

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting

January 20, 2006

Freeland, Washington

Present at the meeting were:

Commissioner Rolf Seitle, Langley
Commissioner Lynae Slinden, Clinton
Commissioner Geoff Tapert, Freeland
Ed Field, Port Manager
Amber O'Brien, Port Clerk

Jeff Van Derford, South Whidbey Record
Sue Ellen White, Freeland Resident

Absent: None

1. MEETING CALL TO ORDER:

The Special Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened January 20, 2006, in the conference room at the Port office at 5492 S. Harbor Avenue in Freeland, WA. Commissioner Slinden, President, called the meeting to order at 8:32 am. The purpose of the Special Meeting was to further consider the request from the Washington State Department of Fish & Wildlife (WDFW) for additional funding for Phase Two of the Bush Point ramp project, and to address any other matters as brought forward.

2. PROJECT ACTION ISSUES:

A. BUSH POINT PHASE 2 CONSTRUCTION FUNDING: Port Manager Ed Field reviewed recent correspondence from Kristen Kuykendall, project engineer for WDFW, focusing on the 12/22/06 letter summarizing the shortfall in funding to complete Phase Two of the Bush Point Boating Access Development **(EXHIBIT A)**. Ed noted that Phase Two comprises the bathroom, parking and site improvements for the new boat ramp. Ed said that Kuykendall has noted that there are no other WDFW facilities on Whidbey Island, and WDFW does not typically maintain and operate isolated facilities. Kuykendall also mentioned prior instances where WDFW completed projects and turned them over to local agencies after the InterAgency Committee (IAC) contract was completed. This requires an extended approval process at WDFW. After completion of construction and the IAC Contract and the Port's establishment of proper operations and management, Kuykendall said WDFW would consider transfer; although it is not something that they can commit to at this time. Ed said that according to Kuykendall, WDFW had no objections to the Port's request for an immediate extension of the existing Land Use Agreement. WDFW estimated that processing an approval of the proposed extension would take approximately two weeks. Field pointed out that any other changes in the terms of the Agreement would require approval from the WDFW Commission, which would be a fairly significant process. He said that if the Port Commission approves the request for additional funding for the project, a new InterLocal Agreement (ILA) could be drafted, similar to the previous ILA for clean-up of unexpected contamination on Port property, and the Port could stipulate how that

money would be spent. Such a new ILA could be contingent on approval of the proposed ten-year lease extension. Ed pointed out that the current Agreement between WDFW and the Port is from May 30, 1998 to April 1, 2024. The proposed 35-year lease would extend from May 30, 1998 to April 30, 2033. Ed noted that the dates in the original lease had been mis-stated by one-year, such that the original 25-year lease was apparently a 26-year lease. With the current request from the Port to extend the term to 35 years, the Agreement would actually be extended by nine years. Field said that if additional funding is approved, the Port could set up a billing procedure to track the funds being spent on the project.

Commissioner Tapert said that recent events had afforded him the opportunity to better understand the history and ownership issues associated with the project, and noted that, to date, the Port has spent approximately \$200,000 on the Bush Point project. He continued that the only actual Port property is the small road-end portion located near the boat ramp, and the Port has also contributed funding towards remodeling the Bush Point house (also owned by WDFW) for use as a caretaker's residence but currently unoccupied. Tapert said that since the Port is not paying anything to WDFW for the house, it could be rented out, which would generate revenue and help offset the money the Port has spent on the Bush Point Project. Commissioner Seitle said that Bush Point is a very important project and in order to be completed, the Port would need to provide additional funding. He was concerned with how the Port would expend the funding to WDFW and suggested the Port wait until all other forms of funding for the project have been exhausted before the Port's funds are used.

ACTION: A motion was made by Commissioner Seitle to commit Port funding in the amount of \$115,000 to WDFW to augment WDFW funds for a contract for Phase II improvements of the Bush Point project subject to the following provisions:

- 1) The funds will be provided to the project upon application by WDFW project manager at the time the existing allocated funds by WDFW are expended.**
- 2) At that time and in consideration therefore, WDFW will agree to amend the existing Land Use Agreement provisions as follows:**
 - **Clause #1 Term: The term of the agreement shall be 25 years beginning at the completion of the project.**
 - **Clause #11 Cancellation: This agreement may be cancelled by any party upon ninety days written notification to the other. However, should such a cancellation be initiated by WDFW, WDFW shall repay to the Port District of South Whidbey the sum of \$115,000.00 plus reasonable interest.**

Commissioner Slinden called for a second on Commissioner Seitle's motion. There was no second heard. The motion was failed.

Commissioner Seitle said that his proposed motion would accomplish two things. First, it would fix the current the Land Use Agreement and protect the Port in the unlikely case that WDFW cancelled the agreement. It would also give the Port a full twenty-five year lease that would begin after the project is completed. Commissioner Slinden asked for an alternative motion from the Commission. Commissioner Tapert said that one of the problems with the motion was that in order to change the terms and conditions of the Agreement, the Port would have to start over again. He said that the Port could authorize the additional funding without actually writing a check at this time, which would allow the contract to be released to the contractor. The Port could work with

WDFW during the long process of changing or creating a new ILA prior to the Port releasing any funding. Ed suggested that the Port consider rolling some of the provisions from the original Land Use Agreement into a new ILA, to avoid having to reopen the old ILA.

ACTION: A motion was made by Commissioner Tapert and seconded by Commissioner Slinden to approve Resolution #06-02 (initially discussed at the 1/11/06 Regular Meeting) to commit \$115,000.00 additional funding to WDFW for the Bush Point project (EXHIBIT B).

Commissioner Seitle said that he felt the motion was insufficient, noting that the Port needs to be sure that they are clear legally in case of cancellation by WDFW. He said he would approve the motion if it is amended to include that Port funds would be provided to WDFW when all other funding sources have been exhausted. Ed said that according to Kuykendall, WDFW did not expect to need the additional funding until March. Commissioner Slinden suggested that the Commission adopt Resolution #06-02, noting that conditions mentioned by Commissioner Seitle could be added to the new additional-funding ILA that the Port would be entering. Commissioner Seitle suggesting amending Resolution #06-02, to change the wording of the last sentence in the sixth paragraph from “Finalization of process for the additional funding will be *addressed by* a separate ILA...” to “Finalization of process for the additional funding will be *subject to* a separate ILA...”. (EXHIBIT C) The other Commissioners had no objection to Commissioner Seitle’s proposed revision. After further discussion, Commissioner Tapert withdrew his prior motion.

ACTION: A motion made by Commissioner Tapert and seconded by Commissioner Slinden to approve Resolution #06-02, as revised, to commit \$115,000.00 additional funding to WDFW for the Bush Point Project. The motion passed unanimously.

B. MUTINY BAY RAMP UTILIZATION: Commissioner Slinden reported that the County was establishing a new non-motorized trails plan for Whidbey Island, and today was the last day for public comment on the plan. She noted that the County currently maintains the boat ramp at Mutiny Bay, which has been a maintenance cost issue for them because of the rapid accumulation of sand on the ramp, and one proposal for the new trails plan would be to decrease maintenance of the ramp at Mutiny Bay and refer all motorized boats to Bush Point once it is completed. Commissioner Slinden said that another point of interest was that kayakers have been looking for a location on the south end of the Island that would provide unrestricted overnight parking. This would enable them to take trips for extended periods of time while leaving their vehicles in reasonably protected area. She said that this point had been discussed with Terri Arnold of Island County Parks, who was in favor of the concept. Commissioner Slinden pointed out that while motorized boat use would not be restricted at Mutiny Bay, launching would be available at the boater’s risk. Commissioner Slinden suggested that the Port write a letter to the County proposing decreased maintenance of the Mutiny Bay boat launch in conjunction with completion of the Bush Pt facility and a focus of motorized boaters to Bush Pt and non-motorized & hand-carried boaters to Mutiny Bay.

Commissioner Tapert stated that it would be necessary for the Port to obtain public input prior to formalizing such a position, and noted that options for improvement should be kept open in consideration of both near-term public input and long-term Comprehensive Plan considerations. He asked whether the Port had been paying the County for maintaining the boat launch. Ed said the Port does not pay the County for the

maintenance, as Port ownership is only 25% of the ramp. He explained that clearing the sand from the ramp required heavy equipment, and Island County Parks Department does not have equipment heavy enough to clear the sand on the ramp, so they subcontract the work to the Roads Department, which is very expensive.

Commissioner Slinden introduced Sue Ellen White, of the local organization called Whidbey Island Sea Kayakers (WISK), and asked that she share her comments regarding Mutiny Bay as a possible launch site for kayakers. White said that WISK, even though formed recently, already has approximately 40 members. She pointed out that Puget Sound is one of the premier kayaking destinations in the world, and it is a resource that is being underutilized on Whidbey Island. She mentioned Canada as an example of a location that offers overnight parking to kayakers so they are able to take multi-day trips. Some of these locations also have primitive overnight camping sites available as well. She stated that if Whidbey Island had more locations available for this type of use by kyakers, it would help promote economic development for both the County and the community. After further discussion, the Commission agreed that no action was appropriate at this time until having the opportunity to obtain public input. Commissioner Seitle suggested that Ed draft a letter to the County saying that the Port has decided that when Bush Point becomes fully operational, it would be the best place to launch motorized boats and therefore it would not be necessary to continue maintaining the Mutiny Bay boat launch. Ed said that it would not be necessary for the Port to make a formal opinion on the matter at this time, but that a letter could be written to let the County know that the Port is exploring all of the options involved and would like feedback from both the County and the public prior to making any formal decisions. The Commission agreed to defer writing a letter to the County regarding the Mutiny Bay boat launch until the next regular Port meeting.

Jeff Van Derford, South Whidbey Record, asked if the Port would be willing to put together a press release to help generate public input and send it to him prior to the next Port meeting. Ed agreed to prepare the information, but noted that it could be essentially stated that the Port is exploring possibilities for managing maintenance and operations in accordance with focused use of the facilities, with on-going improvements also oriented to those focused uses.

3. ADJOURNMENT:

The meeting was adjourned at 9:08 am.

Approved:

Minutes prepared by:

Commissioner Rolf Seitle, Langley

Edwin S. Field, Port Manager

Commissioner Lynae Slinden, Clinton

Commissioner Geoff Tapert, Freeland

Exhibit A: "Bush Point Boating Access Development" ltr. from WDFW, dated 12/22/05
Exhibit B: Draft Resolution #06-02
Exhibit C: Resolution #06-02, signed