

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
APRIL 9, 2007 Regular Session**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 9, 2007 beginning 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 John Dean, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from previous meetings as follows: March 26, 2007 Regular Session; March 26, 2007 Special Session; and April 2, 2007 Regular Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:
Voucher (War.) #259621 - #259851..... \$234,795.18.

**LETTER OF AGREEMENT BY AND BETWEEN ISLAND COUNTY,
WASHINGTON AND WSCCE-LOCAL 1845**

As presented by Larry Larson, Human Resources Director, the Board by unanimous motion approved a Letter of Agreement By and Between Island County, Washington and WSCCE-Local 1845, for the period January 1, 2006 through December 31, 2008, for collective bargaining agreement modification inclusion of three new classifications as outlined.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Mr. Larson, the Board by unanimous motion approved the following personnel action authorizations:

Department	PAA #	Description	Position #	Action	Effective Date
Planning	034/07	Accounting Coord.	1703.00	New Position	4/9/07
Facilities	038/07	Maintenance Tech III	902.05	New Position	4/9/07
Assessor	039/07	Segregation Asst.	111.01	New Position	4/9/07
Health	040/07	PHN III/Commun. Disease	2404.04	Replacement	6/1/07

EMPLOYEE SERVICE AWARDS AND EMPLOYEE-OF-THE-MONTH AWARD

EMPLOYEE SERVICE AWARDS

DEPARTMENT	EMPLOYEE	NO YEARS
District Court	Jennifer Gibison	10
Sheriff	Harry Uncapher	25
Health	Carol McNeil	20
Health	Connie Kemp	10

EMPLOYEE OF THE MONTH – MARCH, 2007

Jenean Nettlebeck, Administrative Assistant, Central Services, is described as the “go to” person for problems with Microsoft Office Products, the writer of the informative and funny County Newsletter, and taken over duties as the switchboard operator, ID photos, and fills in for the mail clerk when needed. Jenean is an inspiration to all with her smile and “can do” attitude.

**COUNTY GOVERNMENT CERTIFICATION FORMS FOR HOUSING AUTHORITY OF
ISLAND COUNTY**

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As transmitted by letter dated April 6, 2007 from Steve Gulliford, Executive Director, Housing Authority of Island County, the Board by unanimous motion approved County government Certification forms for applications for Emergency Shelter Assistance Program and Transitional Housing.

AWARD OF BID FOR OFFICIAL COUNTY LEGAL NEWSPAPER

In response to solicitation for bids for the Official County Legal Newspaper for Island County, Washington, the only bid received came from Marcia Van Dyke, Publisher, Whidbey News-Times, with bid quote effective for both Whidbey-News Times and South Whidbey Record, for a one year period beginning July 1, 2007 of \$11.00 per inch per insertion, representing an increase of 5% over last year's rate. By unanimous motion, the Board awarded bid to Whidbey News Times for the Official County Legal Newspaper.

APPOINTMENTS TO SERVE AS LONG BEACH WATER DISTRICT COMMISSIONERS

On recommendation of Commissioner Dean, the Board by unanimous motion confirmed the following appointments to serve on the Board of Commissioners of the Long Beach Water District: Leif Holmes, Position No. 3; and Don Glancy, Position No. 1.

PROGRAM AGREEMENT - DSHS FOR COURT COMMISSIONER AT TITLE IV-D CHILD SUPPORT HEARINGS

The Board by unanimous motion approved Program Agreement #0763-15076 (*RM-JUV-07-0035*) with the Washington State Department of Social and Health Services for Court Commissioner at Title IV-D child support hearings.

CLAIM FOR DAMAGES #R05-003 CD, PAUL HARELL

Based upon recommendation in a Memorandum this date from Betty Kemp, Director, GSA/Risk Management, the Board by unanimous motion denied Claim for Damages #R05-003 CD by Paul Harell in the amount of \$4,000.00.

AMENDMENT 2 - CONTRACT WITH CAMANO ANIMAL SHELTER ASSOCIATION

As a follow-up item to the 2007 budget adoption, the Board by unanimous motion approved Amendment 2 to the contract with Camano Animal Shelter Association, the amendment in the amount of \$4,800.00, increasing the annual amount to \$27,600.00 effective January 1, 2007 (*RM-GSA-07-0027*).

GRANT AGREEMENT WITH NORTHWEST CLEAN AIR AGENCY

Grant Agreement with Northwest Clean Air Agency for Fire Warden's computer equipment, not to exceed \$4,700.00 was approved by unanimous motion of the Board (*RM-GSA-07-0053*).

CONTRACT AGREEMENT WITH SNOHOMISH COUNTY FOR U. S. DEPARTMENT OF HOMELAND FY06 HOMELAND SECURITY GRANT PROGRAM

A Contract with Snohomish County for U. S. Department of Homeland FY06 Homeland Security Grant Program to support Citizen Corps Program, Agreement #OFM #820-07 in the amount of \$2,802.00 was approved by unanimous motion of the Board (*RM-DEM-07-0042*).

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AWARD OF BID: HEALTH DEPARTMENT CLIENT DATA & DOCUMENT
MANAGEMENT SYSTEM TO KIPHS**

The Board by unanimous motion, awarded bid to KIPHS in the amount of \$30,500 for client management software for nursing services' electronic client data management and documentation.

**CERTIFICATE RELATING TO AGREEMENT: CERTIFYING CONDITIONS
REQUIRED BY WASHINGTON DEPARTMENT OF ECOLOGY - WASHINGTON
STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN AGREEMENT**

Certificate Relating to Agreement certifying conditions required by Washington Department of Ecology in connection with the Washington State Water Pollution Control Revolving Fund Loan Agreement # L0700005 was approved by unanimous motion of the Board.

**RESOLUTION #C-40-07/HD-22-07 AUTHORIZING GRANT APPLICATION TO ISLAND
COUNTY CONSERVATION FUTURES PROGRAM - TRAIL INFRASTRUCTURE
IMPROVEMENTS AT THE FOUR SPRINGS LAKE PRESERVE ON CAMANO ISLAND**

The Board by unanimous motion approved Resolution #C-40-07/HD-22-07 In the Matter of Authorizing a Grant Application to the Island County Conservation Futures Program by the Environmental Health Assessment Team (EHAT) to provide trail infrastructure improvements at Four Springs Lake Preserve on Camano Island. [*Resolution #C-40-07/HD-22-07 on file with the Clerk of the Board*]

HEALTH CONTRACTS APPROVED

The Board by unanimous motion approved the following Health contracts, as transmitted by memorandum dated April 4, 2007 from Tim L. McDonald, Health Services Director:

Contract #SJC-Jail-06-07 (*RM-HLTH-07-0043*) - San Juan County Health & Community Services for Mental Health/Jail Transition Services, providing mental health and transition services to eligible San Juan County residents while incarcerated in the Island County and Okanogan County jails. Contract Amount: \$35,532

Contract #HD-19-07 (*RM-HLTH-07-0040*) with Porter Group LLC for On-site Sewage System Management Plan Consultation. Porter Group will coordinate, plan and draft an on-site sewage system management plan pursuant to WAC 246-272A-0015. Contract Amount: \$19,875

LIQUOR LICENSE APPLICATIONS APPROVED

Based on favorable recommendations by the appropriate reviewing 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 #092063 by Forgotten Children's Fund for July 21, 2007 from 4:00 p.m. to 9:00 p.m. at an enclosed at 5264 Shore Meadow Road, Freeland, WA

Special Occasion Liquor License #092151 by Camano Senior Center for April 21 and May 18, 2007 from 7:00 p.m. to 10:00 pm. at the Camano Senior Center, 606 Arrowhead Road, Camano Island, WA.

**LOCAL AGENCY AGREEMENT - WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION - WHIDBEY SCENIC ISLEWAY GATEWAY AND
WAYFINDING SIGNS**

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As recommended by Bill Oakes, Public Works Director, the Board by unanimous motion approved Local Agency Agreement #PW-0720-19 between Island County and Washington State Department of Transportation for Whidbey Scenic Isleway Gateway and Wayfinding Signs, in the amount of \$47,625.00 (\$38,100.00/federal, \$9,525.00/county).

AWARD OF BIDS: DUMP TRUCK, CULVERT SUPPLIES, LIQUID ASPHALT MATERIALS AND ASPHALT CONCRETE MATERIALS

By unanimous motion, the Board awarded the following bids based upon the recommendation of Mr. Oakes:

Bid Award for one (1) New 2007 Dump Truck to Western Peterbilt for a total cost to Island County in the amount of \$100,096.00 (incl. SST and Trade-in).

Bid Award for 2007 culvert Supplies to Corrugated Pipe, Inc. for stock deliveries in the amount of \$15,060.20 (incl. SST).

Bid Award for 2007 Liquid Asphalt Materials for the period May, 2007 to May, 2008 to lowest responsible bidder(s): Paramount Petroleum for CSS-1; to McAsphalt Ind., Ltd. for CRS-2P, CMS-2P, CRS -2, CMS-2.

Bid Award for 2007 Asphalt Concrete Materials for the period May, 2007 to May, 2008 to the lowest responsible bidder: Lakeside Industries for Camano Shop and Tack Coat Oil; and Krieg Construction, Inc. for all Whidbey Island shops.

RESOLUTIONS APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS

As presented and recommended by Mr. Oakes, the Board approved the following resolutions approving plans and specifications and authorizing call for bids:

Resolution #C-41-07/R-13-07 In the Matter of Approving Plans & Specifications and Authorizing Call for Bids for Camano Hill Road Improvements, Phase 1 & 2; CRP 02-04, Work Order NO. 176. Bid opening: May 2, 2007 at 11:30 a.m. Room 131 County Law & Justice Facility, 101 N.E. 6th Street, Coupeville [Resolution #C-41-07/R-13-07 on file with the Clerk of the Board]

Resolution #C-42-07/R-14-07 In the Matter of Approving Plans & Specifications and Authorizing Call for Bids for Two (2) or More New Self-Propelled Sweepers. Bid opening: May 1, 2007 at 10:15 a.m., Room #116, Administration Building, 1 N.E. 7th Street, Coupeville. [Resolution #C-42-07/R-14-07 on file with the Clerk of the Board]

RESOLUTIONS INITIATING COUNTY ROAD PROJECTS

The Board by unanimous motion approved the following resolutions initiating county road projects as presented and recommended by Mr. Oakes:

Resolution #C-43-07/R-16-07 In the Matter of Initiating County Road Project CRP 07-01, Work Order 340; County-wide Historic Signs; \$60,000.00 [Resolution #C-43-07/R-16-07 on file with the Clerk of the Board]

Resolution #C-44-07/R-17-07 In the Matter of Initiating County Road Project CRP 07-02, Work Order 54, East Camano Drive Safety Improvements; \$500,000.00. [Resolution #C-44-07/R-17-07 on file with the Clerk of the Board].

SUPPLEMENTAL AGREEMENT NO. 1 – SCS ENGINEERS

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The Board by unanimous motion approved Supplemental Agreement No. 1 for On-call civil engineering services, Agreement #SW-08-05 and RM-SW-05-0092 between Island County and SCS Engineers, Inc., changing the maximum amount payable to \$300,000.00.

**CONSULTANT AGREEMENT – URS CORPORATION, INC. - CAMANO ANNEX
DRAINAGE DESIGN/PROJECT MANAGEMENT**

Consultant Agreement #PW-0720-15 between Island County and URS Corporation, Inc., for the Camano Annex Drainage Design/Project Management in the amount of \$30,209.00 with a completion date of August 30, 2007 was approved by unanimous motion of the Board.

**CONTRACT WITH CASCADE NATURAL LANDSCAPING FOR LANDSCAPING
FREELAND SHERIFF'S PRECINCT**

Contract #PW-0720-14 between Island County and Cascade Natural Landscaping for landscaping the Freeland Sheriff's Precinct, in the amount of \$20,719.96, was approved by unanimous motion of the Board.

**HEARING HELD: RESOLUTION #C-36-07/PLG-013-07 DESIGNATING BASINS THAT
HAVE ANADROMOUS FISH POPULATIONS AND RESIDENT SALMONID SPECIES**

At 10:30 a.m. as advertised, introduced and scheduled for this date and time at the meeting of March 19, 2007 [GMA #9218], Chairman Shelton opened a public hearing on Resolution #C-36-07/PLG-013-07 Designating Basins that have Anadromous Fish Populations and Resident Salmonid Species. The audience contained approximately 12 members of the public and press, as well as County staff.

Jeff Tate, Assistant Director, Planning & Community Development, provided background information and purpose of the proposed resolution. Pursuant to GMA requirements, the resolution was forwarded to state agencies for a 60-day review beginning October 4, 2006 and ending December 3, 2006, with no comments received. The Department also forwarded the resolution to the Peer Review Group and at that time received no comments on the resolution. The map and resolution were presented to the Board at staff session in December. Last week Mr. Tate received inquiries from the Washington State Department of Fish & Wildlife (DF&W), Department of Ecology (DOE) and the Puget Sound Action Team (PSAT). PSAT and DOE asked questions about the purpose of the resolution. Jennifer Hayes, DF&W, wrote a letter to Commissioner Shelton dated April 4, 2007 [GMA #9266] applauding the County for following through with special consideration of Anadromous fisheries, and made comment that the County should be considering basins and streams where there might have been a historical use but there is no use today, and stating that the map should not be used for purposes of precluding restoration actions in the future. Mr. Tate agreed to work on a set of findings of fact to make it clear that the Salmon Recovery Plan is the driving policy document for restoration and recovery in Water Resource Inventory Area 6 (WIRA 6) in Island County, and that the resolution does not trump that, rather a tool in regulation.

Mr. Tate provided at this time copies of proposed Findings of Fact, Exhibit B to the Resolution [GMA #9278] forwarded to Ms. Hayes Friday afternoon and Ms. Hayes responded via e-mail dated April 6, 2007 [GMA #9293] that the language clarifies the purpose of the resolution and addressed DF&W concern with preserving opportunities for improving salmon habitat in other basins.

Chairman Shelton suggested a paragraph be added to the resolution indicating Exhibit B was being adopted as part of the Resolution. He questioned the map showing what appears to be a connection

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between the Glendale and Maxwellton watersheds and suggested the need to delineate the fact that those are two different watersheds.

Commissioner Dean referenced a letter to the Board dated April 5, 2007 from Joanne Greenberg, P.E., Water Resources Engineer, Hydrologic Services Co., Bellingham, Wa. [GMA #9279] about the map designations of cities marked in blue and underscored the need for something in the legend to indicate those are not watersheds, rather demarcates city boundaries.

Public Comments

Angie Homola, Happy Lane, Swan Lake Watershed Preservation Group, provided each member of the Board a packet of information [GMA #9280]. She was concerned about the map and thought to help restore salmon need to recognize not just the sites fish have been seen, but also sites with potential for fish. The information packet contains copies of studies done by biologists and studies the County administered that identify sites that have been left off the map. She recommended the resolution not be adopted until the map can be updated to show sites with fish present as well as sites with potential for restoring fish. She referenced her letter of 2/27/07 to the Board with regard to grant money available from the State to try and bring salmon back (included in her hand-out packet). Her group would like to form a 501-C3 and restore salmon to the Swan Lake/Swantown or Bos Lake area. There are tidal gates now which are failing as depicted by pictures included in the hand-out; the County owns that land, and it is a habitat of local importance. The group filed for the grant to meet the deadline and are concerned if County maps leave off potential sites the group will have a hard time being eligible for the grant money.

Scott Ashworth who along with his brother own 76 acres immediately north of the Fakkema Farm, supported the comments by Ms. Homola. He and his brother are very supportive of salmon habitat restoration and would like to see it pursued by the County.

GayLynn Beighton, West Beach Road, provided a packet of material for the record with her transmittal letter dated today [GMA #9281]. In looking at the map and resolution she had some concerns regarding the delineations of the watersheds and contacted a hydrologist, Joanne Greenberg. She read Ms. Greenberg's letter for the record, which states in part: *[full letter included in the record as GMA #]:*

- Oak Harbor, Coupeville and Langley are included as if the city boundaries are watershed boundaries. City boundaries are strictly political while watershed boundaries are naturally formed by the topography.
- Watershed boundaries can be changed by alteration of creeks and ditches and the construction of roads. Currently, it does not appear that the watershed boundary of the Swan Lake Watershed has been significantly impacted.
- On the map, Oak Harbor Urban Growth Area boundary overlies the drainage basins within the city boundary and in neighboring watersheds. Exhibit A implies that each city is its own watershed, which is not the case.
- The natural boundary of the Swan Lake Watershed is encroached upon by the UGA boundary and implies that water in part of the Swan Lake Watershed flows to the east, which it does not. The UGA overlay is inappropriately used for the designation of drainage basins and recommend remove it altogether from the map that is intended to address drainage basins only.

Summarizing from Ms. Beighton's one-page letter included in her hand-out packet:

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- RCW 36.70A.172 requires counties and cities give special consideration to conservation or protection measures necessary to preserve or enhance Anadromous fisheries.
- Joanne Greenberg finds the map inappropriate for use of the designation of drainage basins as it is currently drawn.
- Island County purchased West Beach Lake a/k/a Swan Lake, with Conservation Futures Funds in 1999 for the purpose of preservation of wetlands; Island County designated Bos Lake a/k/a Swantown or Swan Lake as a Habitat of Local Importance.
- Swan Lake Watershed Preservation Group was accepted into the DF&W Puget Sound Nearshore Database for the purpose of pursuing salmon habitat restoration for Swan Lake on 3/20/2007.

Ms. Beighton requested that the Map to be attached as Exhibit A be revised to remove the political overlay of non-watershed items, and that the Resolution be revised to include a mechanism for recognizing salmon basins with grassroots organizations actively working on new salmon restoration projects.

Jason Shappart, Fisheries Scientist with Meridian Environmental, Inc., Seattle, talked with GayLynn and Swan Lake Watershed Protection Group about pursuing some habitat restoration actions, and has reviewed the map, noting basin boundaries are not fully depicted, and thought if the map were to be used to delineate basins the full basin boundaries should be shown. For example, Swan Lake basin is not visible; the Oak Harbor UGA shown in blue overlays that basin and actual basin boundaries cannot be seen. He suggested that basin boundaries be highlighted and that the Oak Harbor UGA, if it is to be on the map, would be underneath of that. The resolution verbiage talks about identifying basins while the map is labeled as known Salmonid watersheds; while those terms are essentially the same he suggested one term be selected for consistency. Mr. Shappart commented on the map and how the map delineates resident salmonids and basins that have Anadromous salmonids. Speaking as a fisheries expert with a great deal of knowledge on cutthroat life history he commented that they exhibit a lot of different types of living and can be Anadromous, or resident. He was curious looking at the basin maps if those listed as resident salmonids were there because of a man-made barrier or a natural barrier, in that a man made barrier can be fixed and the fish can once again exhibit an Anadromous life history if they have access to the ocean. It is very well documented in the scientific literature that cut throat populations located above barriers do in fact have juveniles that migrate downstream over those barriers and become Anadromous. *[Jason K. Shappart resume submitted for the record GMA #9282]*

Steve Erickson, WEAN, Langley, suggested a clear disclaimer on the map as well as within the Resolution and findings of fact that what is on the ground controls, the map advisory. He saw this as a good opportunity to establish linkage between the critical areas ordinance and recovery plans by amending the map to show the ranking and prioritization of the various basins in terms of restoration potential and enhancement potential. He had some concern that one effect of the map might be to allow degradation of watersheds where it is at high enhancement potential because not currently occupied. This seems to indicate the County may be moving in a direction in the CAO update providing lesser protection for resident populations of salmonids.

Jerry Pitsch, North West Beach Road, across West Beach Road from Swan Lake, recalled that a couple of years ago the Fisheries Department were out with nets along West Beach and found five different species of salmon. With the dairy out of business and manure no longer sprayed in Swan Lake, he suggested this would be an excellent opportunity to restore salmon habitat for those fingerlings going along West Beach.

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Thomas Garrod, West Beach Road, did not think the County had a strong understanding of the importance wetlands and preservation of environment play on preserving Puget Sound. Preservation of Puget Sound should be a huge interest, and the Commissioners are key in using resources and interests of the Island in preserving that. While there is interest in economic viability of the Island, that should not mean sacrificing viability of the natural resources or Puget Sound for developmental interests.

No others indicating a desire to speak for or against the proposed resolution, Chairman Shelton closed public input portion of the public hearing.

Mr. Tate commented and responded to questions from the Commissioners. He recalled that the Board made a very strong commitment to salmon recovery and efforts that support fresh water, but primarily marine water recovery efforts. The County's Salmon Recovery Plan prioritizes certain areas, with the priority focused on those populations in the Skagit, Stillaguamish and Snohomish. Looking at the geography over the salmon recovery efforts have been occurring has been to focus on those populations because of the science that has been produced that shows the importance of certain areas on Whidbey and Camano Islands to support those fish runs. There is evolving science that addresses other geographic areas in the county and is not just a statistic thing. The County has in excess of 1-1/2 million dollars in grant funding supporting a variety of different on-going salmon recovery projects. The map in the Salmon Recovery Plan (Figure 9) shows the features that have habitat potential. GMA requires special recognition of Anadromous fisheries and the obligation under the statute is to look at those Anadromous fisheries. The map does that, and goes a step further and looks at resident populations.

In response to a question from Commissioner Dean about Swantown Lake, Mr. Tate indicated that the Department has no data that suggests a resident population or Anadromous populations in Swantown Lake or the drainage features that drain into Swantown right now. It appears in the Salmon Recovery Plan identified as salmonid habitat -- the stream reach that extends above Swantown lake shown on Figure 9. The County has not initiated any plans for Swantown, although there is work being done salmon recovery partners participating in the County's lead entity salmon recovery process. Much of the focus has been in geographic area 1 in the Salmon Recovery Plan identified as the most important to supporting the Skagit, Stillaguamish and Snohomish populations.

Mr. Tate agreed to revise the map and resolution as follows:

- A map clearly delineating the basins
- For the two cities and town designated on the map in blue, comment in the map legend these are current city/town boundaries
- Federal property color-coded and noted in the map legend
- Verbiage in the Resolution and Map for consistency both refer to "basin" as opposed to "watershed"
- Add disclaimer as suggested.

By unanimous motion the Board continued the Public Hearing on Resolution #C-36-07/PLG-013-07 to April 16, 2007 at 10:30 a.m. [*notice of continuance GMA #9283*]

Chairman Shelton clarified that the public input portion of the public hearing had been closed and unless the changes on the map would necessitate reopening the public input portion the public input portion will remain closed. If there is some overriding reason in disagreeing with the map, the Chairman will allow comments on the map.

**APPROVAL AMENDMENT NO. 4 TO AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN DEARBORN & MOSS PLLC AND PAUL R. ADAMUS**

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Mr. Bakke requested that the Board authorize Amendment No. 4 to Agreement for Professional Services between Dearborn & Moss PLLC and Paul R. Adamus, increasing the overall contract by \$21,500 to facilitate continued peer review and scientific study on Phase 2 and Phase 3 wetland reports as well as develop of the critical area ordinance.

By unanimous motion, the Board authorized Amendment No. 4 to Agreement for Professional Services between Dearborn & Moss PLLC and Paul R. Adamus as presented and recommended. *[GMA #9284]*

ANNUAL INSPECTION OF ISLAND COUNTY CORRECTIONS AND DETENTION FACILITY

At Noon as scheduled, the Board conducted the Annual Inspection of Island County Corrections and Detention Facility.

There being no further business to come before the Board, the meeting adjourned on completion of the Annual Inspection of the Corrections and Detention Facility.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow, Clerk of the Board