

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting  
January 14, 2009  
Freeland, Washington

**Present at the meeting were:**

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| Commissioner Lynae Slinden, Clinton       | Fred & Sharon Lundahl, Langley Residents |
| Commissioner Rolf Seitle, Langley         | David Ketchum, Airside                   |
| Commissioner Geoff Tapert, Freeland       | Tony Puma, Boatyard Inn Owner            |
| Ed Field, Port Manager                    | Marty Behr, Langley Resident             |
| Dane Anderson, Port Financial Coordinator | Rene Neff, Langley Resident              |
| Molly MacLeod-Roberts, Port Clerk         | Mac Chen, Langley Resident               |
| Rick Brewer, Port Harbormaster            | Veronica Von Allworden, Langley Resident |
|   | Eric Fogelin, Langley Resident           |
|   | Christina Drake, Langley Resident        |
|   | Jeff VanDerford, SW Record               |
|   | Ed Young, Whidbey Island Kayaking        |
|   | Sherry Mays, Langley Chamber of Commerce |
|   | RoseAnn Alspekter, Clinton Resident      |

**Absent:** None

**1. MEETING CALL TO ORDER:**

The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on January 14, 2009, at the Freeland Library Conference Room in Freeland, WA. Commissioner Seitle, President, called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

**2. BUSINESS MEETING, INCLUDING THE CONSENT AGENDA:**

**A. Election of Board Officers for 2009:**

**ACTION:** For Officers for the 2009 Port of South Whidbey Island Board of Commissioners, a Motion was made by Commissioner Tapert and seconded by Commissioner Seitle to nominate Commissioner Slinden as President, with Commissioner Tapert as Vice President and Commissioner Seitle as Secretary. The Motion passed unanimously and the following slate of officers was elected for 2009:

- **Commissioner Lynae Slinden – President**
- **Commissioner Geoff Tapert – Vice President**
- **Commissioner Rolf Seitle – Secretary**

**B. Consent Agenda:**

1. Minutes: Minutes from the Regular Meeting of November 12, 2008.
2. Vouchers: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board, and have been presented to the Board for review. The vouchers so listed and presented are summarized on the attached Voucher Listing (**EXHIBIT A**).

**ACTION:** A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to approve the Consent Agenda, including authorization of Vouchers #3655 - #3687 in the amount of \$57,788.58. The Motion passed unanimously.

**3. PUBLIC COMMENT – Including Items not on Agenda:**

There was no public comment on items not on the Agenda.

**4. ACCOUNTANT REPORT:**

**A. Financial Statement:** The Commissioners acknowledged the November 2008 Financial Statement, which had been mailed to them previously (**EXHIBIT B**).

**B. Accountability Audit for 2005 – 2007:** Ed reported that the Accountability Audit for 2005-2007 was completed. According to the Auditor there were only minor problems uncovered. The most significant issue was the failure to publish the request for Small Works Roster Applicants during 2007, which was a task that got missed during the transition from Amber O'Brien, former Port Clerk, to Molly, current Port Clerk. The roster was properly advertised in 2008 and 2009. Other minor issues of concern to the Auditor were inadequate descriptions of Executive Sessions, whether a request for funds had been made from the Economic Development Council (EDC) during a Port meeting, a missing application for funds for portable toilets at the Freeland Park "Celebrate America" event, and the handling of donation money at Possession Park. The Auditor would like to have an exit teleconference in the coming week at which a Commissioner must be present. Commissioner Slinden volunteered to be present at the exit conference. Ed will contact Commissioner Slinden after coordinating a date and time for the exit conference, possibly January 16th or 21st.

**5. PROJECT ACTION ISSUES:**

**A. Whidbey Airpark:**

1. Compliance Study: David Ketchum of Airside gave a presentation to the Commissioners and presented his draft Airport Site Assessment Briefing for the Whidbey Airpark (**EXHIBIT C**). Commissioner Tapert asked if the Whidbey Airpark was currently a National Plan of Integrated Airport Systems (NPIAS) airport that would be eligible to receive federal grant funding. Ketchum explained that the Whidbey Airpark is qualified for NPIAS status, but in order to receive Federal funding, it would need to meet eligibility requirements such as public ownership. Ketchum also stated that the FAA would require and likely support in the future a new Environmental Assessment and an Airport Master Plan with a letter of interest from the Port. They would also require a consistent attitude

from Island County to protect the Airpark during the comprehensive planning and zoning and an attitude from the Port that they intend to pursue becoming the owner of the Airpark. Slinden asked if Ketchum would be willing to attend future Port meetings if requested by the Commissioners, specifically to discuss the draft results of the study after the Commissioners have had a chance to review it. Ketchum said that he would be happy to attend additional Port meetings. The Commissioners requested that Ed post the Whidbey Airpark compliance study in draft form on the Port's website. Ketchum said that he could easily and quickly post it on his website [www.airside.net](http://www.airside.net) with a link to the Port's site, and the Commissioners concurred unanimously.

2. Porter Field Warehouse: Marty Behr submitted a letter to the Commission regarding his proposal to see if the Port might be interested in acquiring his Porter Field warehouse building (previously Asli Arts) for incubator space **EXHIBIT D**. Marty said that he would be happy to attend additional Port meetings to discuss his proposal with the Commission.

## **B. South Whidbey Harbor:**

### 1. Transfer Process:

- a. City Coordination – InterLocal Agreement (ILA) Amendment: Ed reported that the ILA Amendment was complete and recorded with Island County, and that he was continuing to pursue completion of the final Title & Escrow documents for signing by the Port and the City of Langley.
- b. Department of Natural Resources (DNR) Lease and Lease Assignments: Dane said that there are two Aquatics Lands Leases to be signed by the City and then assigned to the Port. The main lease (which includes the existing harbor) has been signed by the City, and the Lease Assignment document to transfer it to the Port has been signed by the City and the Port. That lease document has now been countersigned by DNR and is to be returned to the Port later this week. The second lease document should be prepared by DNR and transmitted to the Port for signature by mid-February. Dane will be taking the lead in working to establish a Port Management Agreement for applicable harbor areas.
- c. Recreation and Conservation Office (RCO) Transfer Process: Ed said that RCO had not approved the transfer because they did not accept the format of the first letter (in November) from the City. Ed contacted RCO Project Manager Myra Barker and arranged a verbal agreement that the City and Port would send proper joint notice, noting the delayed closing process, and the RCO would then respond with proper paperwork to complete the transfer process. (On a side note, Ed mentioned that he had also spoken to Barker regarding the status of the Bush Point transfer. She informed Ed that the paperwork had been received and given to a new project manager to review.) Ed requested that Dane be authorized to contact them on a regular basis in order to get the Bush Point transfer process completed, as well as assist with the Langley transfer. The Commission concurred.

### 2. Harbor Expansion Project Scope and Design:

- a. Funding Status: Dane reported that the Rural County Economic Development Funds (RCEDF) application has not yet been reviewed by the Island County Economic Development Council (EDC). Dane met with the EDC on Monday (1/12/2009) to go over some of their issues. The EDC is in support of the project but is unwilling to make an executive approval until after their Board meeting which is scheduled for

January 26, 2009. Dane had also had conversations with staff of both our State and Federal elected officials regarding the Economic Stimulus Package and the opening of the legislative sessions that will be held later this week. He spoke with Representative Barbara Bailey last week and will be setting up a meeting with Representative Norma Smith next week to discuss the harbor expansion. So far all responses have been positive. Commissioner Seitle's understanding was that the Governor's office would decide the distribution of the economic stimulus money and he did not feel confident it would be passed by the legislation. Dane said that the response from elected officials thus far is that they do not yet know how the money would be distributed. Dane is trying to cover all of the bases by getting the project in front of them as soon as possible.

- b. Proposal from Tony Puma: Puma was on hand to discuss his 1/14/09 proposal for different geometry for a different kind of marina (**EXHIBIT E**), and he noted three specific concerns. Puma's first concern was with the three prior wave studies given to the Commission: one older study from Layton & Sell, one from PND which he and Matt Nichols had done in 2004, and one from Coast & Harbor Engineering (CHE) prepared during the recent engineering work by Art Anderson Associates (AAA). He stated that three wave studies were conflicting, and suggested that the Port hold a peer review meeting to review each of the three wave studies and at the conclusion of that meeting, be supplied with an engineer-stamped report indicating the actual wave climate. Puma also included with his 1/14/09 proposal to the Commission a copy of the technical appendix to the wave study he and Nichols previously submitted. Puma requested that the Port ask for a second engineering opinion regarding an evaluation of the wave attenuation capabilities of the existing pontoon.

Puma also discussed determination of the anchoring opportunities available. There are at least three options available: cable, chain and "rubber band." He felt that the Port needed to explore all options before continuing with the project. Regarding his third concern for adequate transient moorage, Puma referred to his 12/18/08 letter to the Commission which proposed two phases: a first phase interim plan and a plan to expand to accommodate a 50-slip transient moorage. Slinden asked if he would be available to participate in a committee to work on these issues, and Puma said he would be delighted to be involved.

Commissioner Seitle said there had been some concern regarding the data developed by CHE. However, AAA has stated that the existing breakwater would serve the function needed in their conceptual design, and the Port has submitted that conceptual design for peer review by another engineering firm who concurred with AAA. Commissioner Seitle agreed with Puma that the Port should conduct a peer review. He was also favorable to establishing a committee to assist as the project continues.

Commissioner Tapert expressed concerned with Puma's "rubber band" idea for an anchoring system. Commissioner Tapert also mentioned he had a conversation with manufacturer Concrete Tech, who advised against building new concrete skirts on an existing structure. Commissioner Seitle pointed out that the Port is presently committed by the agreement with the City and RCO to provide a minimum of 39 transient slips. He agrees that transient moorage is important and should be at least 50% of that facility. Commissioner Slinden generally agreed.

c. Commission Direction for Engineering and Design: Ed requested direction from the Commission on how to proceed in the effort to find an engineering firm. Based on the Commissioners' review of consultant rosters and their subsequent discussions at the November 12, 2009, meeting, it was his understanding that the Commission favored opening discussions with Reid Middleton. Commissioner Tapert suggested asking for a proposal from Reid Middleton. Ed suggested that they first set up a meeting with Reid Middleton and the Commission to discuss the scope of the project and the schedule for proceeding. Commissioner Seitle wants it made clear to Reid Middleton that the Commission would like to only deal with their lead designer. Commissioner Tapert agreed. Commissioner Slinden would like the public involved in the meeting, including Tony Puma, the City Council and the recreation committee. Commissioners Tapert and Seitle disagreed with Commissioner Slinden. They felt that it would be more constructive for the Port to meet with Reid-Middleton first and then share the outcome of that meeting with the public. Commissioner Slinden felt that it would be important for Harbormaster Rick Brewer to attend the meeting. The Commission instructed Ed to set up a meeting with Reid Middleton's proposed lead designer. Tony Puma volunteered to review the scope of work that would be submitted to Reid Middleton. Ed encouraged the Commission to first identify the people that they would like to work with before preparing a realistic scope of work. The Commission agreed.

3. Harbor Operations:

a. Harbormaster Start-Up Report: The Commission had a copy of the first Harbormaster Report (**EXHIBIT F**). Rick said that everything was going well since his takeover at the beginning of the year, and reported that the potable water system had been taken care of. There were several safety items mentioned in Brewer's report, but the most critical were the needed Fire Fighting Equipment repairs, the purchase of a first aid and spill response kits, and the purchase of Automated External Defibrillator (AED). He requested approval from the Commission for the purchase of life safety equipment and necessary repairs. Commissioner Seitle stated that the list of repairs would cost approximately \$4,000 and pointed out that the Port had included a total of only \$10,000 in their annual budget for capital improvements.

Rick noted an additional item for the Commission to consider for immediate attention was the breakwater, which experienced surprising water through the hatches in the recent storm. The buoyancy compartments need to be pumped out and sealed. He would like to purchase a submersible trash pump and a 25-ft. hose so that the compartments can be pumped out regularly. The pump would also act as an emergency pump for the marina. Commissioner Tapert said that he had a submersible pump that could be used, and pointed out that the City of Langley should be responsible to provide adequate fire flow to the Marina. Rick said the City had agreed to repair the backflow system and make sure that there is water flowing to the dock, but anything beyond that point is the Port's responsibility.

The Commissioners authorized the Port Manager to work with the Harbormaster to implement life safety and critical maintenance repairs and improvements in accordance with urgency, and restoration of the marina's fire fighting system was specially approved.

b. Work Boat Proposal: Commissioner Slinden said that the Port had \$10,000-\$12,000 in their budget to spend on equipment, including Rick's proposal for the purchase of a work boat (**EXHIBIT G**). Rick explained that he had already purchased it for his own

company and would be willing to rent it to the Port until funds were available to purchase it. The Commission was favorable to the idea of renting the boat from Rick's company. Commissioner Tapert asked if he had considered the potential weather damage that could be incurred by the boat, and Rick said that the boat would withstand the weather fine and he would maintain the motor. The boat would be permanently parked in the water at the marina in a non-moorage area. Commissioner Tapert also asked if there was a real need for the boat, and Rick explained that he needed the boat to service the pump out station and to tow boats. He also noted that he had a license to tow boats. The Commission agreed to rent the work boat from Rick's company for \$150/month for the next six months. The Commission also approved Rick's request for safety repairs #1 and #6 on the Harbormaster Report.

c. Ramp Cleaning: Although Rick reported that he had a contractor available to clean the boat ramp, Ed reported that an unexpected permit issue had arisen which he was investigating. Apparently the Army Corps of Engineers is concerned about the City's permitting, upon which the Port was relying.

d. First Commercial Landing: Rick reported that on February 22, 2009, the Victoria Clipper is scheduled to moor at the marina from approximately 10:00 a.m. to 4:30 p.m. The Clipper's captain informed Rick that in the past, the marina was unable to accommodate a vessel of that size. Rick assured him there would be adequate space for the vessel to dock due to his reorganized docking plan. He recommended that the Commission consider allowing the Clipper to dock free of charge during this visit in order to encourage them to return to Langley for various events. He suggested that the Port could also request a variance from RCO for commercial vessels and allocate slips to them at the marina because they would be providing recreational enhancement. The Commission instructed him to draft a letter to RCO regarding the variance requests. The Commission also approved Rick's suggestion to allow the Clipper to dock free of charge during their first visit. Jeff VanDerford of the South Whidbey Record asked what the moorage cost would be for a commercial vessel to dock at the marina, and Ed explained that the current moorage fee schedule did not yet include commercial moorage fees - the Staff is working on that. Commissioner Seitle stated that the signage for the marina still needed to be completed, and Rick said he was working on getting signs for the outside of the marina and the Harbormaster Office. Ed pointed out that the signs would be visible to incoming vessels only.

Fred Lundahl of the Langley Chamber of Commerce thanked the Commission for agreeing to free moorage for the Clipper's visit in February. He said it's a great thing for future economic development. Lundahl said that Langley's "Welcome the Whales" event would be held in mid-April, and Monty Hughes of the Mystic Sea plans to be at the marina to provide whale watching cruises to the public during the event. He said the Commission might want to factor that information into their schedule as well.

### **C. Possession Beach Waterfront Park:**

1. Access Improvements: Ed reported that the work that was started last spring was done under the incorrect assumption that a permit was not required. They have since been advised of the permit requirements and have met with the County's Planning Director onsite, who encouraged Ed to submit a Shoreline Exemption Permit application. Ed subsequently submitted that application on September 17th. On October 17th, the County sent a Notice of Completed Application, which was to have been issued in 14 days. From the date of the Completed Application notice (10/17/08), the County had a 30-day response

timeline for the final decision. Finally, on December 31st, the County issued a letter to the Port that stated the Critical Area's reviewer had further requirements prior to preliminary approval, but included an approval from the Public Works Department (which seemingly conflicts with the Critical Areas' concerns) **(EXHIBIT H)**. Dane explained that according to Island County's Code, the County was required to respond within 30 days from the date of application, and after 30 days, the applicant may decline to submit any more information and may ask for a decision. Ed had a discussion with the Critical Area's reviewer to try to get some more background on this. The County is taking a very strict review of the application. One of the main concerns is the structure because it is in a buffer zone and might require mitigation to improve the native vegetation. The waterline for firefighting purposes is acceptable – but not as a rinse-off station, due to concerns about erosion and sedimentation. Ed was originally told that any filling in the tide zone for trails was a red flag, but has now been told that gravel paths less than 5' in width are acceptable for trails in buffer zones. He would like direction from the Commission on how to proceed (or not) with the Possession Access Improvements Project. After further discussion, the Commission instructed Ed to complete the necessary forms required by the County to finish the application process, as his available time allows.

**D. Mutiny Bay Boat Launch:**

1. **Ramp Cleaning:** The Commission received a letter that James P. and Gretchen Shaffer submitted to the County regarding the maintenance of the Mutiny Bay Boat Launch **(EXHIBIT I)**. Ed explained that the letter was “for information only” and stated that ramp maintenance is the County's responsibility.

**E. Staff & Operations:**

1. **Bathroom Cleaning & Humphrey Lot Maintenance:** Ed said he had been working to come up with a rational staffing solution for Clinton Beach and Langley during the transition to the new Bush Point Manager. Possession Managers Wayne and Laura Nance have offered to expand their work for the Port beyond their basic duties at Possession. Laura has been cleaning the Clinton bathroom, and she and Rick are cleaning the Langley bathrooms. This would continue for the next few months until the Port has an idea of how many hours the job takes. Ed would like to keep Laura on board if available to continue to clean the bathrooms. Also, Wayne has taken over mowing the Humphrey Lot.
2. **Assistant Harbormaster:** Ed would like to have a permanent Port staff person available to fill in for Brewer during his time off. Ed proposed that Wayne work two, 6-hour days per month at a salary of \$500.00/ month during the summer. Ed noted that money had been allocated in the budget for it, and in the future the Bush Point Manager could also be a fill-in. The Commissioners took no exception.
3. **Bush Point Manager Hiring Status:** Ed is working to edit the job description to include full services at Bush Point and four, 1-hour visits at Clinton Beach per week, but would not include the major weekly bathroom cleaning at Clinton.

**6. ACTIVITIES/INVOLVEMENT REPORTS:**

The Commission agreed that the following changes were made to committee assignments for 2009:

- Commissioner Seitle: COG
- Commissioner Slinden: EDC, MRC, EDC, RTPO & Center for Wooden Boats
- Commissioner Tapert: WPPA, CTED and HHSPD

**A. Economic Development Council (EDC):** Nothing new to report.

**B. Council of Governments (COG):** Nothing new to report.

**C. Skagit-Island Regional Transportation Planning Organization (RTPO):** Nothing new to report.

**D. Marine Resources Committee (MRC):** Nothing new to report.

**E. Washington Public Ports Association (WPPA):** Nothing new to report.

**F. Community Trade & Economic Development (CTED):** Nothing new to report.

**G. Holmes Harbor Shellfish Protection District (HHSPD):** Nothing new to report.

**H. Puget Sound Partnership (PSP):** Nothing new to report.

**I. Center for Wooden Boats Cama Beach/Whidbey Summer Event (September 5, 2009):**  
Nothing new to report.

**7. OLD BUSINESS:**

There were no Old Business items.

**8. NEW BUSINESS:**

There were no New Business items.

**9. ADJOURNMENT:**

The meeting was adjourned at 10:02 p.m.

Approved:

Minutes prepared by:

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Commissioner Rolf Seitle, Langley

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Edwin S. Field, Port Manager

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Commissioner Lynae Slinden, Clinton

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Commissioner Geoff Tapert, Freeland

- Exhibit A: Voucher Listing
- Exhibit B: November 2008 Financial statement
- Exhibit C: Whidbey Airpark Airport Site Assessment Briefing, Airside, dated 1/14/09
- Exhibit D: Marty Behr letter "Porter Field Warehouse as a Small Business Incubator", dated 1/8/09
- Exhibit E: Tony Puma memo to Port Commission, dated 1/14/09
- Exhibit F: Harbormaster Report, dated 1/8/09
- Exhibit G: Options for Marina Work Boat, from NW Marine Solutions
- Exhibit H: Letter from Island County regarding Shoreline Exemption, dated 12/31/08
- Exhibit I: Letter from James P. and Gretchen Shaffer regarding Mutiny Bay Boat Launch Maintenance