

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
JULY 12, 2010 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 12, 2010 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. Helen Price Johnson, Chair, Angie Homola, Member, and John Dean, Member were present. The meeting began with the Pledge of Allegiance.

EMPLOYEE SERVICE AWARDS (Recording @ :30)

EMPLOYEE SERVICE AWARDS

<u>Department</u>	<u>Employee</u>	<u>No Years</u>
Facilities	Carla Waite	20
Health	Shannon Finch	5
Parks	Lisa McDavid	5
Parks	Jan Van Muyden	15
Planning & Community Devl.	Anthony Boscolo	5
Public Works	William Poss	10
Sheriff	Scott Fague	10
Solid Waste	Ted Tobolik	5
Solid Waste	Jerry Mingo	20

SPECIAL RECOGNITION

2010 OUTSTANDING JUDGE AWARD

HONORABLE VICKIE I. CHURCHILL  
ISLAND COUNTY SUPERIOR COURT

*The Washington State Bar Association (WSBA) announces that Island County Superior Court Judge Vickie I. Churchill, of Oak Harbor, will be honored, along with two other judges, with the 2010 Outstanding Judge Award. This award is presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court. WSBA President Sal Mungia will present the award at the WSBA Annual Awards Dinner, to be held on September 23, 2010, in Seattle.*

*Judge Churchill, along with Spokane County Superior Court Judge Tari Eitzen and King County Superior Court Judge Richard McDermott, received the award for their work on the Executive Committee for the Washington State Superior Court Judges' Association during the last legislative session. As a result of their legislative efforts, the state justice system was able to retain 96% of its previous funding for improvements to court operations, indigent defense, parent dependency representation and civil equal justice funding in a landmark budget deficit year for the state.*

*The WSBA is part of the judicial branch, exercising a governmental function authorized by the Washington State Supreme Court to license the state's 33,200 lawyers.*

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**PUBLIC INPUT OR COMMENTS**

None

**CONSENT AGENDA (Recording @ 15:51)**

*[Documents on file with the Clerk of the Board]*

BY UNANIMOUS MOTION (3-0) the Board approved the following items presented on the Consent Agenda with the exception of Voucher # 6910430, moved to the Regular Agenda for discussion:

Pre-audited bills and vouchers for payment – Voucher #s 340209-340548 - \$490210.20  
EFTs (electronic funds transfers) - \$242,458.30  
Minutes from previous meeting(s): Regular Sessions - 5/24, 6/3, 6/7, 6/14, and 6/15/2010  
Payroll dated June 30, 2010

*Correspondence*

Letter to Recreation and Conservation Office supporting Washington Wildlife and Recreation Program grant applications submitted by the Whidbey Camano Land Trust.

*Central Services*

Purchase Order No. 7676 to VPCI for services to install new updates for LaserFiche in the Clerk's Office. Amount: \$8,503.48

*Emergency Management*

Interlocal Agreement between Island County DEM and the City of Oak Harbor for pass through of Homeland Security Grant funds to the City. Contract number E09-181. Amount: \$27,270.00 (RM-DEM-10-0289)

*Human Resources – Personnel Action Authorizations*

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Emergency Management	044/10	Planner .50 fte	1307.00	New Position	07/12/10
Emergency Management	045/10	Planner .50 fte	1307.01	New Position	07/12/10
Health	048/10	PHN II .38 fte	2406.04	Personnel Action (Reduce Hours)	08/02/10
Public Works/Solid Waste	049/10	SW Attendant Supervisor	2260.00	Replacement Position	09/20/10
WSU Extension	050/10	Beach Watcher Program Coord.	1207.01	Replacement Position	07/19/10

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*Planning & Community Development*

**Public Hearing Scheduled - July 26, 2010 - 2:30 p.m.**

WSR 039/10 (Water Service Review) Applicant Lawrence Lehtonen, is proposing to create a new 6-share water system south of Langley named "Canyon Water System." It includes three parcels. Proposal includes one parcel, R32901-245-0070, that is currently included in the adjacent Beachwood Water Company.

*Public Health*

- Purchase Order with Home Depot, Oak Harbor - Storage Units. Two storage units to contain Health Department emergency response materials. One unit to be located at Coupeville Road Shop, one unit at Camano Road Shop. PO No. 8976; PO Amount: \$7,904.66 (RM-HLTH-10-0312)
- Out of State Travel Request to attend Foodborne Illness Investigations Course in Battle Creek, Michigan on July 20-22, 2010. Attendance is by U.S. Food & Drug Administration invitation and all travel expenses to be paid by the FDA.
- Contract Collection Agreement with Whidbey Island Bank for On-Site Repair Financial Assistance Program (Casas)
- Contract Collection Agreement with Whidbey Island Bank for On-Site Repair Financial Assistance Program (Berard)

*Public Works - County Roads*

- Escrow Agreement - Coral Construction Company; 2010 Guardrail Project; CRP 10-01, Work Order No. 455 (Contract/Bond signed June 14, 2010)
- Retainage Bond - Lakeside Industries, Inc; 2010 Whidbey Island HMA Overlays; CRP 10-02, Work Order No. 477 (Contract//Bond signed June 21, 2010)
- Retainage Bond - CEMAX Construction Materials Pacific LLC dba Cemex; 2010 Camano Island HMA Overlays; CRP 10-03, Work Order No. 476 (Contract/Bond signed June 21, 2010)
- Supplemental Agreement No.1 - Materials Testing & Engineering; Completion date changed to December 31, 2010. (RM-PW-10-0295) (PW-1020-058)
- Temporary Construction Easement & Agreement – KVS Storage, LLC; Woodard Road Shoulder Widening, Work Order No 216; Parcel 084-2920; Sec. 10, Twp 29N, R 2E. (RM-PW-10-0202) (PW-1020-043).
- Quit Claim Deed - KVS Storage, LLC; Woodard Road Shoulder Widening, Work Order No 216; \$7,450.00 (\$4,700.00/Land, \$2,750.00/Improvements); Parcel 084-2920; Sec. 10, Twp 29N, R 2E.
- Drainage Easement - Carla Haunreiter & R. Marie, David A & Gregory Jones; Terry's Corner Drainage, Work Order NO. 289C; Parcel 036-0440; Sec. 20, Twp 32N, R 3E. (RM-PW-10-0197) (PW-1020-042)
- **Public Hearing Scheduled - August 2, 2010 - 10:15 a.m.**  
Franchise #125 - Franchise for existing franchise for water distribution system located in Plat of Moonwink, Division No 1; Secs. 1 & 12, Twp 29N, R 3E. (RM-PW-10-0081) (PW-1020-21)

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Public Works - Solid Waste

Letter Agreement No. C1000286 - Department of Ecology; Recycle of Burn Barrels for Compost Bins; \$1,500.00 (\$1,500.00/DOE, \$0.00/County) (RM-WSU-10-0272)

Liquor License(s)

- Application for Added Privilege for Liquor License No. 405022-3D by Christine E. Hurley and Debora R. Torget, Bayview Grocery, Inc, d/b/a The Goose Community Grocery, 14485 SR 525, Ste. 7, Langley, WA
- Application for Added Privilege for Liquor License No. 088417-3D by Janet L. Gunn, Whidbey Pies, Etc. LLC, d/b/a Whidbey Pies Café, 765 Wonn Rd., Ste. A102, Greenbank, WA
- Application for Added Privilege for Liquor License No. 080699-3C by Curtis J. Myers, Elise Akiko Myers, Kent Myers, Tanya Marie Myers, Tyler Kent Myers, Jonathan Blake Stoverud-Myers, Kristin Mary Stoverud-Myers, Camano Plaza Market, LLC, d/b/a Camano Plaza Market, 370 NE Camano Dr., Camano Island

Sheriff

- Interagency Agreement with Washington Association of Sheriffs & Police Chiefs for funding to be used to verify addresses and residences of Registered Sex Offenders. Funding from 07/01/2010 to 06/30/2011; Amount: \$70,500 (RM-SHER-10-0283)
- Interagency Agreement with Washington State Patrol-Marijuana Eradication Funding from 01/01/2010 - 12/31/2010; Amount: \$2,000 (RM-SHER-10-0284)
- Intergovernmental Agreement with Washington State Parks & Recreation Commission - Marine Safety Program Special Assistance funding from July 1, 2010 - June 30, 2011. Contract No. LE 911-216; Amount: \$21,650 (RM-SHER-10-304)
- Memorandum of Understanding agreeing to establish and be a contributing member of the South Whidbey Marine Security & Resiliency Consortium in order to address issues related to Puget Sound marine transportation security.

REGULAR AGENDA (Recording @ 26:38)

*[Documents on file with the Clerk of the Board]*

Voucher # 6910430 - Island County Fair Association - \$13,762.29

Chair Price Johnson indicated an error in processing occurred by the Fair Board. The error was caught by the Auditor's office and the situation is being corrected. The Fair Board will be notified via letter from the Board of proper protocols going forward.

IT WAS MOVED BY HOMOLA, SECONDED BY DEAN, to APPROVE Voucher # 6910430. MOTION CARRIED: 3-0

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PUBLIC HEARINGS (Recording @ 28:05)

*[Documents on file with the Clerk of the Board]*

Public Works

Petition to Open Unopened County Road right-of-way known as Ridenour Street - Petition to open a portion of unopened County R/W known as Ridenour Street located in SE ¼, Sec. 2, Twp 29N, R 3E; Petitioner Larry Lehtonen

At 10:29 a.m. Chair Price Johnson opened the public hearing.

Mr. Oakes, with the help of a color-coded plat map for the Board's ease of reference, pointed out the public right-of-way, the area of an Association gate that blocks access, a private right-of-way or easement, petitioner's property, and the area which the Board has the authority over and ability to open an unopened County right-of-way. Such action would allow a private individual to open and build a road to development standards for access. In return, that private individual (petitioner) would be required to sign a maintenance agreement to maintain the opened section of the road as well as improve the road to 16 feet wide with an all-weather surface. The road would then be opened to the public as a public thoroughfare. Improvements would be from the gate through the unopened portion, to petitioner's property.

At 10:40 a.m. Chair Price Johnson opened the floor to public comment. Following remarks from members of the Beachwood community who had definite concerns about the removal of the gate and public access, followed with comment by Mr. Lehtonen, the Chair closed public comment at 10:59 a.m.

Mr. Oakes answered questions from residents regarding the private segment of the road and beach access for the community. Staff determined that private rights already established are unchanged by any Board action to open the unopened County right-of-way. With respect to the gate, the County does not allow gates in County right-of-way but there is nothing that would prevent the removal of the gate to be placed in the private right-of-way; which, according to Mr. Oakes, would be the preferred response so as not to block public access.

At 11:02 a.m. the Chair re-opened public comment so members of the Beachwood community could provide additional remarks in opposition to removal of the gate, thereby providing public access.

Public comment was once again closed at 11:19 a.m.

Dialogue ensued between Board members and Mr. Oakes concerning the possibility of leaving the gate where it currently stands. Commissioner Homola suggested the gate remain where it is with a pedestrian "Y" like access and operable gate similar to Ebey's access gate off Hwy 20. She felt that removal of private property signage would cover the County's public access issues while minimizing the negative impacts that would occur when people drive down the narrow road with no turn around at the end, leaving garbage and holding illegal parties. Mr. Oakes again advised against having a gate that blocks public access. He indicated he knew of no other gates in the County that cross public right-of-way. Also addressed were the issues of inconsistent surveys, security, and the overall widening of the road. The Board agreed it necessary to view the location and also allow the community meeting with Mr. Lehtonen to occur prior to making a decision.

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IT WAS MOVED BY HOMOLA, SECONDED BY DEAN to CONTINUE deliberation to July 26, 2010 at 2:30 p.m. due to questions that deserve further consideration. The Beachwood community will provide a letter reflecting the result of its meeting with Mr. Lehtonen. The Board is encouraged by the community's effort, along with Mr. Lehtonen, to work together toward an amicable solution.

COMMISSIONERS COMMENTS & ANNOUNCEMENTS (Recording @ 1:34:40)

Commissioner Dean

- Meeting at the Camano Center Wednesday evening about the levy lid lift proposition.
- Mark Clark Bridge opening

Commissioner Homola

- Encouraged the Board to move forward with the animal control contract. Work Session on the subject will be scheduled in August.
- She also encouraged the Board to address the Public Defense contract.
- Met with Marcia Van Dyke who suggested that the County use REET funds for Parks maintenance (*prohibited by statute; REET funds can be used for capital projects that maintain parks but the County is struggling with paying for the day-to-day maintenance of parks. .08 Rural County Economic Sales Tax can only be used for infrastructure and that infrastructure must be tied to job creation*).
- Met with the Coupeville Chamber of Commerce concerning the levy lid lift proposition. Upcoming on the same subject are meetings with the Oak Harbor Chamber, Oak Harbor Rotary, Senior Center, Coupeville Library, and KWPA radio.
- Request for Board approval of another resolution to support the Saratoga Chamber Orchestra.

Chair Price Johnson

- Asked that Mr. Oakes pass along to his Parks staff the Board's appreciation for their work during a busy time of year.
- Met with South Whidbey Kiwanis and with the Whidbey Island Realtor Board to provide information about the levy lid lift proposition.
- Final Public Forum will be held July 13.
- Island County Fair contract is in review for updating.

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There being no further business to come before the Board the meeting adjourned at 11:48 a.m. The Board will meet next in Special Session on July 13, 2010 at 6:00 p.m. and in Regular Session on July 19, 2010 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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Helen Price Johnson, Chair

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Angie Homola, Member

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John Dean, Member

ATTEST:

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Elaine Marlow, Clerk of the Board