

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 17, 2007 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on December 17, 2007 beginning at 9:30 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. Wm. L. McDowell, Chairman, John Dean, Member and Phillip Bakke, Member were present. The meeting began with the Pledge of Allegiance.

ELECTRONIC FUND TRANSFERS, VOUCHERS, AND PAYMENT OF BILLS

By unanimous motion the Board approved the Electronic Fund Transfers and the following vouchers/warrants [approval of December 14, 2007 payroll pulled from today's agenda]:

Voucher (War.) # 276818 -277112	\$966,505.41
Electronic Fund Transfers	\$226,089.33

Veterans Assistance Fund. Claim #V7-8 in the amount of \$2,447.42 approved by unanimous motion of the Board, as recommended by the Veterans Assistance Review Committee [emergency financial assistance to eligible veterans; names and specific circumstances are confidential]

HIRING REQUESTS & PERSONNEL ACTIONS

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

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Prosecuting Attorney	140/07	Deputy Prosecuting Attorney – <i>The hire is approved subject to the position not being offered until a working location is determined</i>	1818.00	New Position	01/02/08
	141/07	Deputy Prosecuting Attorney I	1817.00	Personnel Action	01/01/08
Public Works	142/07	Laborer I - Coupeville	2245.03	Replacement	12/17/07
	143/07	Seasonal Laborer I (Bayview)	2254.03	Replacement	12/17/07
Clerk	146/07	Deputy Clerk, .75 FTE	503/07	Personnel Action	01/01/08
Sheriff	147/07	Deputized Officer	4014.39	New Position	01/02/08

APPOINTMENT OF INTERIM AUDITOR

The Board by unanimous motion and pursuant to RCW 36.16.115, Vacancy in Partisan Elective Office – Appointment of Acting Official, appointed Anne LaCour as the acting official effective January 1, 2008 upon the resignation of Suzanne Sinclair. Ms. LaCour will remain as the acting official until a successor Auditor is either elected or appointed as required by law.

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**RESOLUTION C-124-07 ESTABLISHING SALARIES FOR NON-BARGAINING UNIT
EMPLOYEES (EXCLUDING ELECTED OFFICIALS) FOR 2008**

The Board by unanimous motion approved Resolution C-124-07 Establishing Salaries for Non-Bargaining Unit Employees (Excluding Elected Officials) for 2008. *[Resolution on file with the Clerk of the Board]*

PURCHASE ORDER TO NET MOTION WIRELESS

By unanimous motion the Board approved a Purchase Order, No. 8579, to Net Motion Wireless for the purchase of software, licensing and maintenance for the Spillman dispatch system FBI Encryption upgrade. Contract Amount: \$10,554.59 (RM-DEM-07-0129)

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS/COMMITTEES

The Board, by unanimous motion, made the following appointments/reappointments:

Island County Historical Review Committee

Robert VanDeen, Coupeville, on the recommendation of Ron Van Dyke, is reappointed to serve as a member on the Island County Historical Review Committee representing the Island County Historical Society. The term of his reappointment shall run for four years, expiring August 13, 2011.

Island County Historical Review Committee

James Moore, Coupeville, on the recommendation of Ron Van Dyke, is reappointed to serve as a member of the Island County Historical Review Committee representing the Island County Historical Society. The term of his reappointment shall run for four years, expiring August 13, 2011.

Island County Historical Review Committee

Paula Spina, Coupeville, on the recommendation of Ron Van Dyke, is appointed to finish the term of Terry LeDesky on the Island County Historical Review Committee. Her term will run until August 13, 2008.

MONTHLY FINANCIAL REPORTS

Auditor

Anne LaCour, Chief Deputy Auditor, submitted the Auditor's written revenue and expenditure reports for the period ending November 30, 2007 with no red flags of concern. *[Financial reports on file with the Clerk of the Board]*

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Treasurer

Linda Riffe submitted the Treasurer's written financial report for the period ending November 30, 2007. In good shape with cash revenue total percentage at 98. Some areas are lower with others above 100% so averaging out a bit above 91%. Only area to make note of is payment in lieu of taxes at 35%, only number on Treasurer's side relatively significant for this time of year. "Payment in lieu of taxes" is a prorate payment for federally-owned entitlement land and the money is from the Department of Interior Bureau of Land Management. The amount received is dependent on federally-shared revenues. After some investigating Ms. Riffe learned the reason for the drop is that some of the property has apparently completely paid out, as an example, Fort Ebey. The County is dependent on the Government for the money so never exactly sure how much will be received from year-to-year. *[Financial reports on file with the Clerk of the Board]*

HEALTH DEPARTMENT

As recommended by Tim McDonald, Health Services Director, by memorandum dated December 12, 2007 the Board unanimously approved the following contracts:

Contract with Skagit Valley College for the Parent to Parent Program of Island County. The contract provides workshops, trainings, and other support to families and their children with developmental disabilities. Contract Number: HS-12-07; Contract Amount: \$ 16,000 *(RM-HLTH-07-0120)*

Amendment No. 3 to Contract with the Department of Social and Health Services for Medicaid Administrative Match. The contract amendment is issued to extend the contract end date. Contract No: 0563-75723-03; Contract Amount: Cost reimbursement, no maximum. *(RM-HLTH-98-0021)*

Contract with North Sound Mental Health Administration for Mental Health/Administration. The contract provides funding for mental health administrative services in Island County. Contract No: NSMHA-ISLAND-ADMIN-08; Contract Amount: \$60,288 *(RM-HLTH-07-0001)*

CONTRACT COLLECTION AGREEMENT

The Board by unanimous motion approved a Contract Collection Agreement with Whidbey Island Bank for Promissory Note and Deed of Trust between Island County Water Quality (Sellers/Lenders) and Morley and Rhonda Curtis (Buyers/Borrowers) on which the unpaid balance of principal is \$17,149.00.

LIQUOR LICENSE APPLICATIONS APPROVED

Having received recommendations of approval by the appropriate departments, the Board by unanimous motion approved forwarding a recommendation of approval to the Washington State Liquor Control Board for the following liquor license applications:

Special Occasion Liquor License No. 091224 from the Camano Island Yacht Club for a special occasion to be held on January 19, 2008 from 5:30 p.m. to 9:00 p.m. at the Camano Island Yacht Club, 129 N. Sunset Dr., Camano Island, WA

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New Application for Liquor License No. 402564-6E by Applicants Kevin L. Johnson and Kimberly A. Johnson, Tradename: 750 Cellars, 886 Henry Lane, Camano Island, WA

Assumption of Liquor License No. 074018-3F by Jin S. Shin and Young H. Shin, d/b/a West View Mart, 971 West Ault Field Rd. W, Oak Harbor, WA 98277 from West View Mart, Inc. d/b/a West View Mart

**HEARING HELD: FRANCHISE #281(1) WITH WASHINGTON STATE PARKS AND
RECREATION COMMISSION**

At 10:15 a.m. as scheduled a public hearing was held concerning Franchise #281(1) with Washington State Parks and Recreation Commission for an extension to an existing sewer transport line in Cornet Bay Road located in Sections 35 and 36, Township 34 North, Range 1 East.

Mr. Oakes directed the Board to a map attached to the franchise packet saying that the proposal from State Parks is to build a lift station which will carry septic tank effluent along Cornet Bay Road to an existing disposal field at the State's Environmental Learning Center. The State is requesting franchise rights in order to utilize the right-of-way to install the line. The line will tie into a drain field at the Environmental Learning Center and end at the marina restroom facilities. Mr. Oakes recommends approval.

Public Comment

Captain John Aydelotte, 221 Cornet Bay Road, Oak Harbor (*provided handouts on file with the Clerk of the Board*) remarked that the statement by Mr. Oakes that the pipe is going to a drain field and not to Highway 20 is inconsistent with the plans he has reviewed and the hearings he has participated in. He said there are critical issues to consider:

- The community water system has failed coli form bacteria tests for a year and they are currently working to correct the problem. He believes with Island County's new septic inspection rules there will be many failing systems in the community.
- He has been in contact with the Department of Ecology and its representative says if trenching occurs near the marina it will strike hydrocarbons because of fuel tank leakage from years ago.

Captain Aydelotte said that the information he has indicates that the sewage is going to the Navy base at the airfield and the entire system would be funded by tax dollars, whether they be federal or County. He would like the community to have access to a publicly-funded sewage system and believes since the Cornet Bay area is surrounded by State Parks land, now may be the perfect opportunity to have that happen. He believes the County can do better than grant a franchise for merely two toilets. He continued to say that the Governor and Rex Durr with State Parks is on board with the idea. He requests that the Board not make a decision on the franchise today but table the matter to a later date in order to allow time to work on building a local improvement district or do what it takes to provide the community with access to proper sewage treatment.

Captain Aydelotte also spoke to the zoning in Cornet Bay as being unique to Island County with a tremendous amount of real estate on the waterfront ripe for development. The sewage issue is a vital part of the community's growth and he encourages group meetings to resolve the issue.

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For clarification Chairman McDowell asked Captain Aydelotte if he would prefer the franchise not happen if the connection is for merely two toilets to which he replied that he believes the project is ill-conceived under such circumstances

To Commissioner Dean's question about whether there has been discussion in the neighborhood about forming a local improvement district Captain Aydelotte replied that he and his neighbors are in need of guidance in forming such a district.

David Jorgensen, 5122 Jefferson Place, Cornet Bay Heights said he has attended the State Parks meetings and was led to believe that the effluent from the Environmental Learning Center would be pumped into a line to the Navy base. He does not think the long-term plan is for Parks to put a drain field in at the Environmental Learning Center. He is in agreement that the Cornet Bay neighborhood should have an opportunity to connect to a publicly-funded system and now would be the perfect opportunity.

Harry Sellers, project engineer with Gray and Osborne, Inc. is working with State Parks and wanted to explain about the project without going into the issues State Parks has in its agreement with the Navy. He said this project is an extension of one that State Parks did approximately 10 years ago when it constructed a sewer system within the main park area and connected the sewer system to the naval station about two to three miles away. The project at issue is merely an extension.

Mr. Sellers continued by saying that the Environmental Learning Center currently has a small lift station that pumps across Highway 20 into the main lift station which then goes to the Navy. The Navy after extensive negotiations 10 years ago agreed to allow State Parks to tie into its system and this project is an extension of what was done 10 years ago by picking up the marina and the boatyard maintenance on Cornet Bay Road. He said that while there are no particular plans at this time to make any actual connection there are provisions for the community to tie in at a later date, saying there is a point of connection and a line has been sized that would allow adequate capacity. If one were to put in a future lift station it could be connected without having to do anything with the line except connect at that point. Mr. Sellers confirmed that currently the effluent does run from State Parks to the Navy facility and this project would do the same.

Commissioner Bakke asked Mr. Sellers if he was involved in the line that runs from the Environmental Learning Center to the Navy and if the line has excess capacity, the ability to transmit the wastewater should the residents of Cornet Bay be allowed future hook-up. Mr. Sellers said he was involved in the earlier project but while he has not been privy to all the records that have been generated in recent years it is his understanding there is adequate capacity in that line from the Navy to State Parks.

Chairman McDowell asked Mr. Sellers if in the agreement between the Navy and State Parks there is some mechanism that allows the Navy to act as a utility. Mr. Sellers said the Navy is a service provider in the sense that it takes the sewage and wastewater, treats it, and discharges it under its permit. He believes that the pipeline running along Highway 20 is there strictly to serve State Parks and is unaware of any changes to the agreement of 10 years ago. The Navy has an agreement with State Parks to treat up to so many gallons that come through the line and State Parks must pay for that service with ongoing monitoring requirements.

Commissioner Dean asked Mr. Sellers what the forethought was for providing the ability of the neighborhood to hook-up. Mr. Sellers said that the project manager for State Parks indicated that agreements do in fact from time-to-time change and it was certainly not a large cost impact to the project to go up a line size; providing a slightly bigger pipe simply covered that contingency even though it was not necessarily going to be put to immediate use. In other words, it was an engineering decision.

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Dundee Woods from Deception Pass Marina voiced several concerns:

- Capacity of the current septic mound system. There are 80 permanent customers who keep their boats year around and during the off-season two toilets are fine. In the summer, however, with additional people and boats, it was necessary that he put in two extra porta potties. He said if he and others are able to hook into the sewer line it would remove the stress and make a better place for boaters.
- Since 1992 he has been working with the Department of Ecology about a fuel spill that happened in the late 80s from an underground fuel tank. The problem was fixed by removing the old tank and replacing it with a new cement vault and new tank but the problem of contamination still exists. The marina has fulfilled every commitment it has made for the clean-up effort and is now waiting for the State to remove the soil or provide assurance the problem no longer exists.
- Concern about the inevitable growth in the future to Cornet Bay.

Mr. Sellers said he was not aware of the contamination problem saying that issue will be dealt with as it is encountered. In such cases he suggested that an option may be “directional drilling” meaning the pipe would be placed without any excavation. Instead, the pipe would simply be pulled through following a drilling operation.

There being no further public comment the Chairman closed the public input portion of the hearing and asked Commissioner Bakke, as prior Planning Director, if he would address whether under State law there is the ability to serve the Cornet Bay community.

Commissioner Bakke said given the environmental considerations as current law stands and growth management, the Growth Management Hearings Boards have frowned on urban service with sewer as an urban service being provided to areas of the County not incorporated by a city or classified as a Non-Municipal Urban Growth Area such as what was recently done for Freeland. In the *Dupont* case, the City of Dupont was extending sewers to areas outside of the city limits and the Central Growth Management Hearings Board struck it down. Commissioner Bakke agrees with Captain Aydelotte and the neighbors that there are some environmental considerations at Cornet Bay that perhaps have not yet been confronted and appealed in the past. He asked Mr. Oakes whether it is possible to include the following conditions on the franchise:

- Assure that the pipe being installed has the appropriate capacity to serve the Cornet Bay area.
- Language that speaks to how the neighbors in the community would be able to work with State Parks about connecting in the future.

Commissioner Bakke suggested that Mr. Oakes obtain the opinion of Dave Jamieson on the two conditions and recommended that the public hearing be continued to facilitate communication between the County, State Parks, and the Navy as suggested by the neighbors.

Commissioner McDowell said he would be glad to talk with the base commanding officer and agrees with the idea of the agreement with State Parks. He said that State Parks obviously cannot give permission if

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the Navy says no, but it certainly could be stated in an agreement that Parks has no disagreement if ever given permission by the Navy.

Mr. Oakes said that typically the franchises can be conditioned fairly liberally but he too would ask for a continuance so he can talk with State Parks about the receptiveness to the suggested conditions.

Commissioner Dean voiced his support of the conditions and would amplify one to say that not only is the Board looking for the door of opportunity for the neighborhood in the future, but urges State Parks to open the door to their participation as soon as possible due to the immediate need.

To a question from the Chairman concerning the conditions of the mentioned hillside, the public responded that it is split, very sandy to the east and on the west end there is clay and very poor drainage.

Commissioner Bakke moved to continue the public hearing on Franchise #281(1) with Washington State Parks and Recreation Commission to February 4, 2008 at 10:15 a.m. for three purposes:

- To consult with Island County legal counsel to consider adding conditions to the Franchise that require appropriate sizing of a force main to facilitate the future connection of all landowners;
- Include language to the Franchise that binds State Parks to allow in the future those landowners to connect to the force main through an association or LID;
- Allow the County an opportunity to speak with the Navy about the possibility of working out an agreement sooner rather than later, and to explore the opportunities to connect.

Motion seconded by Commissioner Dean, unanimously carried.

Chairman McDowell said the County will participate in meetings with the State and Navy to determine their opinion on the matter. He said he realizes the State does not control whether it can pump onto the base, that is a base decision, but it is hopeful the County can make sure the line is large enough to someday avoid any impediment to connect if an agreement can be reached.

**HEARING SCHEDULED: RESOLUTION C-125-07R-47-07 DECLARING INTENT TO
VACATE A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS SHORELINE
DRIVE**

The Board by unanimous motion scheduled for hearing on February 7, 2008 at 2:00 p.m Resolution C-125-07/R-47-07 Declaring Intent to Vacate a Portion of County Road Right-of-Way known as Shoreline Drive located in the Plat of Tyee Beach, Secs. 11 and 14, Twp. 30N, Rge. 3E. The hearing will take place at the Camano Center, Camano Multipurpose Room, 141 N. East Camano Drive, Camano Island, Washington.

**HEARING SCHEDULED: RESOLUTION C-126-07R-48-07 DECLARING INTENT TO
VACATE A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS AN UNNAMED
ALLEY**

The Board by unanimous motion scheduled for hearing on February 7, 2008 at 2:00 p.m Resolution C-126-07/R-48-07 Declaring Intent to Vacate a Portion of County Road Right-of-Way known as an unnamed alley located in the Plat of Utsalady, Sec. 19, Twp. 32N, Rge. 3E. The hearing will take place at

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the Camano Center, Camano Multipurpose Room, 141 N. East Camano Drive, Camano Island, Washington.

PLANNING AND COMMUNITY DEVELOPMENT

**HEARING HELD: CONSIDERATION OF AN OPEN SPACE TIMBER LAND CURRENT
USE PROGRAM APPLICATION – OPS 105/07**

At 10:30 a.m. as scheduled and advertised, Chairman McDowell opened a Public Hearing [*continued from November 26, 2007*] for the purpose of considering an Open Space Timber Land Current Use Program Application submitted by Douglas Gottshall, Parcel No. R32925-039-3370 located on South Whidbey Island, Washington, Map # 813.

Brandon Sweeza, Long-Range Planner, remarked that Mr. Gottshall is proposing that approximately 7.2 acres of 11.03 acres be classified into the Public Benefit Rating System (PBRs) current use program. Mr. Sweeza said the property contains one category A wetland, is adjacent to a public land area on the southeast corner, and also contains a critical aquifer recharge area for the Island County overlay maps. Upon conducting a site visit Planning confirmed the property contains the resources and recommends approval.

In answer to a question from the Chairman as to why the hearing was continued, Mr. Sweeza said the applicant had intended to extend the buffers on the wetland, thereby increasing the point value to the next percentage level, so he opted out of extending his buffers to avoid the increase.

There being no public comment either in support of or in opposition to the application, the Board by unanimous motion authorized conditional approval of OPS 105/07 by Douglas Gottshall as presented and recommended.

There being no further business to come before the Board the meeting adjourned at 11:05 a.m. The Board will meet next in Special Session on December 24, 2007 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

John Dean, Member

Phillip Bakke, Member

ATTEST:

Elaine Marlow, Clerk of the Board