

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
JULY 7, 2008 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on July 7, 2008 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. Phillip Bakke, Member and William L. McDowell, Member were present. The meeting began with the Pledge of Allegiance.

PUBLIC INPUT OR COMMENTS

Emily Ramsey, 301 NE 9th Street, Coupeville first spoke to the Board on June 16 concerning the cement block wall at Wonn Road in Greenbank. She was told then of the boundary dispute but was not told that the County issued a building permit; she learned that information from the newspaper. She feels insulted that she was not given a complete honest answer.

Commissioner Bakke indicated the County did not issue a building permit, that the newspaper was wrong. Saturday’s edition of the newspaper contained a “sound-off” that explained since the wall was less than four feet in height it did not require a building permit under the International Building Code. Staff is working with the Prosecuting Attorney to help in determining who the property belongs to and that review is ongoing. The property owner was notified by the County that property ownership remains a question and he is proceeding at his own risk.

Commissioner McDowell encouraged Ms. Ramsey to read the article as it best describes the situation.

CONSENT AGENDA

By unanimous motion the Board approved the Consent Agenda as follows with the exception of item 28, *Amendment No. 1, Island Recycling*, pulled from the Consent Agenda:

ELECTRONIC FUND TRANSFERS, PAYROLL, VOUCHERS, PAYMENT OF BILLS

Vouchers (War) #s 290704-291112.....	\$456,977.78
Electronic Fund Transfers.....	\$ 3,677.89
Payroll dated	June 30, 3008

MINUTES OF PREVIOUS MEETINGS

Special Sessions	June 9, 2008
Regular Sessions.....	June 16, 2008

APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

Re-appointment of Jeff Tate as Local Government Planning representative on the Island County Marine Resources Committee for a three year term to expire on December 31, 2010.

Reappointment of Ken O’Mhuan to the Northwest Senior Services Board for a three year term to expire on June 30, 2011.

Reappointment of Jodi Kittelson, representing Whidbey Island Bank, to the Island County Affordable Housing Advisory Board for a three year term to expire on June 16, 2011.

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Reappointment of Rhea Nelson, representing New Leaf, Inc., to the Island County Affordable Housing Advisory Board for a three year term to expire on June 16, 2011.

Reappointment of Sheila Case-Smith, representing District I, to the Noxious Weed Control Board for a four year term to expire on July 6, 2012.

Reappointment of Tom Eisenberg, representing District V, to the Noxious Weed Control Board for a four year term to expire on July 6, 2012.

COUNTY FAIR FUND

Resolution C-75-08 Authorizing an Interfund Loan to Island County Fair (establish annual revolving fund \$60,000 for the Island County Fair) (*Resolution on file with the Clerk of the Board*)

FACILITIES/MAINTENANCE

Consultant Agreement with Hargis Engineers, Inc. for the Island County Jail HVAC Energy & Code Upgrade; Amount: \$5,500 (*RM-MAINT-08-616*)

HUMAN RESOURCES

Personnel Action Authorizations

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Personnel Action Authorizations

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Public Works	113/08	Solid Waste Tech I	2256.05	Replacement Position	07/21/08

HUMAN SERVICES

Contract with Pickard, MA, LMHC to facilitate a senior support group. Contract No. HS-04-08; Amount: \$5,000 (*RM-HLTH-08-099*)

Contract with Katlaina Rayne, MA, LMHC to facilitate a senior support group. Contract No. HS-05-08; Amount: \$5,000 (*RM-HLTH-08-100*)

Amendment No. 2 to Contract with Service Alternatives, Inc. to reallocate FY 08 and add FY 09 funding allocations and add Jobs by 21 Partnership Project. Contract No. HS-09-07(2); Amendment Amount: \$114,919 (*RM-HLTH-07-0117*)

Amendment No. 1 to Contract with Washington Vocational Services reallocating FY 08 and add FY 09 funding allocations. Contract No. HS-10-07(1); Amendment Amount: \$42,682 (*RM-HLTH-07-0118*)

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Amendment No. 1 to Contract Washington Vocational Services reallocating FY 08 and add FY 09 funding allocations and Jobs by 21 Partnership Project. Contract No. HS-21-07(1); Amendment Amount: \$242,211 (*RM-HLTH-07-0127*)

Amendment No. 2 to Contract with Compass Health redistributing funding allocations in State and Federal GIA accounts, reduce State Adult Treatment Expansion and State Innovative CJTA, and increase TXIX for year .; Contract No. HS-01-07(2); Amendment Amount: -\$12,173 (*RM-HLTH-07-0109*)

PLANNING & COMMUNITY DEVELOPMENT

Capacity Funding Award Contracts

Contract with Wild Fish Conservancy for WRIA 6 Water Type Assessment grant project development, \$4,425 (*RM-PLN-08-114*)

Contract with Wild Fish Conservancy for Deer Lagoon Outreach and Functional Assessment grant project development, \$4,525 (*RM-PLN-08-115*)

PUBLIC WORKS

County Roads

Customer Service Contract with Snohomish Public Utility District No. 1 for Utility Pole Relocation; Reimbursable Agreement; Amount: \$54,124.00 (*PW-0820-67*)

Adopt-A-Road Litter Agreement Renewal with Friends of Holmes Harbor; Shoreview Drive from Honeymoon Bay to East Harbor and Bercot Road from Shoreview Drive to E. Bercot Road.

Adopt-A-Road Litter and Noxious Weed Control Agreement Renewal with Northrop Grumman (formerly PRB Associates); Goldie Road from Oak Harbor City Limits to Ault Field Road.

Adopt-A-Road Litter Agreement Renewal with Sills Road Neighbors; Sills Road from Ewing Road to Maxwellton Road.

Contract and Contract Bond with Rinker Materials West LLC (dba Cemex) for 2008 HMA Overlays, Camano Island; CRP08-20, Work Order No. 432; Amount: \$313,684.85 (*PW0820-80*)

Resolution C-76-08/R-31-08 In the Matter of Approving Plans and Specifications and Authorizing Call for Bids for East Camano Drive Rumble Strips and Profiled Plastic Line, CRP07-02, Work Order No. 54B. (*Resolution on file with the Clerk of the Board*)

Solid Waste

Resolution C-77-08/SW-05-08 In the Matter of Appointment of Special Counsel for Solid Waste Matters: Waiver of Competitive Solicitation per ICC 2.29.030(B). (*Resolution on file with the Clerk of the Board*)

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Resolution C-78-08/SW-06-08 – RM-SW-08-101; In the Matter of the Board of Island County Commissioners Employing Attorneys to Serve as Special Counsel for 2008-2010 Solid Waste Contract Issues

Public Works

Contract with Yonkman Construction, Inc. for Nursing Services Building Remodel – Drainage & Associated Repairs; Work Order No. 415; Amount: \$11,175.14 (incl. tax). (PW0820-66)

LIQUOR LICENSES

Application for Special Occasion Liquor License No. 363790 by the Greenbank Farm Management Group for a special occasion to be held on July 26-27, 2008 from 9:00 a.m. to 9:00 p.m. at the Greenbank Farms/In Field-Enclosed Area, 765 Wonn Rd., Greenbank

Application for Special Occasion Liquor License No. 092782 by the Island County Historical Society Museum for a special occasion to be held on July 12, 2008 from 6:00 p.m. to 10:00 p.m. at the Dugualla Bay Club House, St. Hwy. 20 & Frostad Rd., Oak Harbor

Application for Special Occasion Liquor License No. 090590 by the Coupeville Arts Center for a special occasion to be held on September 6, 2008 from 5:00 p.m. to 8:00 p.m. at the Crockett Barn, 1056 Crockett Farm Rd., Coupeville

Change of Location Application for Liquor License No. 402438-6E from Bruce Martin Eisert , Tradename: California Fine Wines located at 909 Jefferson St., Pt. Townsend, WA to 6224 Brighton Beach Rd., Clinton

Application for Liquor License No. 403605-6E by George B. Brunjes and Cathleen A. Fanslow-Brunjes, Tradename: Chocolates by George, 18341 State Route Hwy. 525, Freeland, WA

REGULAR AGENDA

VETERAN’S ASSISTANCE FUND

By unanimous motion the Board approved Veteran’s Assistance Fund Claim #V8-5 in the amount of \$2,245.06 as recommended by the Veteran’s Assistance Review Committee [*emergency financial assistance to eligible veterans; names and specific circumstances are confidential*].

LETTER TO FREELAND WATER & SEWER DISTRICT

Keith Higman, Director, Health Department provided the Board with a copy of a letter he sent to the Freeland Water & Sewer District.

Mr. Higman, Jeff Tate, Planning and Community Development Director, and Commissioner Bakke met with the Boards of Freeland Water District and the Holmes Harbor Water and Sewer District on June 24 to discuss a request by the Freeland Water & Sewer District to annex a portion of territory belonging to the Holmes Harbor Sewer District. The letter Mr. Higman provided reflects comments made during the meeting and includes additional information concerning deficiencies identified in the petition request stemming from the lack of a proper legal description

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being placed on the petition. The Freeland Water & Sewer District was provided an electronic copy of Mr. Higman's letter on July 3. The letter identifies three issues:

- Legal authority to annex territory that is part of another water and sewer district;
- Requirement for consent resolution from Holmes Harbor Water & Sewer District for Freeland to provide potable water service within its boundaries;
- Deficiencies noted in the petition itself in terms of the absence of a legal description.

Sandy Duncan with the Freeland Water & Sewer District said the RCWs did not require that a legal description be provided though a map was.

Commissioner McDowell said that rather than relying upon County staff the District should prepare the legal description to assure its accuracy.

Concerning consent, Ms. Duncan said there is an initial consent resolution from Holmes Harbor on the purchase so Holmes Harbor agreed before they closed that Freeland Water & Sewer District could purchase the Holmes Harbor water system. Freeland, therefore, was under the impression that Holmes Harbor did not have a problem with Freeland Water and Sewer providing water service to that area. The District's attorney is working on a full consent agreement as to what each will provide.

Ms. Duncan then asked about election deadlines and was referred by the Board to the Auditor for those answers.

Mr. Higman recommended that Freeland re-process its application. Concerning what impact his proposed recommendation would have on the District, Mr. Higman said state statute requires Health and Planning to provide comments and a request to the Board that it schedule a public hearing. As soon as the application is received Mr. Higman will process the request and bring it forward to the Board. He does not believe his recommendation establishes any other problem in terms of the calendar. It is staff driven.

Commissioner McDowell moved to approve signature of a letter to the Freeland Water & Sewer District informing the District that the Board cannot process the proposed annexation request as submitted.

Commissioner Bakke said the County will work vigorously to review the petition request once it is returned.

Ms. Duncan said a 60-day extension was already issued and at a meeting scheduled to occur July 14, it is expected that another 60-day extension will be given. Regarding the consent agreement, the question was raised as to whether it must be signed and approved by both Districts prior to submittal of the petitions, subject to the election.

Mr. Higman said at the joint meeting one or more of the Board members were interested in the option of having a consent agreement between the two Districts that would become in force only after the Board took action on the annexation; they asked if that was a possibility. During the meeting the bill of sale and resolution were brought up in terms of consent and Mr. Higman asked the Holmes Harbor Board if it considered that to be a consent agreement authorizing Freeland to provide potable water service; they responded no. Staff continues to say Freeland and Holmes

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Harbor need a consent resolution wherein they both agree on the provision of the service within the boundary.

Ms. Duncan said she understands there is a need for an additional consent agreement but can the consent agreement be subject to the outcome of the election.

The Board said that is not a question it can answer and suggested she speak with the District's attorney. It was also suggested since Holmes Harbor must agree that the attorneys for both Districts work toward a mutual consent agreement.

Motion by Commissioner McDowell to approve signature of a letter to the Freeland Water & Sewer District informing the District that the Board cannot process the proposed annexation request as submitted, unanimously carried.

**SETTLEMENT AGREEMENT WITH ION AND MARIE AITONEAN
SUPERIOR COURT CAUSE NO. 07-2-00534-4**

Bill Oakes, Public Works Director and Dave Jamieson, Chief Civil Deputy Prosecuting Attorney presented a Settlement Agreement between Island County and Ion and Marie Aitonean, the last property acquisition for the Camano Hill Road project and the only property for which formal condemnation was initiated. Recommended settlement amount is \$81,780.

By unanimous motion the Board approved signature of the Settlement Agreement between Island County and Ion Aitonean and Marie Aitonean in settlement of Superior Court Cause No. 07-2-00534-4.

PUBLIC HEARINGS

FRANCHISE # 296 – GREEN ISLAND HILLS COMMUNITY ASSOCIATION

Commissioner Bakke opened a public hearing concerning Franchise # 296 for Green Island Hills Community Association.

Bill Oakes, Public Works Director, said the franchise is for an existing water distribution system along a portion of Camano Hill Road located in Section 13, Township 31N, Range 2E located on Camano Island.

Commissioner Bakke opened the public comment portion of the hearing and there being none, public comment was closed.

By unanimous motion the Board approved Franchise # 296 for Green Island Hills Community Association.

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COMMISSIONERS COMMENTS AND ANNOUNCEMENT

Commissioner Bakke mentioned that the Board will attend the Affordable Housing Summit in Island County on Thursday, July 10, 2008 beginning at 8:30 a.m. at the Coupeville High School Commons, 501 S. Main Street in Coupeville.

There being no further business to come before the Board the meeting adjourned at 10:43 a.m. The Board will meet next in Regular Session on July 14, 2008 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Excused

John Dean, Chairman

Phillip Bakke, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board