

# ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

## REGULAR SESSION - AUGUST 9, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 9, 1999 beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present. Minutes from previous meetings were approved and signed as follows: Regular Session July 12, 1999; Regular Session July 19, 1999; and Special Session [Joint Board/Planning Commission Workshop] July 20, 1999.

### VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion: Voucher

(Warrants) #55748-#55994..... \$ 1,160,997.98.

### Hiring Requests & Personnel Actions

After review and discussion with Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following two Personnel Action Authorizations from the Public Works Department:

#### **PAA# Description Action Eff. Date**

078/99 Jr. Civil Engr I #223.00 Replacement 8/9/99

079/99 Wkg. Foreman I, Camano #2235.04 Replacement 8/9/99

### Employee Awards

Larry Kwarsick 25 *Public Works/Comm. Dev.*

Dennis Jennerjohn 15 *Public Works*

Mark Greene 15 *Public Works*

Jeffrey Barkhausen 10 *Public Works*

Debra Little 5 *Public Works/Comm. Dev.*

Matt Nash 10 *Public Works/Comm. Dev.*

Nancy Theune 10 *Central Services*

William Freeman 15 *Sheriff's Department*

Raymond Tash 15 *Sheriff's Department*

Mary D. Cross 5 *District Court*

### EMPLOYEE OF THE MONTH – JULY, 1999

*David Stasney, Environmental Health Specialist, Island County Health Department*

### COMMITTEE APPOINTMENTS

By unanimous motion, the Board made the following appointment and reappointments:

AG Advisory Committee

Ron Muzzall, Farmer, Oak Harbor

Conservation Futures Technical Advisory Group (TAG)

Steve Ellis, Coupeville, Representing Whidbey Audubon Society

Central Whidbey Historic Preservation Advisory Board

Robert A. Van Deen, Coupeville, representing Community At-Large

reappointed for a term to run until August 13, 2003

**Special Occasion Liquor License-South Whidbey American Legion**

On receipt of recommendations for approval by the Sheriff's Department and the Island County Health Department, the Board by unanimous motion approved Special Occasion Liquor License #364020, South Whidbey American Legion 141, Langley, August 14, 1999.

**Resolution #C-99-99: Proclamation - 100<sup>th</sup> Birthday vfw**

Post Commander, Veterans of Foreign Wars of the U.S., Island Post No. 7482, Clinton, advised that the Post joined with thousands of other Posts in planning the celebration of the VFW's 100<sup>th</sup> Birthday on September 29, 1999, and asked that the Board of Island County Commissioners participate by way of issuing a proclamation.

The Board, by unanimous motion, adopted Resolution #C-99-99 Proclaiming September 29, 1999 as 100<sup>th</sup> Birthday Greetings to Veterans of Foreign Wars for First Century of Services to the Veterans, their families and the community.

**PROCLAMATION**

**RESOLUTION #C-99-99**

**BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

**WHEREAS**, on September 29, 1999 the Veterans of Foreign Wars (VFW) of the United States, will celebrate it's **100 Year Anniversary**; and

**WHEREAS**, veterans of the Spanish-American War in 1898 to the veterans returning home from Bosnia in 1999, the VFW spans five generations of veterans who have helped shape America's destiny; and

**WHEREAS**, the hallmark of VFW members was service to their Country, it also lead to a 40-year battle to get a Philippine Travel Pay Bill through Congress, and later efforts for the World War I Bonus Bill and World War II GI Bill; and

**WHEREAS**, VFW Island Post 7482, Clinton, Washington, has given paramount services to Veterans, their families and the community since chartered on June 27, 1946: the renown Buddy Poppy a symbol of U. S. soldiers killed overseas, a National Home, Voice of Democracy,

Loyalty Day, and holding and participating in patriotic events.

**NOW THEREFORE**, the Board of Island County Commissioners hereby proclaim September 29, 1999,  
*th*

as the official "*100 Birthday Greeting*" to all Veterans of Foreign Wars in Island County, Washington, for their First Century of services to the veterans, their families and the community, and urge all citizens to join us in this observance.

**PROCLAIMED** and **ADOPTED** this 9<sup>th</sup> day of August, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY WASHINGTON**

Mike Shelton, Chairman

**ATTEST:** Wm. L. McDowell, Member

Margaret Rosenkranz William F. Thorn, Member

Clerk of the Board

**CONTRACTS ASSOCIATED WITH SPARTINA CONTROL**

The Board, having been briefed at staff session by Gloria Wahlin, Noxious Weed Coordinator,

approved by unanimous motion, two contracts associated with the control of spartina follows:

- Interagency Agreement IA-00-02-05 [RM-EXT-98-0031] between the State Department of Agriculture and Island County and its agent the Island County Noxious Weed Control Board, a Spartina Grant for 1999-2001 in the amount of \$50,000 for the purpose of eradication and control of Spartina within Island County
- Contract RM-EXT-98-0040 between Island County and Steve Wirth to provide certain services to Island County relating to eradication of spartina, contract in the amount of \$25,000.

**Contract #EM999388 - Amendment to Earthquake Mitigation Grant**

The Board at a recent staff session, received a presentation and overview from T. J. Harmon, Acting Director, Island County Department of Emergency Services, with respect to Contract #EM999388 between the Washington Military Department and Island County, amending the Earthquake Mitigation Grant in the amount of \$2,468 additional funding to meet the scope of work in the grant proposal. No additional provisions or required projects have been added to the contract.

By unanimous motion, the Board approved Contract #EM999388 as presented.

**Contract #EM19028 - Terrorism Consequence Management Grant**

The Board previously at Staff Session received a briefing from Ms. Harmon regarding Contract

#EM19028 between Washington Military Department and Island County providing \$4,000 to Island County Department of Emergency Services for planning and training activities supporting the State's Terrorism Consequence Management Program. This grant is offered annually to local jurisdictions hosting strategic military installations in the State and no matching funds are required from the County.

By unanimous motion, the Board approved Contract #EM190028 as presented.

**Contract #EM999415-Tsunami Warning Evacuation Signs**

A third contract, #EM999415, between Washington Military Department and Island County for Tsunami Warning, Evacuation Signs, providing \$3,200 to the County, was presented by Ms. Harmon, noting that the contract date had

been extended to September 30, 1999.

The Board by unanimous motion approved Contract #EM999415 as presented.

**Contract #HS-09-99, Biennium Interagency Work Order for County Services – DSHS - DEVELOPMENTAL DISABILITIES**

Having received a briefing by Health Department staff at recent Staff Session, the Board by unanimous motion approved Contract #HS-09-99, Biennium Interagency Work Order for County Services, DSHS, Developmental Disabilities Division and Island County, in the amount of \$759,602 for the period July 1, 1999 through June 30, 2001.

**Contract #RSN-Island-99-01: North Sound Regional Support Network, Mental Health Administration and Island County**

By unanimous motion, the Board approved Contract Interagency Agreement #RSN-Island-99-01 between the North Sound Regional Support Network and Island County, in the amount of

\$100,000 to provide mental health administration and local oversight for the period July 1, 1999 through June 30, 2001.

**Supplemental Agreement #3 to Agreement #PW-962043 - Harding Lawson ASSOC. Infrastructure, Inc., EAST Camano Dr. Phase 2**

On description provided by Larry Kwarsick, Public Works Director, the Board by unanimous motion, approved Supplemental Agreement No. 3 to Agreement #PW-962043 with Harding Lawson Associates, Infrastructure, Inc., involving work related to East Camano Drive Phase 2, CRP 96-05, to add field staking of rights of way.

**Release of Bond: for completion of road work/erosion control, Forest Practices Permit #FP2801837, Darryl Jones**

Mr. Kwarsick advised that field inspection by County staff confirmed that work had been completed as required for road work/erosion and sedimentation control measures under Forest Practices Permit #FP2801837, Darryl Jones, and recommended release of bond.

By unanimous motion, the Board released the bond under Forest Practices Permit #FP2801837.

**Amendment No. 4 TO SOLID WASTE CONTRACT FOR Transport and Disposal between Island County and Waste Management Disposal Services of Washington, Inc.**

Dave Bonvouloir, Solid Waste Manager, presented for Board approval, Amendment No. 4 to the contract [November 4, 1991] for Solid Waste Transport and Disposal between Island County and Waste Management Disposal Services of Washington, Inc. The amendment is presented as "value for value" resulting in a 75 cent per ton reduction over the next 5 years of the contract, with a 1 year extension. The contract was reviewed by special legal counsel and it was presented to the Board with that approval.

Bob Schille, representing Waste Management, expressed appreciation for consideration to the Board for considering the Amendment. The Company values Island County as a customer, and he valued his working relationship with Mr. Kwarsick and Mr. Bonvouloir.

The Board, by unanimous motion, approved Amendment #4 to the Contract between Island County and Waste Management Disposal Services, Inc.

**purchase wall panels for temporary housing; Glass Tek**

As requested by Mr. Kwarsick, the Board by unanimous motion approved Purchase Order 02788 for wall panels for temporary housing, from Glass Tek, in the amount of \$6,220.80.

### **Iverson Property Purchase Closing Documents**

Next, Mr. Kwarsick presented a variety of standard closing documents associated with the purchase of the Iverson Property under the Conservation Futures Fund program, including: Notice of Compliance; acceptance of the Quit Claim Deed relative to water service associated with property; Closing Statement; Special Warranty Deed; and Real Estate Excise Tax Affidavit. The County Treasurer prepared the warrant to be hand-delivered to the escrow company today; closing is scheduled to occur tomorrow.

By unanimous motion, the Board approved the closing documents for purchase of the Iverson Property under escrow #S-72762.

### **Quit Claim Deed - John M. and Cynthia S. Barnett**

#### **Portion of Assessor's Plat of Driftwood Shores, Div. No. 1**

The Board by unanimous motion approved a Quit Claim Deed from John M. and Cynthia S. Barnett, for a portion of Assessor's Plat of Driftwood Shores, Div. No. 1, Parcel #S6510-00-00023-0, involving right-of-way for a short roadway on Camano Island.

### **REQUEST FOR APPEAL OR RECONSIDERATION: DENIAL OF BLA 264/99**

Request for appeal or reconsideration was received with regard to denial of BLA #264/99, by Gary and Ruth Lewis, applicants/owners, submitted by T. J. Roehl & Associates representing the applicants. Mr. Kwarsick advised the Board that effective Midnight tonight, the Interim Ordinance goes into effect with regard to the minimum lot size in the rural zone. As a result, one of the lots of the proposed Boundary Line Adjustment now becomes a non-conforming lot; therefore, special provisions of Sub-paragraph #8 under BLAs applies. Mr. Kwarsick intends to accept this for reconsideration and reissue a favorable decision now as a result of the non-conformity of one of the lots. There is no need to schedule an appeal hearing. Applicant's agent has been so advised, but at this point has not actually withdrawn the appeal. Mr. Kwarsick expects to reissue a decision today or tomorrow and asked that the Board delay any action until next Monday, assuming the matter will be resolved through reconsideration, the appeal process to a certain degree stayed until the reconsideration has been acted on.

The Board concurred; no action taken to schedule an appeal at this point and will await further word from Mr. Kwarsick between now and next Monday's agenda.

### **HEARING SCHEDULED: Ordinance #C-100-99 [PLG-026-99] Amending Chapter 17.03 to Implement the Langley Interlocal Agreement**

By unanimous motion, the Board scheduled proposed Ordinance #C-100- 99 [PLG-026-99] Amending Chapter 17.03 to Implement the Langley Interlocal Agreement, for August 23, 1999 at 3:30 p.m. [GMA doc. #4520].

### **HEARING HELD: ORDINANCE #C-76-99 (PLG-015-99) Correction to adopting ordinance language regarding Rural Agriculture**

A Public Hearing was held at 10:45 a.m., as scheduled and advertised, for the purpose of considering a correction to Ordinance #C-76-99 (PLG-015-99) adopted July 12, 1999, in the matter of amending Chapter 17.03 ICC to comply with the Invalidity Order of the Western Washington Growth Management Hearings Board Regarding the Rural Agriculture Zone No changes in standards are proposed. The proposal reads as follows (first page of cover ordinance, last paragraph) [GMA document #4444]:

BE IT FURTHER ORDAINED that these interim regulations amendments ~~to the Rural Agriculture Zone~~ shall remain in effect until the County adopts permanent amendments to Chapter 17.03 ICC to replace these interim regulations. ~~This~~ The permanent amendments shall not take effect until the Western Washington Growth Management Hearings Board determines that ~~theyse interim regulations~~ do not substantially interfere with the goals of the GMA.

No members of the public attended; Keith Dearborn, Special Legal Counsel, was present.

Mr. Dearborn explained that on July 19, 1999, the Board set this date and time for the hearing provisionally because there had been some changes made to the adopting ordinance by the Deputy County Prosecutor that Mr. Dearborn had not been aware of and wanted the Prosecutor to confirm changes intended. Dave Jamieson this morning confirmed he intended the Ordinance as adopted by the Board and would not sign off as to form on the proposed correction. Therefore, there is no basis for a public hearing at this time and Mr. Dearborn recommended the Board not make the proposed change in the cover ordinance, and that Ordinance #C-76-99 stand as adopted. This means that the ordinance making changes to the Rural AG Zone will not go into effect until the Growth Board determines that it no longer substantially interferes [minimum lot size from 20 to 40 acres]. The Growth Board invalidated all of the provisions of the Rural AG Zone that were less restrictive than the Commercial AG zone. Mr. Jamieson's opinion is that the ordinance cannot go into effect until the Growth Board determines that this ordinance conforms to their Order and the Rural AG Zone no longer substantially interferes. Mr. Dearborn has a difference of opinion but it is not one of consequence in the long run. As far as people who own a piece of Rural AG property, this really does not have a substantive impact because the Growth Board's decision effectively did what this proposed change would have done, but puts it in writing so anyone coming in knows what the Code now permits in the Rural AG Zone.

Based upon advice from Counsel, the Chairman closed the public hearing and did not act on the proposed correction. Ordinance #C-76-99 stands as adopted on July 12, 1999 [*GMA document #4437*].

### EXECUTIVE SESSION

The Chairman announced that the Board would meet in Executive Session beginning at 1:00 p.m. with Special Legal Counsel for the purpose of discussing pending litigation, as allowed under RCW 42.30.110(1)(i), to last for approximately one hour. No announcement in open public session was expected.

With no further business to come before the Board on conclusion of the Executive Session, meeting adjourned at 2:00 p.m. The next regular meeting will be held on August 16, 1999 beginning at 9:30 a.m.

## **BOARD OF COUNTY COMMISSIONERS**

### **ISLAND COUNTY, WASHINGTON**

---

Mike Shelton, Chairman

---

Wm. L. McDowell, Member

---

William F. Thorn, Member

**ATTEST:** \_\_\_\_\_

Margaret Rosenkranz, Clerk of the Board