

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

November 11, 2009

Freeland, Washington

Present at the meeting were:

Commissioner Rolf Seitle, Langley
Commissioner Geoff Tapert, Freeland
Commissioner Curt Gordon, Clinton
Ed Field, Port Manager
Dane Anderson, Port Financial Manager
Molly MacLeod-Roberts, Port Clerk
Rick Brewer, Harbormaster
Duncan McPhee, Assistant Harbormaster
Wayne & Laura Nance, Possession Managers

Ed Jenkins, Clinton Resident
Jeff VanDerford, South Whidbey Record
Chris Jerome, Langley 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 Wednesday November 11, 2009, at the Port office located at 5492 S. Harbor Ave. in Freeland, WA. (The usual meeting location at the Freeland Library was not available due to the Veteran's Day holiday.) Commissioner Geoff Tapert, President, called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

2. BUSINESS MEETING – THE CONSENT AGENDA:

A. Appointment of Commissioner-elect Gordon (to fill vacant seat) and Oath of Office:

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to appoint Commissioner-elect Curt Gordon to fill the vacant seat for District 3 in the interim prior to certification of the November 3rd election. The Motion passed unanimously.

Commissioner-Elect Gordon was sworn into office by Commissioner Tapert and the Oath of Office (**EXHIBIT A**) was subsequently signed by all three Commissioners.

B. Consent Agenda:

1. Minutes: Minutes from the Regular Meetings of September 9 and October 14, and Public Budget Hearing of October 14, 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 B**).

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Seitle to accept the Consent Agenda, including authorization of Vouchers #4062 - #4107 for a total amount of \$44,781.37. The Motion passed unanimously, with newly appointed Commissioner Gordon abstaining from the vote.

3. PUBLIC COMMENT – Including Items not on Agenda:

Eric Levine, Langley Resident: Levine presented the Commission with copies of an informal, conceptual grant proposal in the amount of \$7,500 for a dedicated sign promoting Langley, downtown Langley business and the South Whidbey Marina (**EXHIBIT C**), to be erected at the SR525/Campbell Road site of the pad originally designated for the relocation of the Welcome to Whidbey sign. He said that Freeland and Clinton both have signs, and Langley really needs one since it is not located adjacent to Highway 525. Commissioner Seitle said that the Port had allocated \$1,500 for that relocation, and Commissioner Tapert noted that no funds had been expended to date. Commissioner Tapert said that the Port accepts and considers Applications for Funds twice a year, and the next time would be in March 2010. The sign proposal would be considered as a capital expense. Levine said they would like to get a sign in place in time for the Olympics in British Columbia, so they would like to present the proposal for consideration at the next regular Port meeting. Commissioner Tapert said, "You can always present it."

Ed Jenkins, Clinton Resident: Jenkins voiced his support for the proposed sign and said he hoped it could be "fast tracked" before March since the Olympics take place in the first weeks of February. Commissioner Tapert said he'd be interested in finding out if the Island County Economic Development Council had made any plans to direct visitors to Whidbey Island on their way to the Olympics.

4. ACCOUNTANT REPORT:

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

B. Final Action for 2010 Budget: Port Manager Ed Field explained the sequence would be to first approve the Final 2010 Budget, then approve and adopt Resolution No. 09-03 (addressing the implicit price deflator issue), and lastly, approve Ordinance/Resolution 09-04 to authorize the levy amount. He noted that Port Accountant Chuck Edwards had previously signed the Levy Certification (**EXHIBIT E**).

Commissioner Seitle noted that the Commission had reviewed the Preliminary Budget twice and a Public Hearing was held on October 14, 2009.

1. Approval of 2010 Final Budget (EXHIBIT F):

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to approve and adopt the 2010 Final Budget as presented.

Commissioner Gordon stated that he had reviewed and was comfortable with the Budget, since it supports the structure of the Port next year.

The Motion passed unanimously, and Commissioner Tapert provided his signature as President of the Commission.

(Subsequently, it was discovered that an incorrect previous version of the Final Budget had been inadvertently printed for signature. The current final version was printed and presented to the Commission, and Commissioner Tapert signed the correct version of the 2010 Final Budget.)

2. Resolution No. 09-03 to Document a Finding of Substantial Need (EXHIBIT G):

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Gordon to approve and adopt Resolution No. 09-03, directing the levy limit to be set at 101% due to the Finding of Substantial Need for general maintenance and operations. The Motion passed unanimously.

3. Ordinance/Resolution No. 09-04 to Establish 2010 Levy (EXHIBIT H):

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Gordon to approve and adopt Ordinance/Resolution No. 09-04, providing authorization for the levy to be collected in the 2010 tax year. The Motion passed unanimously.

5. PROJECT ACTION ISSUES:

A. South Whidbey Harbor:

1. Expansion Project:

1. Design & Permit Prep – Permit update: Ed explained that he had a 5-lb. package of permit documents ready to go to the City of Langley that includes 9 pages of Master Permit Application, 3 pages related to Critical Areas, and all the JARPA, SEPA, Bio-Evaluation and Mitigation Plan exhibits. He and Port Financial Manager Dane Anderson spent a lengthy amount of time reviewing the City's Comprehensive Plan and identifying all the various places where the Expansion Project matches their Comp Plan, Master Plan, and the Shoreline Master Plan (per the City's permit requirements). Dane and Ed also reviewed the Municipal Code and found no real issues, and they addressed the InterLocal Agreement (ILA) and the amendment to the ILA, as well as the encumbrances from RCO (Washington State Recreation & Conservation Office). Dane will submit the whole package to the City tomorrow morning and hopefully find out the anticipated schedule at that time. The City acknowledged that the original application had not been handled as well as it could have been when it was submitted in August, so they have waived the pre-application meeting. Since the other agencies are looking to see the SEPA in particular, Ed and Dane will be in contact with the City to determine the scheduling and required meetings, etc.

Ed reported that the Cultural Assessment has been completed and will be sent out to the Tribes, the City of Langley and all the other agencies in the next few days. He added that the Army Corps of Engineers has already started reviewing the JARPA, because they've already submitted some questions to GeoEngineers, and some were really pretty basic.

2. Property Issue Update – Draft Port Management Agreement (PMA) from DNR (EXHIBIT I): Dane reported that the Department of Natural Resources has finally

sent a draft PMA, but they have not yet sent a letter indicating they have all they need to issue the PMA. Dane said he will continue to “gently prod” DNR to do so, and hopes the PMA will be in place by the end of the year so the Port can recoup some of the \$17,000 lease payment. At Commissioner Gordon’s request, Ed explained the difference between a PMA and a DNR lease. He added that it would seem to be to the Port’s advantage to have a PMA because it would eliminate lease payments on the area covered by the PMA, with only a minimal increase in liability exposure from Lease terms to PMA terms.

3. Funding Update: Dane reported that the Port was not awarded a grant from the Small Communities in Rural Counties Program. He continues to look at grant funding, and next Monday will attend the annual appropriations and grant funding symposium held by Washington State’s federal delegation. Dane explained that he hopes the Port will be considered more viable than last year because of the permit activity and the grant funding that is already in place.

4. Phil Simon Park Relocation Project:

1. Sign: No update.

2. Grand Re-Opening Ceremony: Date to be determined in the spring.

2. Harbor Operations:

1. Harbormaster Report (EXHIBIT J): Harbormaster Rick Brewer was on hand to summarize his October report. He provided additional information regarding the septic pump-out barge and the Clean Vessel Program and associated Grants, which are expected to allow the Port to be reimbursed for 75% of all pump-out related expenses.

2. Assistant Harbormaster: Rick introduced newly-hired Assistant Harbormaster Duncan McPhee, and the Commission welcomed Duncan. Duncan began work on October 26th and managed the Harbor well while Rick was on vacation over the Halloween weekend.

Jeff VanDerford, South Whidbey Record: Regarding the club events scheduled at the Harbor, VanDerford asked Rick if he had any anecdotal concepts or ideas of whether marina visitors are spending money on the South end, and if so how much money and where are they going when they get here. Rick said the clubs are spending a lot of money, but one problem has been arranging transportation. He explained that on Nov. 20th, 20 club members want to have dinner at Gordon’s in Freeland, and Rick was able to arrange their transportation with a small on-island company, but unfortunately that company is going out of business at the end of the year. Commissioners Seitle and Gordon suggested that Rick contact Island Transit, and Rick said he had, but had not yet received a response. VanDerford asked if Rick had contacted the South Whidbey Parks & Recreation, and Rick said he was checking with them as well as the South Whidbey School District.

B. Bush Pt. Boat Launch:

1. Transfer Status – Quit Claim Deed signed by the Governor and recorded (EXHIBIT K): Ed said, “We own it. The Quit Claim Deed was signed by the Governor before we even saw it, and Bush Point is now ours.” Commissioner Tapert noted the awkward wording about holding wildlife harmless. For Commissioner Gordon’s benefit, Ed provided a brief summary of the Port’s and the State of Washington Department of Fish & Wildlife’s history with the Bush Point facility, which culminated with this transfer.

C. Clinton Beach, Fishing Pier, Dock and Parking Lot:

1. **Dock Repair Update:** Ed reported there is “good news” regarding the dock repairs. He said that Todd Graves of Sound Slope & Shoreline repaired as many of the through-bolts as he could in the summer, and then Rex Lukanich of Greenbank Metalworks did a fantastic job on repairing the existing triangle frame with an added cross-member to stiffen it. Rex also custom-cut the diamond plate decking, and then welded it down as recommended on the outer section, and installed bolts underneath the frame for an inspection port. It’s now solid and feels and looks better, and Ed believes the work might have extended the dock from a 1-3 year timeframe to a 3-5 year timeframe. Commissioner Gordon agreed, and noted that Curt Grant (who was the project manager for the ferry dock expansion when the floating dock was moved) also agreed with the extended timeframe due to the repair. Ed said the dock needed to stay on the priority list. Commissioner Gordon said Grant had also made some suggestions for fairly inexpensive fixes if it starts to fail again, and Commissioner Gordon said he would forward Grant’s email to Ed.

D. Freeland Park:

1. **Request from Lions to Assist with Irrigation Costs:** Ed read aloud the following email from Roy Benson of the Lions Club, a group that has done a lot of volunteer labor and landscaping over the years at the Park: *“Hi Ed, we’re wondering if there’s any way that the Port could help pay some of the water bill for the Park. Steve Marx (in charge of Island County Parks) told me they probably would not be able to pay for the sprinklers to be turned on next year, as there is next to no money for the parks. They will barely be able to keep them mowed and the restrooms cleaned. In fact, if there is no water for the plantings, we will in all likelihood lose a lot of our plantings, including the new watershed area. This would be a shame. We hope the Port will be able to give us some help. Let me know what you think.”*

Commissioner Gordon suggested the email should be sent to the Freeland Water & Sewer District, and Ed said he would deliver it to their office (in the same building as the Port office). Commissioner Tapert said watering would probably not be needed until June, so he recommended that the Lions Club submit a formal Application for Funds in March for the estimated water bills.

E. Staff & Operations:

1. **Federal Funding Symposium w/Murray and Cantwell staff, November 17 in Everett:** Dane said he would be attending, and Port Commissioner-Elect* Chris Jerome would be joining him. (*At the time of the meeting, Jerome was in the lead for the District 2 position, but the election had not yet been certified.)

6. ACTIVITIES/INVOLVEMENT REPORTS:

A. Economic Development Council (EDC):

1. **Legislative Panel on November 12 (6:00-7:30 p.m.) in Coupeville:** Ed said Dane has been attending the EDC meetings, but only as an observer, and the Port needs to have a Commissioner on the EDC. The Commission agreed to wait until January to appoint the representatives to the various committees.

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): Nothing to report.

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

E. Washington Public Ports Association (WPPA):

1. Small Ports Seminar, Leavenworth, October 22-23: Commissioner Tapert said he did not attend the seminar.
2. Continuing Legal Education, Seattle, November 17: Ed said he would be attending the event, which focuses on contracts and bidding legalities.
3. New Commissioner Seminar, Seattle, November 17: Both Commissioner Gordon and Commissioner-Elect Jerome were registered for the event and planned on attending.
4. Annual Meeting, Seattle, November 18-20: Commissioner Gordon and Dane said they might attend the Finance session on November 18th.
5. Personal Services Contract Training, Everett, December 9: After a brief discussion, the Commission agreed Ed should get the training, and Ed said he was available and would attend the Everett session.

F. Department of Commerce (formerly 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.

7. OLD BUSINESS:

There were no Old Business items discussed.


8. NEW BUSINESS:

A. Possible Meeting Schedule Change: Ed noted that both Commission Gordon and Commissioner-Elect Jerome had indicated various scheduling conflicts with the Port's meetings on the 2nd Wednesday of each month. Because of the required timing of the monthly voucher submittal, the meetings need to be held during the second week. Another issue is the location for the meetings – the Freeland Library conference room is ideal since it is large enough and it is next door to the Port office, which allows easy access to the Port's computer files, etc. during the meeting if needed. Ed said the 2nd Tuesday would work for the vouchers, but since today was a holiday, Staff was not able to check with the Library regarding the availability of the conference room. Ed added that if the day of the meeting does change, it would need to be done by Resolution. The Commission directed Ed to check into the availability of the Freeland Library and Trinity Lutheran Church for the 2nd Tuesday of each month.

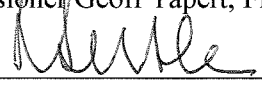
9. ADJOURNMENT:

The meeting was adjourned at 8:47 p.m.

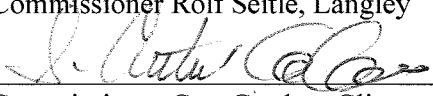
Approved:



Commissioner Geoff Tapert, Freeland

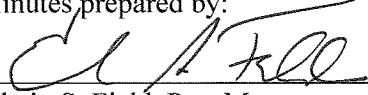


Commissioner Rolf Seitle, Langley



Commissioner Curt Gordon, Clinton

Minutes prepared by:



Edwin S. Field, Port Manager

- Exhibit A: Oath of Office
- Exhibit B: Voucher Listing
- Exhibit C: Eric Levine's Informal grant proposal for Langley sign
- Exhibit D: September 2009 Financial Statement
- Exhibit E: Levy Certification
- Exhibit F: 2010 Final Budget
- Exhibit G: Resolution No. 09-03
- Exhibit H: Ordinance Resolution No. 09-04
- Exhibit I: Draft Port Management Agreement
- Exhibit J: October Harbormaster Report
- Exhibit K: Quit Claim Deed for Bush Point