

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - FEBRUARY 7, 2005

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 7, 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 January 24, 2005 regular meeting.

VOUCHERS AND PAYMENT OF BILLS

The Board by unanimous motion approved the payroll dated January 31 2005, and the following vouchers/warrants for payment: Voucher (War.) #205921 - 206413\$545,807.96 .

Veterans Assistance Fund. Claim #V5-1 in the amount of \$4,556.53 was 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 Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

Dept.	PAA #	Description	Position #	Action	Eff. Date
Planning	007/05	Sr. Planner/Shore	1709.02	New Position	2/7/05
		Deactivates Position #1708.03 and establishes #1709.02			
Juvenile	008/05	Adm. Asst.	1403.01	Replacement	8/1/05
Sheriff	009/05	Rec. Clerk, Temp	4022.05	New Position	2/7/05
		Temporary up to 120 days			
WSU	010/05	Off Coord.	1214.00	.75 to 1.0 fte	2/7/05
		Increase hours funded by donation			
Pub. Works	011/05	Seas'l Laborer	2254.02	Replacement	2/7/05
Health	012/05	STD/HIV Aids Cor.	2408.02	Replacement	6/30/05

APPOINTMENTS TO THE 2% LODGING TAX ADVISORY COMMITTEE FOR ISLAND COUNTY

By unanimous motion, the Board appointed the following to the 2% Lodging Tax Advisory Committee for Island County:

Sam Wolfe, President, Freeland Chamber of Commerce, representing "Organization Eligible to receive 2% tax funds"

Sharleen Stroyan, North Whidbey Inn, Oak Harbor, representing "Business subject to the 2% tax".

**RESOLUTION #C-06-05 PROCLAIMING THE WEEK OF FEBRUARY 14-20, 2005
RANDOM ACTS OF KINDNESS WEEK IN ISLAND COUNTY**

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The Board, by unanimous motion, approved Resolution #C-06-05 In the Matter of Proclaiming the Week of February 14-20, 2005 Random Acts of Kindness Week in Island County. [*Resolution #C-06-05 on file with the Clerk of the Board*]

PUBLIC HEARING SCHEDULED – BUDGET RESOLUTIONS

By unanimous motion, as presented by Elaine Marlow, Budget Director, the Board scheduled a public hearing for February 28, 2005 at 1:55 p.m. to consider the following budget resolutions:

Resolution #C-07-05 Amending the Island County 2004 Budget to recognize unforeseen expenditures and additional funding sources within the 2004 Budget, not known when the 2004 budget was adopted

Resolution #C- 08-05 Amending the Island County 2005 Budget to recognize unforeseen expenditures and additional funding sources within the 2005 Budget, not known when the 2005 budget was adopted.

CONTRACT FOR 2% HOTEL-MOTEL LODGING TAX REVENUES – 2005 TOURISM PROGRAM YEAR

By unanimous motion, the Board approved the Contract for 2% Hotel-Motel Lodging Tax Revenues for the 2005 Tourism Program Year #RM-BOICC-05-0014 with Central Whidbey Chamber of Commerce - Tourism Marketing and Fulfillment Program, in the approved amount of \$20,500.

RESOLUTION #C-09-05 CANCELLATION OF UNCOLLECTIBLE PERSONAL PROPERTY TAXES AS OF FEBRUARY 2005

After due diligence and efforts made by the Island County Treasurer to collect past due personal property taxes as listed in Exhibit A to the resolution, and with the inability to collect same for the reasons given, Linda Riffe, Island County Treasurer, presented a resolution for the Board's approval with regard to cancellation of uncollectible personal property taxes as of February, 2005, as provided for under RCW 84.56.240. The Board by unanimous motion approved Resolution #C-09-05 as presented. [*Resolution #C-09-05 on file with the Clerk of the Board*]

SPECIAL OCCASION LIQUOR LICENSE #092151-CAMANO SENIOR & COMMUNITY CENTER

Having received the appropriate County Departmental review and recommendations of approval, the Board by unanimous motion approved Application for Special Occasion Liquor License #092151 by Camano Senior & Community Center for Special Occasion to be held February 12, 2005 from 7:00 p.m. to 10:00 p.m. at the Camano Senior Center, located at 606 arrowhead Road, Camano Island, Wa.

CONTRACT WITH MANTLE INDUSTRIES, INC., FOR CORNET BAY PIER PROJECT

The Board, by unanimous motion, approved Contract with Mantle Industries, Inc., for Cornet Bay Pier project [manufacture aluminum pier] in the amount of \$10,646 (RM-PARKS-04-0130).

CLAIM FOR DAMAGES #R04-023-CD PUGET SOUND ENERGY

Betty Kemp, Director, GSA, submitted recommendation to deny Claim for Damages #R04-023-CD by Puget Sound Energy; the County Engineer concurs in that recommendation. The Island County Road

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Department while doing routine maintenance in the right of way cut a power cable. Although PSE has requested damages, since the cable was buried 18" rather than the minimum required 36" staff recommends denial.

The Board, by unanimous motion, denied Claim for Damages #R04-023-CD by Puget Sound Energy.

CONTRACT AMENDMENT - WHIDBEY ISLAND ANIMAL CONTROL FOR DOG CONTROL SERVICES

Contract Amendment with Whidbey Island Animal Control increasing the annual contract amount for dog control services in the amount of \$11,460, for total new contract of \$69,600 (RM-GSA-97-0028) was approved by unanimous motion of the Board.

LEASE AGREEMENT AMENDMENT #3 - DR. BRUCE PLATT FOR OFFICE SPACE RENTAL

Lease Agreement Amendment #3 with Dr. Bruce Platt for office space rental, for a total contract amount of \$10,350 (RM-GSA-04-0023) was approved by unanimous motion of the Board upon submittal and recommendation of Betty Kemp. Lease amendment is from February 15, 2005 through December 31, 2005, and reflects an additional \$50 per month to cover utility increases [landlord pays City of Oak Harbor utilities].

INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT- WASHINGTON STATE DEPARTMENT OF GENERAL ADMINISTRATION

Intergovernmental Cooperative Purchasing Agreement between Washington State Department of General Administration and Island County in the amount of \$2,000 (RM-CS-05-005) was approved by unanimous motion of the Board.

CONTRACT AMENDMENT #2 – WASHINGTON STATE DEPARTMENT OF ECOLOGY - CZM 310 GRANT NORTHWEST STRAITS FUNDING MARINE RESOURCE COMMITTEE SHORE STEWARDS PROGRAM

On presentation by Don Meehan, WSU Extension Agent, the Board by unanimous motion approved Contract Amendment 2 to Contract #G0400250 in the amount of \$27,500 (RM-EXT-05-0012) with the Washington State Department of Ecology for CZM 310 Grant Northwest Straits funding Marine Resource Committee Shore Stewards Program.

REQUEST FOR WAIVER FROM THE COMPETITIVE SOLICITATION PROCUREMENT PROCEDURE UNDER ICC 2.29.030(B)(12) FOR SUBSTANCE ABUSE PREVENTION SERVICES

A follow-on from discussion at Staff Session February 2, 2005, the Board by unanimous motion approved a Waiver from the Competitive Solicitation Procurement Procedure under ICC 2.29.030(B)(12) for substance abuse prevention services - joint project between Boys and Girls Club and Big Brothers/Big Sisters.

CONTRACT AMENDMENT #3 WITH ISLAND EMPLOYMENT SERVICES

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Contract Amendment #3 to Contract HS-03-03 with Island Employment Services was approved by unanimous motion of the Board, increasing the contract amount so that payments can be made for day program services, the amendment in the amount of \$20,700, for new total contract of \$320,902 (RM-HLTH-99-0058).

CONTRACT COLLECTION AGREEMENT - ON-SITE REPAIR FINANCIAL ASSISTANCE PROGRAM LOAN

Contract Collection Agreement with Whidbey Island Bank for On-Site Repair Financial Assistance Program Loan 2002 per Contract #L0300008 with the Washington State Department of Ecology, was approved by unanimous motion of the Board for John & Kathy Larson, with principal amount loaned \$14,169.93.

HEARING HELD: RESOLUTION #C-01-05/R-01-05- FINAL ORDER OF VACATION OF A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS HOWARD ROAD AND BAYVIEW ROAD

A Public Hearing was held on Resolution #C-01-05/R-01-05, Final Order of Vacation of a portion of County Road right-of-way known as Howard Road and Bayview Road, located in Section 17, Twp 29N, R 3E, by petitioner Kelly, Harvey & Carbone, LLP on behalf of Ed & Marge Gemkow, et.al.

Bill Oakes, Public Works Director, noted that the Board previously received the existing Engineer's report. Since then, the petitioner has made a proposal to modify the original vacation. A map of the proposal by the petitioners was presented at this time proposing a right of way exchange different from the existing proposal. Mr. Oakes therefore recommended the Board today take public testimony on either proposal, and continue the public hearing until February 28th. A revised engineer's report will be distributed to all parties prior to the hearing continuance. The original proposal is included in the Board packets, a color-coded map; yellow depicts proposed right of way to be retained; green the proposed vacated right of way to the Gemkows.

Ron Johnston, Freeland, received a copy of the existing map of the proposed vacation and asked for some clarification with regard to vacated property. His understanding is that when the County vacates an old county road, half goes to one property owner, and half to the other property owner – i.e. one half to the petitioner, the other half to his grandson [part on the corner]. However, that does not seem to be the case in this instance.

Mr. Oakes explained that normally that was true; however, in this case the property appears to meet at a point on Thompson right of way line. The County's proposal is to keep 50' from centerline on both sides of the road of the existing right of way. The petitioner proposed different compensation and staff is evaluating the new proposal.

By unanimous motion, the Board continued the public hearing until February 28, 2005 at 2:15 p.m.

CONTRACT/CONTRACT BOND - INTERWEST CONSTRUCTION, INC. - WOODLAND BEACH ROAD REPAIR

Contract and Contract Bond under PW-0420-170 between Island County and Interwest Construction, Inc., Woodland Beach Road Repair, CRP 04-04, Work Order 131 in the amount of \$167,832.00 was approved by unanimous motion of the Board as presented by Mr. Oakes.

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - FEBRUARY 7, 2005**QUIT CLAIM DEED – JAMES P. HYDE & MARY JANE MILLER - BAYVIEW ROAD**

Quit Claim Deed between Island County and James P. Hyde and Mary Jane Miller, Bayview Road, CRP 98-17, Parcel 133-5370, Sec. 7, Twp 29N, R 3E., with compensation in the amount of \$60.00 for land, was approved by unanimous motion of the Board as recommended by Mr. Oakes.

STORMWATER MITIGATION AGREEMENTS – HOLMES HARBOR GOLF & YACHT CLUB AND THE PLAT OF BAR HARBOR

By unanimous motion the Board approved the following stormwater mitigation agreements:

#PW-0420-174 - Mark A. & Sandra K. McKenzie, Lot 13, Block 2, Div. #1 - Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

#PW-0420-179 - Dennis A. & Michele S. Rambicur, Lot 14, Block 2, Div. #5 - Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N., R 2E.

#PW-0520-12 - Charles A. Cook, Lot 12, Block 3, Div. # 9; Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N., R 2E.

#PW-0520-14 - William S. & Charlene G. O'Donnell, Lot 19, Div. #1, Plat of Bar Harbor, Sec. 3, Twp 29N., R 2E.

#PW-0520-16 - Charles A. Cook, Lot 23, Block 5, Div. #8, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

#PW-0520-17 - Charles A. Cook, Lot 8, Block 2, Div. #8, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

#PW-0520-18 - Charles A. Cook, Lot 6, Block 2, Div. #8; Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N., R 2E.

#PW-0520-19 - Charles A. Cook, Lot 16, Block 5, Div. #8, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N., R 2E.

SUPPLEMENTAL AGREEMENT NO. 4 - ISLAND COUNTY TRAILS COUNCIL

Supplemental Agreement 4, #PW-9720-33(D), between Island County and Island County Trails Council was approved by unanimous motion of the Board, extending the period of performance to March 9, 2007.

CONTRACT/CONTRACT BOND/ RETAINAGE BOND – EBENAL GENERAL, INC - ISLAND COUNTY JUVENILE DETENTION CENTER

By unanimous motion, the Board approved the Contract, Contract Bond, and authorized the Chairman's signature on the Retainage Bond under #PW-0520-25, between Island County and Ebenal General, Inc. for the Island County Juvenile Detention Center, in the amount of \$5,333,233.50.

SUPPLEMENTAL AGREEMENT NO. 1 – WESSEN & ASSOCIATES, INC.

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Supplemental Agreement No. 1 #PW-0520-05, to Standard Consultant Agreement dated April 12, 2004, between Island County and Wessen & Associates, Inc., revising the completion date to March 31, 2005 for Archaeological and Historic Resources mapping program, was approved by unanimous motion of the Board. [GMA #]

HEARING HELD: OPS 317/04, TINYBLUE FOUNDATION, DAVID TROWBRIDGE AND OPS 415/04, CATHERINE SWAIN AND PETE KROGSENG

OPS 317/04, Tinyblue Foundation, David Trowbridge, requesting that 7.2 acres of his 20-acre parcel be enrolled into the Timber Land current use program. Parcel R22922-065-4620 located on South Whidbey Island, WA.

OPS 415/04, Catherine Swain and Pete Krogseng, requesting that 38.18 acres of their 40.10-acre parcel be enrolled into the Timber Land current use program. Parcel R13111-447-1080, R13111-517-0410, R13111-450-0410 and R13111-514-1080 located on Central Whidbey Island, WA.

Due to advertising requirements, Phil Bakke, Planning & Community Development Director, recommended the hearing be continued to February 28, 2005 at 2:30 p.m. By unanimous motion, the Board continued the hearing until February 28, 2005 to 2:30 p.m. on OPS 317/04, Tinyblue Foundation, David Trowbridge, and OPS 415/04, Catherine Swain and Pete Krogseng,

PUBLIC HEARING SCHEDULED: OPS 399/04 – JUDY DIXON

The Board, on unanimous motion, scheduled a public hearing for February 28, 2005 at 2:30 p.m. to consider OPS 399/04 by Judy Dixon, requesting 39 acres of a 40-acre parcel be shifted from the Designated Forest Tax Program to Timber Land current use classification. Parcel R32804-067-4650, located near Scatchet Head, South Whidbey Island.

POSSIBLE REFUNDING OF 1997 BONDS – AND ISSUE ADDITIONAL FOR JUVENILE DETENTION CENTER

Jane Towery, Bank of America, advised Ms. Marlow that it would now be advantageous for a refunding issue of the County's 1997 bonds, and estimated the savings to be about \$309,400. The 1997 refunding could be structured so that last year of the debt service would remain 2017 [or longer]. Ms. Marlow recommended that the Board consider refunding the 1997 issue and also issue an additional two million for the Juvenile Detention Center. The bond rates would be significantly lower than a commercial loan and could be structured to repay the Juvenile Detention Center portion over a ten year [or longer] period. The total issue would be \$8.1 mil. If the Board chooses to go ahead with the bond issue, bond counsel will be necessary, and proposed Foster Pepper Shefelman. She provided to the Board a Summary of Refunding Results.

The Commissioners agreed it made good financial sense to reissue the old bonds and additional two million for the Juvenile Detention Center, and move forward with Jane Towery and Foster Pepper Shefelman. She was also asked to come back to the Board members within the next day or two with more refined numbers, along with what the costs would be if the two million were financed via interfund loans instead.

There being no further business to come before the Board at this time, the meeting adjourned at 10:53 a.m. The next regular meeting of the Board will be on February 14, 2005 at 9:30 a.m.

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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