

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

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

**Present at the meeting were:**

Commissioner Rolf Seitle, Langley  
Commissioner Geoff Tapert, Freeland  
Ed Field, Port Manager  
Chuck Edwards, Port Accountant  
Dane Anderson, Port Financial Manager  
Molly MacLeod-Roberts, Port Clerk  
Rick Brewer, Harbormaster

Chris Jerome, Langley Resident  
Mona Newbauer, Clinton Resident  
Tony Newbauer, Clinton Resident  
Mike Rosenwood, Freeland Resident  
Dean Enell, Langley Resident  
Curt Gordon, Clinton Resident  
Phil Simon, Freeland Resident  
Eric Levine, Langley 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 October 14, 2009, at the Freeland Library Conference Room in Freeland, WA, following the completion of the Public Hearing on the 2010 Preliminary Budget. Commissioner Geoff Tapert, President, called the Regular Meeting to order at 7:30 p.m.

**2. BUSINESS MEETING – THE CONSENT AGENDA:**

**A. Consent Agenda:**

1. Minutes: Minutes from the Regular Meetings of July 8 and August 12, 2009.
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 Tapert and seconded by Commissioner Seitle to accept the Consent Agenda, including authorization of Vouchers #4017 for \$1,654.65 (as signed on September 15) and #4018 - #4061 for \$51,442.73 (as signed today) for a total amount of \$53,097.38. The Motion passed unanimously.

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

**Phil Simon, Freeland Resident:** Simon presented the Commission with copies of his presentation **(EXHIBIT B)**. On behalf of the Simon Family, who deeded the waterfront to the City of Langley in 1974, he said they sincerely appreciate the changes that the Port has made to

Phil Simon Memorial Park. He said that the Port's efforts have gone a long way toward "healing the sins" of the past stewards of the waterfront. He provided a history of the Park and the signage and explained that the Simon Family would like to work with the Port on a new sign for the Park, and they are prepared to donate the materials and installation labor. Simon said they would submit a proposal for a sign at a future Port meeting, after discussing it further later in the Meeting.

#### **4. ACCOUNTANT REPORT:**

**A. Financial Statement:** The Commissioners acknowledged receipt of the August 2009 Financial Statement, which had been mailed to them previously **(EXHIBIT C)**.

**B. Budget Resolution:** Financial Manager Dane Anderson explained that the Implicit Price Deflator (cryptic state-government verbiage for the Consumer Price Index) was actually negative last year. The Port can increase its tax revenue by the lesser of the Implicit Price Deflator or 1% over the previous year. That means that unless the Port passes a second resolution that basically states, "due to current and future general maintenance and operation expenses, the Board of Commissioners finds that there is a substantial need to set the levy limit at one hundred one percent," the Port would only receive 99.15% of the previous year's levy. The Commission authorized Staff to prepare the second budget resolution as described for approval at the regular November meeting.

#### **5. PROJECT ACTION ISSUES:**

##### **A. South Whidbey Harbor:**

###### **1. Expansion Project:**

**1. Design & Permit Prep – Permit status:** Port Manager Ed Field spoke with Joe Callaghan of GeoEngineers earlier in the day, and Callaghan said the draft Cultural Assessment (the last piece of his initial permit paperwork) is done. It will be issued after Ed has reviewed it. Callaghan said both the Army Corps of Engineers and the Tribes are looking forward to seeing the Cultural Assessment. Vicky Didenhover of the Corps has submitted her initial questions, and Callaghan will draft a response and forward it to Ed for review. Callaghan informed Ed that it appears that the Corps is not inclined to give the Port a 10-year permit. Ed thought they would probably get a 5-year permit. Doug Thompson of the Washington State Department of Fish and Wildlife is waiting to see the SEPA (State Environmental Protection Act). Ed said he would check with Larry Cort at the City of Langley on the status of the SEPA, since the 45-day period should have ended and the next phase begun by now. The Tribes are waiting for both the Cultural Assessment and the SEPA.

**2. Property Issue Update:** Dane said they are still working with the Department of Natural Resources (DNR) on establishing a Port Management Agreement (PMA) for the applicable Port properties. Dane recently responded to DNR's request for yet another modification to both the lease exhibits and also the comprehensive exhibit. He said Don Olmsted, the DNR representative, described it as "one half of one step closer" to getting to the point where everything is fine and the 90-day clock can start. Dane said that things are moving forward, albeit slower than we'd like.

Regarding the expected donation of the Puma-Schell tidelands, Dane reported that the owners of the Boatyard Inn have identified an appraiser that specializes in tidelands, so their donation of the tidelands in front of their property is also moving forward.

3. Funding Update: Dane said that the appropriations requests submitted to Washington State's federal delegation were unsuccessful, but they will try again in January/February now that the permits and PMA are in process. He reported that Public Works has not yet announced the recipients of the Small Communities in Rural Counties Grants. Dane said he continues to search for additional grant opportunities, and they are working on obtaining a bond rating for the Port. Ed explained that a financial policy program has to be drafted first, and they will work on that late this year.
4. Phil Simon Park Relocation Project: Ed reported that the hardscape contract was completed, and the contractor's approved request for final payment was included in the vouchers signed today.

1. Planting Update: Ed passed out flyers (**EXHIBIT D**) inviting the public to join the Port and Whidbey Watershed Stewards in planting trees, grasses and shrubs at the Park on October 24<sup>th</sup> from 9:30 a.m. – 2:30 p.m.

2. Sign: Phil Simon said his family would be satisfied with a sign similar to the one at Clinton Beach, but thought something unique (such as the boat stern) would be more appropriate to the area. Commissioner Seitle said it's important that a sign is kept in scale with the facility, and he thought a 36" x 18" bronze plaque would be more appropriate. Commissioner Tapert said he had no objection to the boat stern sign, but he suggested that the two new Commissioners should have some input as well. He recommended that the Simon family present a formal proposal at the regular November meeting, after the results of the election are known.

3. Grand Re-Opening Ceremony: Dane said that he spoke with Langley Mayor Paul Samuelson, who said there is significant support for a ceremony to honor the Simon family. Phil Simon explained that his 86-year old father fell and broke his hip, so he would not be able to attend a ceremony any time soon, and suggested postponing it until early spring. The Commission agreed, and Commissioner Tapert added that the landscaping would be complete and the new sign would be in as well.

## 2. Harbor Operations:

1. Harbormaster Report (**EXHIBIT E**): Rick was on hand to summarize his September report. He explained that he, Dane and Ed would get together soon to review the last 9 months and make plans for 2010. Rick felt that customer service should be the basis for the "branding" of the marina. He thanked the Commission for the opportunity to attend the PCC conference. He was very impressed with it and the classes were helpful and informative. He added that he also made some very good contacts.

Rick explained that he is working on obtaining a certificate in Port & Harbor Operations through Alaska Southeast University, with the possibility of developing and establishing a corresponding internship curriculum to the program. He said it could lead to a future opportunity for the Port to participate as a training facility. He is also

continuing the process of obtaining a Clean Marina Certification.

2. Assistant Harbormaster Job Posting: Ed reported there were 24 applicants, with a wide range of capabilities. He and Rick agreed on a 3-person short list and plan to conduct interviews with them next week. They hope to have the Assistant Harbormaster on board by the end of October.

**B. Possession Beach Waterfront Park:**

1. Posch Easement – Final Board Approval and Signatures: Ed noted that Darrell Posch had approved the initial paperwork prepared by Barrett Escrow regarding the driveway easement, and Port Attorney Al Hendricks subsequently made one adjustment; the document now identifies that the responsibility to maintain the easement lies with the Grantees and not with the Grantor (the Port). Ed said that Posch has approved the revision, and Ed presented the Commission with the proposed Easement and Seller’s Statement **(EXHIBIT F)** for their approval.

**ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Seitle to sign and execute the Posch Easement as presented. The Motion passed unanimously, and the Commissioners executed the documents.**

**C. Staff & Operations:**

1. Website Upgrade – And now the Blog: Dane said the website is being diligently maintained with links to current events on the south end, and reported that the site is increasingly getting more hits. As far as referring sites, in addition to Google, the Langley Chamber of Commerce and the City of Langley are providing lots of referrals as well. He explained that one way to keep the website ranked high in search results is to have frequent updates, and a Blog would accomplish that as well as allow a casual, more friendly way of filling in the community on Port activities. Dane stressed that it would not be a source of “new” information and comments would not be enabled on the Blog; it would be similar to a newsletter and would be written by Staff.

**6. ACTIVITIES/INVOLVEMENT REPORTS:**

**A. Economic Development Council (EDC):** Dane said at the last EDC meeting, there was a lot of conversation about the goals and objectives for the coming year. He noted that the EDC continues to focus “pretty heavily on the north end.” The Minutes and information from the EDC are on file and available at the Port office. Dane explained that his current status at the EDC is that of “observer” only – he cannot vote, because only an elected official from the Port can vote. Ed said that Dane would continue to attend the meetings on behalf of the Port until the new commissioners are in place and a Port representative appointed to the EDC (to replace former Commissioner Slinden).

**B. Council of Governments (COG):** Commissioner Seitle said he attended the meeting, but there was nothing of interest to report.

**C. Skagit-Island Regional Transportation Planning Organization (RTPO):** Commissioner Seitle said the last meeting was interesting. The RTPO discussed the continuing problem of meeting the Concurrency Law with the ever-decreasing level of service on the Clinton-Mukilteo ferry run. RTPO information is available on file at the Port office.

**D. Marine Resources Committee (MRC):** Commissioner Seitle was the assigned alternate to former Commissioner Slinden, so he said he would attend the MRC meetings for the rest of the year.

**E. Washington Public Ports Association (WPPA):**

1. Environmental Seminar October 1-2 at Sun Mountain Lodge in Winthrop: Commissioner Tapert attended. He said although the seminar was about sustainability, conservation and environmental clean-ups were discussed much more than sustainability.
2. Small Ports Seminar, Leavenworth, October 22-23: Commissioner Tapert said he was planning to attend.
3. Northwest Marina Conference, Seattle area, November 3-4:
4. Continuing Legal Education, Seattle, November 17: Ed said he would like to go since the topic is related to construction issues. The Commission authorized his attendance.
5. New Commissioner Seminar, Seattle, November 17: The Commission strongly encouraged the candidates present to consider attending the seminar if they are elected.
6. Annual Meeting, Seattle, November 18-20:
7. Voluntary Assessment to support WPPA Centennial Celebration: The Commissioners indicated their support of this effort, but deferred to the larger Ports for financial participation.

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

**G. Holmes Harbor Shellfish Protection District (HHSPD):** Next meeting scheduled for Thursday, October 22<sup>nd</sup>, 5 p.m. at Trinity Lutheran Church in Freeland, WA.

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

**7. OLD BUSINESS:**

There were no Old Business items discussed.

**8. NEW BUSINESS:**

There were no Old Business items discussed.

**9. ADJOURNMENT:**

The meeting was adjourned at 8:57 p.m.

Approved:

Minutes prepared by:

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Commissioner Geoff Tapert, Freeland

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Edwin S. Field, Port Manager

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Commissioner Rolf Seitle, Langley

- Exhibit A: Voucher Listing
- Exhibit B: Application for Funds for Relocation of "Welcome to Whidbey" sign
- Exhibit C: August 2009 Financial Statement
- Exhibit D: Phil Simon Park Planting Flyer
- Exhibit E: September Harbormaster Report
- Exhibit F: Posch Easement documents