

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
NOVEMBER 5, 2007 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on November 5, 2007 beginning at 9:30 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6<sup>th</sup> 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, PAYROLL, VOUCHERS AND PAYMENT OF  
BILLS**

By unanimous motion the Board approved the monthly electronic fund transfers, the payroll dated October 31, 2007, and the following vouchers/warrants:

Vouchers (War) #s 274123-274569.....	\$1,062,537.40
Electronic Fund Transfers .....	2,256.02

**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>
Planning & Community Development	119/07	Planning Tech, Temp (Expires 02/06/08)	1602.07	Replacement	11/05/07
Treasurer	120/07	Administrative Assistant	2111.00	Replacement	11/19/07
Facilities	121/07	Night Custodian	901.01	Replacement	11/05/07
	125/07	Maintenance Tech	902.01	Replacement	11/05/07
	126/07	Office Manager (Out of Class Pay)	904.00	Personnel Action	12/11/07
Public Works	122/07	SW Technician I	2257.08	Replacement	11/14/07
	123/07	Laborer I, Oak Harbor Road	2245.19	Replacement	11/05/07
	124/07	Laborer I, Coupeville Road	2245.01	Replacement	11/05/07

**APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS BOARDS/COMMITTEES**

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

**Ebey's Landing National Historic Reserve Trust Board**

Marshall Bronson is reappointed to serve a full four-year term as a member on the Ebey's Landing National Historic Reserve Trust Board. His reappointment to Position # 2 shall run until October 1, 2011.

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Commissioner Bakke will serve on the following committees or boards for the remainder of 2007:

**Board Appointed:**

Law & Justice Council  
Senior Services of Island County Advisory Board  
Ebey's Landing National Historic Reserve Trust Board (County liason)  
Technology Committee  
Economic Development Council

**Appointed by Resolution or Mandate:**

Northwest Workforce Development Council

Chairman McDowell will serve on the following committees or boards for the remainder of 2007:

**Board Appointed:**

Solid Waste Advisory Board

**GRANT APPLICATION AND INTERAGENCY AGREEMENT WITH DEPARTMENT  
OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT**

David Jamieson, Chief Civil Deputy Prosecuting Attorney, presented for Board approval a Grant Application and Interagency Agreement with the Department of Community Trade and Economic Development for Bureau of Justice Assistance funding. He explained that Mr. Banks, with support from the Law and Justice Council, will purchase with the money (1) Laserfiche seats giving access to the Clerk's scanned documents and (2) modules for the proposed case management system which will allow the scanning and transmitting of police reports through a secure internet service.

By unanimous motion the Board approved the Grant Application and Interagency Agreement with the Department of Community Trade and Economic Development. Contract Amount: \$9,999; Contract No.: IAA F07-66201 [RM-PA-07-0104]

**CHRISTENSEN BUILDING LEASE AGREEMENT**

Betty Kemp, General Services Director, requested Board approval of the Christensen Building Lease Agreement.

Prior to approval Chairman McDowell suggested two additions to the lease terms as indicated by the underlining below:

1. RENTAL FOR LEASE TERM. The Lessor hereby grants to the Lessee, and the Lessee accepts from the Lessor, the use and occupancy of certain premises designated and described in Exhibit "B," attached hereto and by this reference incorporated herein, for a term from the date this lease is fully signed to December 31, 2010 subject to paragraph 6.

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6. PARTICIPATION IN NECESSARY TOWN OF COUPEVILLE APPROVALS. The Lessee will be responsible for obtaining necessary Town of Coupeville approvals satisfactory to the Lessee for the Lessee's activities and the Lessor agrees to participate to the extent necessary to obtain those approvals.

By unanimous motion the Board approved the Christensen Building Lease Agreement subject to the two underlined additions to the lease terms and also subject to Bill Oakes, Betty Kemp, and Jeff Tate, on behalf of the County, working with the Town of Coupeville to obtain a permanent Conditional Use Permit within the next 12 months. If a permanent Conditional Use Permit is not obtained within the next 12 months, the County will begin looking for alternative locations two years prior to the expiration of the lease agreement.

**LETTERS OF APPRECIATION**

The Board, by unanimous motion, approved Letters of Appreciation to Captain Colin Chinn, Naval Hospital and Captain Gerral David, NAS Whidbey Island for their participation and support provided Island County during the planning and execution of the recently concluded "2007 North Whidbey Full-Scale Exercise."

**BUDGET HEARINGS SCHEDULED**

By unanimous motion the Board scheduled for public hearing on December 3, 2007 at 9:50 a.m. the following Ordinances and Resolution:

Ordinance C-110-07 Authorizing the Taxing District's Levy Amount for Collection in 2008 for the Island County Veterans Assistance Fund. *[Ordinance on file with the Clerk of the Board]*

Resolution C-111-07 Adopting the Island County Budget and Diking District No. 4 Budget for Fiscal Year 2008 *[Resolution on file with the Clerk of the Board]*

Ordinance C-112-07 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2008 for the County Current Expense Levy *[Ordinance on file with the Clerk of the Board]*

Ordinance C-113-07 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2008 for the County Road Levy *[Ordinance on file with the Clerk of the Board]*

Ordinance C-114-07 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2008 for the County Conservation Futures Levy *[Ordinance on file with the Clerk of the Board]*

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**HEALTH DEPARTMENT**

As recommended by Tim McDonald, Health Services Director, by memorandum dated October 31, 2007, the Board unanimously approved the following contracts:

Contract with Compass Health for Substance Abuse Treatment and Crisis Services to provide community substance abuse and crisis services in Island County. Contract Number HS-01-07; Contract Amount: \$835,812 (*RM-HLTH-07-0109*)

Contract with North Sound Mental Health Administration for Mental Health/Jail Services. The contract will provide mental health services for mentally ill offenders while confined in a county or city jail and to facilitate safe transition into community services upon release from confinement. Contract No. NSMHA-ISLAND-JAIL SERVICES-07-09; Contract Amount: \$90,000 (*RM-HLTH-07-0187*)

**CONTRACT COLLECTION AGREEMENTS**

By unanimous motion the Board approved the following Contract Collection Agreements:

Contract Collection Agreement with Whidbey Island Bank for Promissory Note and Deed of Trust between Island County Water Quality (Sellers/Lenders) and Chad and Samantha Petersen (Buyers/Borrowers) on which the unpaid balance of principal is \$15,523.50.

Contract Collection Agreement with Whidbey Island Bank for Promissory Note and Deed of Trust between Island County Water Quality (Sellers/Lenders) and Dave and Marianne Zylstra (Buyer/Borrower) on which the unpaid balance of principal is \$20,964.83.

**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:

New Application for Liquor License No. 353466-3F by Applicant Loyd C. Moore, d/b/a 844 LLC, Tradename: The Captain Whidbey Inn, 2072 W. Captain Whidbey Inn Rd., Coupeville, Washington.

Special Occasion Liquor License No. 363790 from the Greenbank Farm Management Group for a special occasion to be held on November 10, 11, 12, 2007 from 9:00 a.m. to 6:00 p.m. at the Building at Greenbank Farms, 765 Wonn Rd., Greenbank, Washington.

Address correction for Liquor License Application No. 402289-3F by Michael J. Dolan and Tina J. Jarvis, Tradename: MJ's Pocket Billiards, LLC, d/b/a Houdini's Billiards. The correct address is 5525 Freeland Ave., Ste. 5, Freeland, WA 98249. The suite number was not included on the original application approved October 15, 2007.

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**LETTER REQUEST FOR 20-DAY EXTENSION FOR APPROVAL OF NEW  
APPLICATION FOR LIQUOR LICENSE**

By unanimous motion the Board approved a Letter Request for a 20-day Extension for Approval of a New Application for Liquor License No. 402054-6E by Applicants Michael C. and Christine W. Atseff, John B. and Judith M. Henderson, Samuel T. Jr. and Margaret S. Hubbard, William A. and Linda R. Neilson and Norman E. and Michaela H. Snyder, Tradename: High Falls Brewing Company, 1860 Elhardt St., Camano Island, Washington.

**HEARING HELD: ORDINANCE C-107-07/R-43-07 IN THE MATTER OF  
RENAMING VARIOUS COUNTY ROADS ON WHIDBEY ISLAND**

At 10:15 a.m. as advertised, a public hearing was held for the purpose of considering Ordinance C-107-07/R-43-07 In the Matter of Renaming Various County Roads on Whidbey Island, Sec. 13, Twp 31N., R 1E; Sec. 19, Twp 30N, R 1E.

Bill Oakes, Public Works Director, began the hearing by saying there are two roads proposed for re-naming. The first is a formally unopened County road right-of-way in the Bell's Beach area known as First Street in Langley. He explained there is an existing First Street in Island County so proposing that the name be changed to Sand Cherry Lane. The second is a stub in the Plat of Admiral's Cove which ties into a four-lot short plat consisting of 10-acre parcels. A short section of the stub would have been designated Kinkaid but proposing instead Starboard Way because the addresses cross the zero meridian thereby creating an east/west issue. To change the designation to east/west would create a hardship for the approximately 40 homes on the other side of Kinkaid. Mr. Oakes confirmed that letters of concurrence were sent to every homeowner affected by the re-naming and for those who did not concur, the County continued negotiations in further attempt to make sure the re-naming was accepted by the homeowners fronting the road.

**Public Input or Comment**

Sid Iverson, President of Admiral's Cove Beach Club, 1198 Halsey Drive, Coupeville said he recognizes the critical aspect of the meridian change and the apparent need to have a way to distinguish between streets on the east side versus the west side of Kinkaid. The history of Admiral's Cove, however, is that the streets have been named for the Admirals in the United States though he acknowledges that not all the streets are so named because they came in prior to the naming pattern. He would prefer maintaining the Admiral's identification of streets and suggested that the current Kinkaid Drive remain as it is and identified as Kinkaid East or East Kinkaid. Mr. Iverson said that the identification of the proposed change was sent only to the people who lived along Kinkaid Avenue. As President he was not contacted nor was the Association and as such, did not have an opportunity to discuss the issue at the annual meeting at the end of last month. He requests that the Board set aside the re-naming of Kinkaid Drive to Starboard Way until such time as the Commissioners and representatives from the community have an opportunity to discuss the situation and reach a mutually beneficial solution. Mr. Iverson acknowledged that the impact of changing the name in the community is not too great but it would be an irritant to the rest of the community to have to bring in another name.

Mr. Oakes responded saying that by using the name East Kinkaid or Kinkaid East would most likely result in objections from ICOM as ICOM prefers not to have multiple directional items in

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an address. It also wants to get away from having radio communication complicated by directional identifying names. Additionally, the property owners of the four parcels in the short plat at the end of the proposed road objected to an Admiral's name or nautical name for the road.

Commissioner Bakke suggested that Mr. Iverson meet with Mr. Oakes, the appropriate personnel in planning, and Tom Shaughnessy with ICOM in an attempt to resolve differences. He agreed the hearing should be continued as it concerns the re-naming of Kinkaid Drive in order to allow the parties to meet and hopefully resolve differences.

The Board by unanimous motion approved Ordinance C-107-07/R-43-07 In the Matter of Renaming Various County Roads on Whidbey Island as to only Exhibit A, Item 2; First Street in Langley is changed to Sand Cherry Lane. The public hearing concerning Exhibit A, Item 1, and Kinkaid Drive in Coupeville is continued to December 10, 2007 at 10:15 a.m. Mr. Oakes will coordinate a meeting with Mr. Iverson, Mr. Shaughnessy, the proposed developer, along with planning personnel to further discuss and hopefully resolve the re-naming of Kinkaid Drive.

**AGREEMENT WITH DAVID EVANS AND ASSOCIATES**

The Board by unanimous motion approved an On-Call Consulting Services Agreement with David Evans and Associates relating to General Civil Engineering, Environmental, Traffic, Surveying, Hydrology and Hydraulics. Contract Amount: \$300,000; Completion Date: March 31, 2011. [PW-0720-094]

**RESOLUTION ADOPTING THE JANUARY 1997 LOCAL AGENCY  
GUIDELINES**

*[Resolution C-\_\_\_-07/R-44-07 In the Matter of the Adoption of the January 1997 Local Agency Guidelines, Appendix 25.142 (Real Property Acquisition & Right-of-Way Procedures) not approved by the Board as pulled from today's agenda. Mr. Oakes will return it to staff with revision]*

**PLANNING AND COMMUNITY DEVELOPMENT**

By unanimous motion the Board approved the following as recommended by Jeff Tate, Director, Planning and Community Development:

**HEARINGS SCHEDULED**

Public Hearing Scheduled - November 26, 2007 at 2:45 p.m.

105/07 OPS Applicant, Douglas Gottshall, is requesting that 7.2 acres of 11.03 acres be classified into the Public Benefit Rating System (PBRs) current use program. Parcel No. R32925-039-3370 located on South Whidbey Island, Washington.

Public Hearing Scheduled - November 26, 2007 at 2:45 p.m.

C-115-07 (PLG-021-07) In the Matter of an Ordinance concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas Map #191, North Whidbey Island, Washington. [GMA No. 9553]

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**WAIVER/CONTRACTS/GRANT APPLICATION**

Waiver of Competitive Solicitation ICC 2.29.030 (B)(12) for Strawberry Point Protection Assessment Project - Herrera Environmental Consultants. Contract continues Herrera's work already done at Ala Spit, knows deliverables and reports, and having same data achieves efficiency and avoids duplication. [GMA No. 9554]

Contract with Herrera Environmental Consultants, Inc., for Strawberry Point Protection Assessment Project. \$64,545 (RM-PLAN-07-0191) [GMA No. 9555]

Amendment No. 1 to Agreement for Professional Services with BHC Consultants, LLC to assist in the completion of the Freeland Sub Area Plan. Board originally approved \$50,000 for BHC to conduct evaluation of sub-area plan, evaluate draft environmental impact statement, and review sewer and storm water plans. Amendment will add additional \$9,810 for completion of final Environmental Impact Statement and final draft plan, with total amount of compensation not to exceed \$59,810. [RM-PLAN-07-0044] [GMA No. 9556]

Grant Application for Washington State Department of Ecology Centennial Clean Water Fund grant for water quality monitoring. [GMA No. 9557]  
[Ratification of action taken at October 24, 2007 Special Session]

**EXECUTIVE SESSIONS**

Chairman McDowell announced that the Board would recess then reconvene at 11:00 a.m. in Executive Session as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel potential/pending litigation. The Executive Session would take place in the Board of County Commissioners Hearing Room (Room # 102B), Island County Annex Building, 1 NE 6<sup>th</sup> Street, Coupeville, Washington. The Chairman anticipated the Executive Session to last 20 minutes with the possibility afterwards of an announcement in open public session.

At 11:20 a.m. the Board returned to open public session following Executive Session.

Upon the recommendation of the Prosecutor's Office, the Board by unanimous motion authorized the Prosecuting Attorney to appeal the October 23, 2007 decision from the Skagit County Superior Court in the *Lenz Enterprises v. Island County* matter to the Court of Appeals.

The Chairman announced that the Board would recess until 3:30 p.m. when it would reconvene in another Executive Session as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel potential/pending litigation. The Executive Session will take place in the office of the Commissioners, Conference Room #218, Second Floor, Administration Building, 1 N.E. 7<sup>th</sup> Street, Coupeville, Washington and is anticipated to last 30 minutes. The Chairman expected no announcement following Executive Session.

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There being no further business to come before the Board the meeting adjourned at 4:00 p.m. on conclusion of Executive Session. The Board will meet next in Regular Session on November 19, 2007.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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Wm. L. McDowell, Chairman

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John Dean, Member

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Phillip Bakke, Member

ATTEST:

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Elaine Marlow, Clerk of the Board