

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - MAY 2, 2005

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 2, 2005 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th 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 April 25, 2005 regular meeting.

VOUCHERS AND PAYMENT OF BILLS

By unanimous motion, the Board approved the payroll dated April 29, 2005, and the following vouchers/warrants for payment: Voucher (War.) #211999 - 212250 \$278,222.02.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description	Position #	Action	Eff. Date
Juvenile	034/05	Juv. Det. Center Mgr.	1410.00	New Position	5/2/05

RESOLUTION #C-47-05 APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TITLE REPORTS FOR THE 2005 TAX FORECLOSURE

Resolution #C-47-05 Approving Specifications and Authorizing Call for Bids for Title Reports for the 2005 Tax Foreclosure as prepared and presented by Linda Riffe, Island County Treasurer, was approved by unanimous motion of the Board. The Bids are to be received by the Treasurer no later than 3:00 p.m. on May 23, 2005, with bid award on June 6, 2005 at 9:45 a.m. at the meeting of the Board of County Commissioners. *[Resolution #C-47-05 on file with the Clerk of the Board]*

CONTRACT APPROVED FOR PAVING IMPROVEMENTS AT COUNTY PARK SHOP

As forwarded to the Board with recommendation of approval by Betty Kemp, GSA Director, along with Terri Arnold, Assistant GSA Director, the Board by unanimous motion approved and signed a contract with Krieg Construction for Coupeville Parks Shop Asphalt Project in the amount of \$12,075 plus sales tax (RM-PARKS-05-0029).

SUBAWARD AGREEMENT WITH WASHINGTON STATE UNIVERSITY - BEACH WATCHERS VOLUNTEER WATER QUALITY PROTECTION PROGRAM

As recommended by Don Meehan by way of cover memorandum dated April 25, 2005, the Board by unanimous motion approved Contract with Washington State University (RM-EXT-05-0048) for funding of Beach Watchers through an EPA grant at the University in the amount of \$30,000, Subaward #G001785.

Health DEPARTMENT CONTRACTS APPROVED

As submitted for approval by the Island County Health Department, the Board by unanimous motion approved the following contracts:

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- Washington State DSHS - Contract #0563-70843 (RM-HLTH-03-0066) - DSHS to advance funds to the County to alleviate cash flow problems associated with time lag between payment by the County for services and receipt of payment by DSHS
- Revised Amendment #1, Contract #C13034 (RM-HLTH-02-0094) - Washington State Department of Health for a technical correction in contract language within the Consolidated Contract. Amendment in the amount of \$163,691 for new total contract in the amount of \$617,462.

LIQUOR LICENSE APPLICATION # 087823-3C - MUKILTEO COFFEE, LANGLEY

With the appropriate County departments having reviewed and provided a recommendation of approval, the Board by unanimous motion approved application for new Liquor License # 087823-3C by Gary B. & Elizabeth K. Smith, d/b/a G.B.J.C., Inc. for Mukilteo Coffee, 5331 Crawford Road, Langley.

CHARGES FOR RECALL OF ISLAND COUNTY ASSESSOR FILED

Tom Baenen, Island County Assessor, requested the Board authorize that the County pay for an attorney to represent him in the matter of charges for recall of Thomas A. Baenen, Island County Assessor, filed with the Island County Auditor by Roy L. Compton on April 28, 1005. He noted that RCW 4.96.041(3) provides:

The necessary expenses of defending an elective officer of the local governmental entity in a judicial hearing to determine the sufficiency of a recall charge...shall be paid by the local governmental entity if the officer requests such defense and approval is granted by both the legislative authority of the local governmental entity and the attorney representing the local governmental entity. The expenses paid by the local governmental entity may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

Greg Banks, Island County Prosecuting Attorney, granted his approval for hiring outside counsel for the Assessor. The Prosecutor's Office cannot represent Mr. Baenen; statutorily the Prosecutor's Office is required to prepare the ballots, etc. Mr. Banks pointed out that he would be filing the petition and start the court proceedings not representing either party. There needs to be a hearing within 15 days from when the petition is filed, which would be May 18, therefore time is of the essence.

In the matter of charges for recall of Thomas A. Baenen, Island County Assessor, the Board by unanimous motion approved paying for an attorney to represent Mr. Baenen in this matter in accordance with RCW 4.96.041(3).

HEARING HELD: FRANCHISE # 330 – HERSHEL FREEMAN - SEWER TRANSPORT SYSTEM

A Public Hearing was held at 10:15 a.m. as advertised, for the purpose of considering Franchise # 330 – PW-0520-169 by Hershel Freeman, for a sewer transport system to be located in a portion of County rights-of-way known as Shippin Lane, Susana Drive, and Smugglers Cover Road in the Plat of Bush Point Shores, Sections 31/32, Twp. 30N, R 2E.

Bill Oakes, Public Works Director, provided a recommendation of approval of the franchise as submitted, as stated in Memorandum dated April 12, 2005 from Richard K. Snyder, P.E., County

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Engineer.

No one in the audience indicated a desire to speak either for or against the vacation.

By unanimous motion, the Board approved Franchise #330 by Hershel Freeman, for a sewer transport system to be located in a portion of County rights-of-way known as Shippin Lane, Susana Drive, and Smugglers Cover Road in the Plat of Bush Point Shores, Sections 31/32, Twp. 30N, R 2E.

ADOPT-A-ROAD LITTER CONTROL PROGRAM – PRESENTATION AND DONATION

Nancy Snow, Social Action Committee Chair, The Unitarian Universalist Congregation of Whidbey, Freeland, donated to the County 17 litter-grabbers funded by the Adventure Education/Youth in Philanthropy project at Langley Middle School specifically for environmental improvement on the South end of the Island. The tools make it easier on Adopt-A-Road crews on South Whidbey to pick up litter and easily pick up bottles, cans, paper, cigarette butts, and reach into blackberry bushes and nettles, across ditches and puddles.

Ms. Susie Richards from Langley Middle School, attended the award presentation, along with two Langley Middle School students from the Youth in Philanthropy program, Jake Jones and Spencer Rolfe. The students talked about the money-raising effort to give back to the community to support environmental causes “because they care”. Not only did Youth in Philanthropy donate the funds for the litter grabbers, LMS also funded other projects: \$500 for environmental education books; education books; \$800 to Good Cheer to promote recycling and \$500 for Maxwelton Salmon Adventure to create programs for middle and high school students. An environmental conference is being held at Fort Casey tomorrow, hosting about 250 students from Coupeville, Oak Harbor and South Whidbey.

The Commissioners expressed their thanks to Ms. Snow for the donation; as noted by Chairman Shelton, a priority for the Board of County Commissioners and the vast majority of the residents, is to keep the Islands clean. The Commissioners were especially pleased with the efforts of the LMS students and expressed appreciation for all their good work and coming to share that with the Commissioners and citizens of the County.

ADOPT-A-ROAD LITTER CONTROL PROGRAM RENEWAL AGREEMENT

The Board by unanimous motion approved the renewal of Adopt-A-Road Litter Control Program Agreement with Skewes Lane and Adams Road Community Association, for Bush Point Road from Mutiny Bay to Shippin View Lane (north end).

CONSTRUCTION EASEMENTS – BAYVIEW ROAD PROJECT

On recommendation of Mr. Oakes, the Board by unanimous motion approved the following construction easements related to the Bayview Road Project CRP 98-17, Work Order 229:

- Construction Easement (Temporary) – PW-0520-206 - Whidbey Hall Community Association Parcel 477-5800, located in Sec. 18, Twp 29N, R 3E.
- Construction Easement – PW-0420-16 - Whidbey Hall Community Association, with compensation in the amount of \$600.00, Parcel 477-5800, Sec. 18, Twp 29N, R 3E.

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - MAY 2, 2005**QUIT CLAIM DEED AND CONSTRUCTION EASEMENT - CAMANO HILL ROAD IMPROVEMENTS**

As presented and recommended for approval by Mr. Oakes, the Board by unanimous motion approved Quit Claim Deed between Island County and James E. & Dolores M. McElroy with compensation in the amount of \$7,150.00 for land, Parcel 184-4870, located in Sec. 11, Twp 31N, R 2E., and Construction Easement (Temporary) #PW-0520-111 between Island County and James E. & Dolores McElroy, Parcel 184-4870, located in Sec. 11, Twp 31N., R 2E. related to Camano Hill Road Improvements, CRP 02-04, work order 176.

SUPPLEMENTAL AGREEMENT NO. 1 - #PW-0320-0(A) - KMD ARCHITECTS AND PLANNERS

Supplemental Agreement No. 1 to #PW-0320-0(A) between Island County and KMD Architects and Planners [architects, designers and construction management for the Juvenile Detention Facility] was approved by unanimous motion of the Board changing completion date to June 30, 2006, revising scope of work and dollar amount of contract, the maximum amount payable increases by \$69,549.00, leaving a management reserve of \$16,200.00.

STORMWATER MITIGATION AGREEMENTS APPROVED - PLAT OF HOLMES HARBOR GOLF & YACHT CLUB

By unanimous motion, the Board approved the following Stormwater Mitigation Agreements associated with the Plat of Holmes Harbor Golf & Yacht Club, as presented and recommended by Mr. Oakes:

PW-0420-111; Island County and Daniel L & Glenda J. Granger; Lot 15, Block 2, Division No. 9; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

PW-0420-112; Island County and Daniel L. & Glenda J. Granger; Lot 14, Block 2, Division No. 9; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

PW-0420-127; Island County and Keith & Vicki Blakey; Lot 20, Division No. 1; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

PW-0520-150; Island County and Kenneth B. Peterson; Lot 6, Division No. 2; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

PW-0520-162; Island County and Bruce R. & Reville A. Barchenger; Lot 9, Block 3, Division No. 6; Plat of Holmes Harbor Golf & Yacht Club; Sec. E, Twp 29N, R 2E.

PW-0520-175; Island County and Island Construction, Inc.; Lot 7, Block 4, Division No. 6; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

AGREEMENT - ISLAND COUNTY TRAILS COUNCIL

Pulled from today's agenda at the request of Mr. Oakes.

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EXECUTIVE SESSION

The Board met in Executive Session beginning at 10:45 a.m. in the office of the Planning Director, located in the Courthouse Annex building. The Chairman specified the purpose of the Executive Session was in accordance with RCW 42.30.110 (1) (i) to discuss with legal counsel pending litigation. He estimated the session would last no longer than one hour and did not expect an announcement afterwards in open public session.

The Executive Session ended at 11:20 a.m. The open public session resumed at 1:30 p.m. in the Annex Hearing Room for a Board workshop with Public Works.

WORKSHOP – DRAFT SALMON RECOVERY PLAN

At 1:30 p.m. the Chair opened the scheduled Workshop with Public Works staff regarding the Draft Salmon Recovery Plan. In addition to the three Commissioners, Public Works staff included: Bill Oakes, Public Works Director; Gwenn Maxfield, Assistant Public Works Director; and Kim Bredensteiner, Watershed Project Manager.

Hand-outs: *[on file with the Clerk of the Board]*

- Draft 4/29/05 Water Resources Inventory Area 6 (Whidbey & Camano Islands) Multi-Species Salmon Recovery Plan, including maps to be inserted
- Draft 4/29/05 Executive Summary
- Appendices A through J

The preface paragraph has been moved to the Executive Summary rather than on the cover.

The Executive summary now contains a list of bulleted items showing the many steps Island County has already taken to increase the understanding of the role of nearshore in the salmon recovery effort and to protect nearshore processes and habitats. Note also the sentence: “Enhancement and restoration projects will gain the support of the Island County Commissioners under the following conditions:

- Neighboring current private and public uses are protected
- There are willing landowners
- There is no adverse impact to Naval operations, and
- There is a significant benefit for salmon .

Section III includes the sentence: “The Salmon Technical Advisory Group plans to communicate with the surrounding watershed organizations, tribes, state agencies, and federal agencies in order to stay up-to-date and involved in these issues.”.

Mr. Oakes, Ms. Maxfield and Ms. Brendenstien reviewed with the Board every page of the 80-page document that contained changes as a result of prior staff sessions or workshops with the Board, and reviewed the maps to be inserted. Many of the changes were clarification edits, house-keeping changes or correction of typographical errors.

Commissioners comments and suggested changes today were taken back by staff for any necessary

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changes to the document. Staff will prepare for the Commissioners a separate page listing the changes made as a result of today's workshop.

There being no further business to come before the Board at this time, the meeting adjourned at 3:40 p.m. The next regular meeting of the Board is scheduled for May 9, 2005 at 9:30 a.m.

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

Mike Shelton, Chairman

Wm. L. McDowell, Member

William J. Byrd, Member

ATTEST: _____
Elaine Marlow
Clerk of the Board