

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

February 8, 2006

Freeland, Washington

**Present at the meeting were:**

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

Ron Norman, Freeland Resident  
Dick Stallbaum, Freeland Resident  
Gary Kohlwes, Freeland Resident  
Dennis Epsten, Freeland Resident  
Brendt Fosso, Freeland Resident  
Sylvia Fosso, Freeland Resident  
Bob Erickson, Freeland Resident  
Randy Lidral, Freeland Resident  
Gail Ackert, Manager of the Mutiny Bay Resort  
Herb Hunt, Freeland Resident  
Faith Bushby, Langley City Council  
Ron Sanford, Freeland Resident  
Sue Ellen White, Langley Resident

**Absent:** None

**1. MEETING CALL TO ORDER:**

Following a Workshop session from 7:15 to 7:30 pm, the regular meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on February 8, 2005, at the Freeland Library conference room, 5495 S. Harbor Avenue, Freeland, WA.

Commissioner Slinden, President, called the meeting to order at 7:30 pm., followed by the Pledge of Allegiance.

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

**A. Consent Agenda -**

1. Minutes: Minutes from the Special Meeting of January 4, 2006.

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 voucher numbers #2548 - #2572 for a total amount of \$89,296.96. The motion passed unanimously.**

### **3. ACCOUNTANT REPORT:**

**A. Financial Statements:** There was no financial report.

### **4. NON-AGENDA ITEMS / PUBLIC PRESENTATIONS:**

**A. Mutiny Bay Boat Launch:** There were several members of the public on hand to discuss the Mutiny Bay boat ramp. One of the visitors, Dick Stallbaum, said he was protesting tonight's meeting. Stallbaum said he had organized a number of people to attend the Port meeting that he was told by the Freeland Library would be held on Tuesday February 14, 2006. He later found out from Ed Field at the Port Office that the meeting is on Wednesday February 8, and that meetings are typically held the second Wednesday of every month. Commissioner Slinden apologized for the misunderstanding. She said that the Bylaws state that Port meetings are to be held the second Wednesday of each month, and that the error was made unintentionally at the administrative level. The Commissioners welcomed public comment and input regarding the Mutiny Bay Boat Ramp but indicated that this meeting was not intended to be a public hearing. Commissioner Slinden explained that Island County is the lead agency and primary owner of the boat launch. The Port is a secondary owner, owning 25% of the boat launch property. The Port Commission can offer comments and/or make recommendations regarding the ramp but the County is the final decision maker. Commissioner Slinden opened the meeting to public comment.

- Ron Norman: Norman said that his sole purpose of buying a summer cabin on Cedar Street 20 years ago was its close proximity to the Mutiny Bay boat launch. The cabin has now become his retirement home and he uses the boat launch every opportunity he can to fish. It is absolutely critical to him that the County continues to maintain the boat ramp. He also had concerns with lack of parking at Bush Point. He said that the Port and County should improve the ramp rather than close it down.
- Bob Erickson: Erickson said that he owns a home on Mutiny Bay and hopes that he will use it as his retirement home later in life, and as a property tax payer that does not currently benefit from a lot of where the taxes go, having the ramp is of huge importance to him. Erickson pointed out that there are over 150 small cabins in the Mutiny bay area that are owned by people that have small boats with small engines that would not be able to handle launching at Bush Point.
- Herb Hunt: Hunt owns two residences on Cedar Street near the Mutiny Bay boat launch. His primary concern was the drainage issue. Hunt had spoken with Mike Shelton regarding the lack of upkeep at Mutiny Bay and the resulting drainage issues. He explained that Oliver Lake feeds into a drainage basin that goes down through the Endicott Farm and then down to the Mutiny Bay ramp. When the ramp is not maintained, the drainage basin starts backing up and overflowing to Pine Street and Cedar Street causing flooding. Hunt said that his key concerns are keeping the Mutiny Bay boat ramp open and addressing the drainage issue.
- Sue Ellen White: White said she is a long time resident of Whidbey Island and is a both a sea kayaker and a salmon fisher. She is also a part of the Whidbey Island Sea Kayak association (WISK). She said that although the association is advocating for more facilities for kayakers at Mutiny Bay, they are not advocating taking anything away from anyone else and they were not advocating the closure of Mutiny Bay to

trailer boats. She noted that sea kayakers currently have limited ability to go on multi-day trips because of the lack of campgrounds and legal overnight parking on Whidbey Island, and that is hurting the potential for economic development of this potential tourist visitor stream. She said that WISK has recently corresponded with the County regarding the lack of water-side facilities in Island County's non-motorized trails plan in an effort to advocate for more access for kayakers.

- Randy Lidral: Lidral said that he also lives near Mutiny Bay on Roy Road. He uses the Mutiny Bay boat launch exclusively. Lidral works at Nichols Brother's Boat Builders and pointed out that they use the ramp for its fishing derbies. Lidral promotes kayaking and is happy to see the ramp used for that purpose. He would like to see the ramp improved rather than closed down, especially because no one knows whether the Bush Point ramp is going to work yet.
- Gary Kohlwes: Kohlwes, who also lives on Cedar Street, wanted to re-emphasize what had already been said regarding the boat ramp. Kohlwes was bothered that the new Bush Point boat ramp was being considered as a replacement of the Mutiny Bay boat ramp. He said Mutiny Bay residents and many other people would be inconvenienced by the loss of the Mutiny Bay boat ramp. He agreed with Hunt that Island County would need to address the drainage issue. He said the problem is that there has not been any money spent on either engineering to solve the drainage problem or engineering with the thought of re-designing or upgrading the facility. He noted no objection to sharing the ramp with kayaks, and also mentioned that the Fire Dept uses the ramp.
- Gayle Eckert: Eckert, manager of the Mutiny Bay Resort, said that he was in agreement with all of the comments that had been made. He said that shutting down the ramp would have a disastrous effect on his business because 50-60% of the Resort's guests use the Mutiny Bay boat launch.
- Brendt Falso: Falso said that he learned to sail at Mutiny Bay and hoped that his wife and two daughters would have the same opportunity. He pointed out that it would be too dangerous to launch a small sailboat at Bush Point, especially with two small children. He does not want to see the Mutiny Bay facility shut down.
- John Henderson: Henderson also agreed with the comments that had been made. He owns a small boat, 12 ft Lund, and said that he could not launch a boat that small at Bush Point. He is also opposed to closing the Mutiny Bay boat ramp.
- Herb Hunt: Hunt presented two letters to the Commission from people that were unable to attend the meeting protesting the closure of the Mutiny Bay boat launch. **(EXHIBITS B & C)** He also reported that County Commissioner Mike Shelton was trying to set up a meeting to discuss the drainage issue. The date had not been set yet but should be within a month.
- Ron Norman: Norman had another comment to add. He said that when the Hanford Thayer designed the boat ramp, a number of people had told him that because of the shifting sands, the design would fail. He pointed out that the Port has spent \$115,000 towards the Bush Point ramp and said that the same amount of money would go a long way if spent toward re-designing the Mutiny Bay Ramp. Norman also pointed out that it is not necessary to have the County clear the ramp all year

round. The County could look into the fishing regulations to determine when it is necessary to clean the ramp for fishing, crabbing and boating season.

- Another comment was made that the Port and County should look into the use of the ramp by the Fire Department for their Marine Rescue operations. Bush Point may not be a feasible location for the Fire Department to launch their equipment.

Commissioner Slinden thanked everyone for their comments. Commissioner Seitle asked what the Port's responsibility was to the Mutiny Bay boat ramp. Field said that the Port owns 25% of the ramp and that it was the County's responsibility to maintain it. He said that according to Terri Arnold, Island County Parks Dept., the main issue with maintaining the ramp is that it requires heavy equipment, and Island County Parks 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 said that if the Port and County decide improve the ramp at some point, one Port responsibility would be to help fund those improvements. She also pointed out that County had been working on a non-motorized trail plan to come up with a road map of where they want to go in the future with non-motorized trails. One proposal for the County's new trails plan was to discontinue maintenance of the ramp at Mutiny Bay and refer all motorized boats to Bush Point once it is completed, which is how the subject was brought up for public comment.

Commissioner Tapert said that the Port would be starting work on developing a new Comprehensive Plan within the next few months, and anyone interested could attend the Comp Plan meetings to give input about what can be done to improve the Mutiny Bay boat ramp. The Port could then apply for funding through InterAgency Committee (IAC) to complete the project. Field asked if it was feasible to launch large boats from the Mutiny Bay boat ramp. Several of the boaters said that they had launched boats as big as 23' from that location. Field also asked the Mutiny Bay residents for their opinion on overnight parking and camping. The general consensus was that most of the residents were not opposed to overnight parking but were less favorable to camping at Mutiny Bay. Sue Ellen White made a final comment that if Whidbey Island had more locations available for kayakers to camp and park overnight, it would help promote economic development for both the County and the Community. The Commission said they would look forward to future discussions regarding the Mutiny Bay Boat Ramp.

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

### **A. Clinton Beach:**

1. Construction Update: Ed reported that the foundations for the bathroom, shelter columns and most of the trellis had been poured on Monday (2/6/06). While excavating for trellis foundations, Ed reported that the contractor discovered a massive concrete bulkhead underneath the old sidewalk that had to be removed. He also noted that, earlier today while stripping the hillside, the crew hit a waterline that was marked but was only down 3", and Clinton Water District has now repaired the line. In reevaluating the slope conditions, Ed said that he and the designers worked with the contractor to designate a clearing line situated at a more natural break point in the slope. He said that moving the line may result in the need for increased noxious weed control at the top of the slope, but given the stability conditions and weather, it is the safest decision. Field said that based on Pay Application #1 submitted by the contractor for work completed through January, they were about 13% in on dollars and 38% in on days. They are a

little behind on schedule but are making good progress. Field said that there were currently six potential change issues, mostly due to unforeseen conditions on the job site, with most of the change orders in the \$2-3,000 range, except for an electrical package. Ed noted that the exterior light fixtures and poles and the artwork uplights lights had been inadvertently omitted from the lighting schedule, so they were not included in the contractor's bid. Ed said that the contractor had estimated the additional lighting to be about \$25-30,000, but he continued that the estimates were speculative at this point and he would work with Jason Henry, The Berger Group, to review the contractor's lighting proposal and would submit a final proposal to the Commission for review and approval

## **B. Bush Point:**

1. Construction Update: Field said that IMCO, the Phase 1 contractor, had completed driving the piles Saturday night, January 28. He noted that they have discovered significant erosion under the ramp grid and have investigated , but it is not clear if further grid damage is related to the erosion or the investigation. Under WDFW management, Ed said that IMCO will continue to work to resolve issues with the ramp grid and the pile/float connections. Ed said that the Phase I contractor is now demobilizing until the floats are ready to be installed, which should be later this month. Ed said he had been told that the Phase II contractor will be mobilizing later this week.
2. Operations, including Overnight Parking: Field said that although the completion of the project is not imminent, it seemed prudent to start consideration of the overnight parking issue. He said that the Commission would need to decide if the Port was planning to allow and/or charge for overnight parking. He said that any fees charged by the Port for parking must go back into the facility. Commissioner Slinden said that because there are two parking areas, one possibility would be to limit overnight parking to one of the two lots. Commissioner Seitle said that he was in favor of charging overnight parking fees. Commissioner Tapert was concerned with how the Port would enforce overnight parking fees. After further discussion, the Commission agreed to restrict parking to day use only until they have more time to discuss the issue.
3. Near-term Issues, Including Rental and Caretaker Possibilities: Field asked the Commission for their opinions on hiring a caretaker at Bush Point. Commissioner Tapert said that one problem with hiring live-in caretaker(s) is that if they do not do their job and the Port must terminate them, the Port would have to evict them as well. He was in favor of the Port renting out the house as soon as possible to generate some revenue even if it is on a month-to-month basis. Commissioner Slinden suggested other possible uses for the residence such as, using it as a hostel or renting out bunk space upstairs. The downstairs portion of the house could be used to sell snacks and fish bait. The Commission asked Ed to work up a job description with possible pay and rent provisions, and also ask Port Accountant Chuck Edwards about any tax implications. They agreed to table further discussion until the next regular Port meeting scheduled for March 8, 2006.

## **C. Possession Point:**

1. Storm Damage: Ed reported that the recent storm had caused some wash out along the bridge at Possession Park. According to Pratt's initial review, the repairs may require three of his employees for about three days. He would also need to purchase some gravel to replace the gravel that was washed away. Ed also reported that he would be

sitting in on the meeting with Pratt and Rob Halbauer with Davido Consultants to discuss the septic system, general maintenance and storm damage precautions for Possession Point.

## **6. ACTIVITIES/INVOLVEMENT REPORTS:**

**A. Economic Development Council (EDC):** Commissioner Tapert said he planned to attend the next EDC meeting. Commissioner Slinden asked him to address the trade fair issue. She would like the EDC to establish a second trade fair on the south end of the island or alternate the trade fair each year from Coupeville to South Whidbey. Commissioner Tapert agreed with Commissioner Slinden and said he would address the issue at the next meeting.

**B. Council Of Governments (COG):** No update.

**C. Regional Transportation Planning Organization (RTPO):** No Update.

**D. Marine Resources Committee (MRC):** No update.

**E. Washington Public Ports Association (WPPA):** No Update.

## **7. OLD BUSINESS:**

**A. Resolution #06-03, Adoption of Bylaws as Amended January 11, 2006:** As initially approved by motion at the January 11, 2006 Meeting, the Commission approved and signed Resolution #06-03 to amend the Bylaws to correctly reflect the three Commissioner precincts; Freeland position #1, Langley position #2 and Clinton position #3, to be consistent with the Island County Auditor. **(EXHIBIT D)**

**B. Website Development:** Commissioner Tapert said that he had received one website proposal from Charlona Sawyer of Creative Advertising Solutions. **(EXHIBIT E)** The cost of designing the website would depend on the plan the Port selects but would range from \$1,000 to \$1,500. Sawyer could provide 24-hour turnaround time for website updates. The Commission asked Ed to get notice in the South Whidbey Record requesting additional Port website proposals so they could compare the proposal received from Sawyer to any additional proposals they receive by the next Port meeting.

## **8. NEW BUSINESS:**

**A. Participation by Port Representatives on Outside Panels:** Commissioner Slinden said that Ed had been asked by Langley to sit on their panel for selection of a Ramp & Park project manager. She noted that Ed has the knowledge of both the project requirements and responsibilities, and his participation would be good step toward project control and improvement. However, since Ed's involvement would be "on the clock," he would like to have approval from the Commission before agreeing to participate. Commissioner Slinden asked if the Commission would be in favor of establishing a policy that would allow Ed to participate on future panels without prior approval from the Board. The Commissioners agreed that they would decide future panel participation on a case-by-case basis. They did approve Ed's participation on the Langley panel for a maximum of two meetings.

**ACTION: A motion was made to by Commissioner Slinden and seconded by Commissioner Tapert to approve Ed's participation on the Langley panel to help with the selection of a Ramp & Park project manager for a maximum of two meetings. The motion passed unanimously.**

**B. Mediated Meeting:** Ed reported that he had been working with Langley City Administrator Walt Blackford to set up the framework for the mediated meeting, and he said he would let the Commissioners know when details have been worked out..

**C. April Meeting Date:** In consideration of potential conflicts with the spring break for local schools, the Commissioners agreed to reschedule the Regular Meeting for April from Wednesday April 12, 2006 to Tuesday April 4, 2006.

## **9. EXECUTIVE SESSION:**

There was no Executive Session.

## **10. ADJOURNMENT:**

**ACTION: A motion was made to by Commissioner Slinden and seconded by Commissioner Seitle that the meeting be adjourned. The motion passed unanimously.**

The meeting was adjourned at 9:08 p.m.

Approved:

Minutes prepared by:

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Commissioner Lynae Slinden, Clinton

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Edwin S. Field, Port Manager

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Commissioner Rolf Seitle, Langley

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Commissioner Geoff Tapert, Freeland

Exhibit A: Voucher Listing  
Exhibit B: Letter opposing Mutiny Bay boat launch closure, from Jaime Sweeney, dated 2/8/06  
Exhibit C: Letter opposing Mutiny Bay boat launch closure, from Geoff Hornsby, dated 2/8/06  
Exhibit D: Resolution #06-03 (Signed)  
Exhibit E: Port Website Proposal from Charlona Sawyer of Creative Advertising Solutions