2E.

Property Voucher approved for above Quit Claim Deed in the amount of \$10,900, for property acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03).

Temporary Construction Easement #PW-0520-127 between Island County and Horst Stach Revocable Living Trust, Parcel 299-1650; Sec. 12, Twp 31N, R 2E.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

Temporary Construction Easement #PW-0520-128 between Island County and Horst Stach Revocable Living Trust, Parcel 299-1650A; Sec. 12, Twp 31N, R 2E., subject to adding “A” to the Assessor’s parcel number on page 2 of 7.

Quit Claim Deed – Horst Stach, \$2,300.00 (\$2,251.00/land, \$49.00/administrative settlement), Parcel 299-1650A, Sec. 12, Twp 31N, R 2E, subject to adding “A” to the parcel number on page 2 of 6.

Quit Claim Deed – Horst Stach Revocable Living Trust, \$29, 400.00 (\$11,000.000/land, \$18,400.00 /cattle fencing), Parcel 299-1650, Sec. 12, Twp 31N, R 2E.

Property Voucher in the amount of \$29,400.00 for the above parcel, for property acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03)

Temporary Construction Easement #PW-0520-129 between Island County and Donald A. & Tanya M. Stratton, Parcel 194-4530, Sec. 11, Twp 31N, R 2E.

**CAMANO HILL ROAD PROJECT CRP 02-04, WORK ORDER 176 –  
TEMPORARY CONSTRUCTION EASEMENT PW-0520-97**

Pulled from agenda.

**HEARING SCHEDULED: RESOLUTION #C –128-05/R-49-05 – PETITION TO VACATE  
A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS OCEAN DRIVE –  
CAMANO ISLAND**

The Board by unanimous motion, scheduled a Public Hearing for Special Session on December 15, 2005 at 2:00 p.m., Camano Multipurpose Center, 141 N.E. Camano Blvd., Camano Island, Wa., to consider Resolution #C-128-05/R-49-05, Petition to vacate a portion of county road right-of-way known as Ocean Drive located in Section 27, Township 32 North, Range 3E., Camano Island, by Petitioners John and Gretchen Otness.

**INTERLOCAL AGREEMENT – SNOHOMISH COUNTY -  
SOLID WASTE DISPOSAL SITE DESIGNATION**

Interlocal Agreement #SW-05-0125 between Island County and Snohomish County for Solid Waste Disposal Site Designation was approved by unanimous motion of the Board as presented by Mr. Oakes.

There being no further business to come before the Board at this time, the meeting adjourned at 10:48 a.m. The next regular meeting of the Board will be held on November 21, 2005 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
REGULAR SESSION – NOVEMBER 14, 2005**

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

\_\_\_\_\_  
William J. Byrd, Member

ATTEST:

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Elaine Marlow  
Clerk of the Board