

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting
December 12, 2007
Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton
Commissioner Rolf Seitle, Langley
Commissioner Geoff Tapert, Freeland
Ed Field, Port Manager
Dane Anderson Port Financial Coordinator
Molly MacLeod-Roberts, Port Clerk

Don McArthur, SW Yacht Club
Richard Rhydes, Friends of Freeland
Jeff VanDerford, South Whidbey Record
Rick Brewer, Clinton Resident
John Martin, 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 December 12, 2007, at the Freeland Library Conference Room in Freeland, WA. Commissioner Tapert, President, called the meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

2. BUSINESS MEETING – THE CONSENT AGENDA:

A. Consent Agenda:

1. Minutes: Minutes from the Special Meetings of September 6 (revised), September 28 and October 4, 2007.
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 Slinden to accept the Consent Agenda, including authorization of Vouchers #3255 - #3292 for a total amount of \$107,817.14 (later corrected to \$106,406.76). The Motion passed unanimously.

B. Staff and Consultant Agreements:

1. Port Manager Contract for 2008: Port Manager Ed Field said he had signed the contract for 2008.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to approve the Port Manager Contract for 2008. The Motion passed unanimously.

Commissioner Tapert signed the Employment Agreement for Edwin S. Field effective as of January 1, 2008 **(EXHIBIT B)**.

2. Financial Coordinator Consultant Contract for December 6, 2007 through June 5, 2008:

ACTION: A Motion was made by Commissioner Slinden and seconded by Commissioner Seitle to approve the Financial Coordinator Consultant 6-Month Contract as submitted. The Motion passed unanimously.

Commissioner Tapert signed the Agreement with Consultant Dane Anderson, dba Emerge Consulting **(EXHIBIT C)**.

3. PUBLIC COMMENT – Including Items not on Agenda:

There was no public comment other than as noted below on Agenda issues.

A. Friends of Freeland – Application for Funds: Richard Rhydes, Vice President of the Friends of Freeland (FOF), was on hand to present FOF's Application for Funds in the amount of \$7,947.10 for the development of Cape's Loop Trail **(EXHIBIT D)**. Rhydes explained that in June of 2004 the Port committed \$5,070 for the development of the Trail, but circumstances later arose that require costs in excess of that amount. He said there were drainage problems caused by the steeply sloping Payless property and a problem with the clean up costs of the stumps, brush and debris left behind after Freeland Water District installed a water line along the trail route. FOF has spent \$7,282.10 to date (including \$4,518.67 of FOF money), which exceeds the \$5,070 amount the Port committed to spending in 2004. The Port has only been billed for \$2,763.42 to date. Rhydes said the total estimate to complete the development of Cape's Loop Trail is \$13,017.10.

Commissioner Slinden said that the Port should honor the previous commitment regarding the amount still owed by the Port (\$2,306.57) but felt the Trail is a public works project that Island County should probably be paying for. She thought that when the Port approved the \$5,070 in 2004, the Commissioners said that was all the funding the Port would be putting into the project. Commissioner Tapert agreed and added that the Freeland Water District and Payless should be held responsible for cleaning up the debris and resolving the drainage situation. He said he would be willing to personally contribute money, but he is not in favor of the Port providing any additional funding for the project beyond the original commitment of \$5,070.

Commissioner Seitle said FOF should bill the Port for the balance of the funds already committed and Rhydes said he would. Rhydes told the Commissioners that FOF had learned there is \$11 million coming into Olympia through RTPPO for bicycle and pedestrian safety. Rhydes asked if FOF could use the balance owed as "seed money" for grant application and the Commissioners agreed that would be fine. The Commissioners also agreed there would not be any additional funds, matching or otherwise, for the project. Commissioner Seitle said it did not fit the economic development or the tourism aspects of the Port's Comprehensive Scheme and Commissioner Slinden agreed. Commissioner Seitle said FOF should talk to the Port again once the grant is clarified and Rhydes said they would come back and show the Port what FOF

is proposing.

The Commissioners unanimously agreed that the Port would honor the original commitment amount of \$5,070 but the Port would not provide any additional funding for the Cape's Loop Trail. Rhydes thanked them for the opportunity to speak and the Commission thanked him for his presentation.

4. ACCOUNTANT REPORT:

A. Financial Statement: The Commissioners accepted the October 2007 Financial Statement which had been mailed to them previously **(EXHIBIT E)**.

5. PROJECT ACTION ISSUES:

A. South Whidbey Marina:

1. Design & Master Plan Update

1. Commission Direction on Master Plan Update Criteria and Design Components: Port Manager Ed Field explained the following list of items were some of the topics that were initially discussed in the Special Meeting of December 4, 2007, during the Executive Session when no decisions could be made. They are on the agenda for the purpose of further discussion and Commission direction. The direction issued tonight will be incorporated into the Master Plan Update that will be submitted to the City of Langley in one week.

1. Parking: Ed asked if the Commission wanted to proceed with the current proposed layout which includes about 50 spaces including 6 for boat trailers, while acknowledging the likely need for overflow trailer parking. He said the obvious choices for overflow parking would be the Christian & Missionary Alliance Church or the South Whidbey Middle School, in conjunction with a shuttle service during the busy summer season. Commissioner Slinden suggested the spaces be designated "non-residential" for clarity.

2. Uplands: Regarding the preliminary agreement to proceed toward a Public/Private Partnership, Commissioner Seitle said there would still be a lot of legal work involved in the proposed partnership. Commissioner Slinden said the Port should wait until they get something back from Langley before proceeding with the partnership. Ed said if they keep working toward a solution on everything, then maybe it will all come together simultaneously.

3. Building Heights: Ed said he understands the Commission to be in agreement in general with the property swap to bring the residential building to the south end of the site. He said the building height issue has come up because of the space limitations. Ed noted that the Commission's firm direction is for a 2-story or 3-story building for the Port/Commercial building. For the residential area, the concept of a 4-story building has been raised to allow it to "pencil out better." Commissioner Seitle asked if that would fit into the 65' maximum height and Ed said it would. Ed suggested that the possibility of a 4-story would be something to explore. He said it would probably require zoning changes and said there might be building height issues with the Fire Department as well. The Commissioners directed Ed to contact the Fire Department and if the Fire Department doesn't have any issue, he can then look into the City's requirements and zoning.

4. Port/Commercial Building: Regarding the proposed Port/commercial building(s), Commissioner Tapert asked where the bathrooms would be located, and Ed explained they would be in the Port/commercial building with the Harbormaster and laundry facilities, along with the majority of public traffic. Commissioner Tapert asked where Phil Simon Park would be located and Ed explained it would be just past the entry plaza at the bottom of Wharf Street and there would be “a healthy amount of green space” there.
5. Commercial/Residential Building: Ed said this building was tentatively planned to include Port offices on the ground floor, with condominium units above, including boat slip availability. Assistant City Harbormaster John Martin briefly discussed septic/sewage issues and live-aboards at the Marina and suggested that the Port should look into the city ordinances for the Marina. Regarding boat slip availability, Ed said the proposed concept was that the condominium owners would have right of first refusal for the permanent slips at the Marina. Commissioner Tapert asked Port Financial Coordinator Dane Anderson to look into the pre-purchasing of slips or accepting non-refundable deposits as a way to help build revenue early in the process.

The Commissioners concurred with the design aspects as outlined in these items, and directed Ed and the design team to include those parameters in the proposed Master Plan Update to be submitted to the City.

2. Schedule Review: Ed noted that the preliminary Master Plan Update schedule includes a City Council presentation on December 19, 2007, and a Public Hearing on January 23, 2008. Ed said he planned to do a 15-20 minute presentation at the Langley City Council meeting on December 19th with the use of display boards, and he would keep it simple. He explained that his presentation would focus on the marine side, which has the most detail, and finish with the general uplands concept. Ed said he would provide the Council Members with nice color copies of the Master Plan Update and have black & white copies available for the public, in order to kick off the whole public process. Ed said that the Community Building (Grigware Hall) at Trinity Lutheran Church in Freeland had been reserved for January 23, 2008, for the first public meeting on the Master Plan Update. Ed asked a process question: Would the Commission adopt the Master Plan as an amendment to the Port’s Comprehensive Scheme before or after State Environmental Policy Act (SEPA) process? Ed and the Commissioners agreed they would need to have conceptual agreement with the City of Langley first. Commissioner Slinden said the Port should take the information from the public meeting to finish the application and the concept and “firm up” the draft of the updated Master Plan before SEPA. The Commissioners agreed that it could only be a programmatic plan because they don’t have any detail design data on the project. Commissioner Slinden said they do need to get more input from the public and from the City of Langley. She said the Port should not have public hearings and should not start the SEPA process until that input has been received and included in the final draft. She said the first meeting in January should therefore be a Public Meeting and not an official Public Hearing. Commissioner Tapert said there would then be no decisions made at the meeting and Commissioners Slinden and Seitle agreed. Ed said he expected they would have at least one public meeting in Langley as well. Commissioner Slinden felt the informal input period of time would be very useful in preparing the final draft prior to beginning the formal process of SEPA. The Commission agreed, and advised Ed to proceed with the City Council presentation on December 19 and planning for a Public Meeting for January 23, 2008.

3. Design Contract Status: Ed referred to the 11/13/07 Art Anderson Associates (AAA) proposal for Design Development to 25%, including JARPA submittal **(EXHIBIT F)**. Ed said that Greg York of AAA reported that the current budget for the conceptual design work in Task 2.3 will get the Port through the Master Plan Update submittal. Ed added that there is a little bit of room still for some assistance as the Port starts the subsequent process with the City of Langley, but preparation of the Master Plan Update is expected to basically use up the remainder of the Task 2.3 base budget. The 11/13/07 AAA proposal would cover the engineering and design work to prepare the Joint Aquatic Resource Permit Application (JARPA) permit submittal. Ed said he didn't think AAA's proposal included the SEPA process. Commissioner Tapert asked if AAA would be going into JARPA permits before contract documents and Ed said "Oh, long before." Ed explained that the JARPA return time would probably be 18 months to 2 years. The JARPA goes in at about the 25% design stage. Ed said the Port could authorize AAA to proceed at this time, but said York would not be surprised if there was a pause at this point. Ed's recommendation was to wait until the Port hears back from the City of Langley and the public and processes all the input received. He said as soon as the Port is in agreement with the City of Langley, we will need to proceed and get the permit clock ticking as soon as possible. Commissioner Slinden asked Ed to find out what AAA would charge for doing the SEPA process, and Ed said he would.

Commissioner Seitle asked what presentation material Ed planned to use for the meeting with the City of Langley. Ed thought he would use 3-4 boards measuring 2'x3' for an easel presentation which either Jim Brennan of J. A. Brennan Associates or Greg York of AAA would provide. Commissioner Seitle asked if they should consider asking York to do the presentation, but Commissioner Slinden felt that would be too expensive and Commissioner Tapert said he liked the "personal touch" of having the Port Manager do it. The Commission agreed Ed would do the presentation for the City of Langley on December 19th and they would consider asking York to attend the public meeting in January. Commissioner Slinden and Commissioner Seitle both said they would be attending the City Council meeting but they would not speak and would not sit together, so there will be no need to designate that as a Special Meeting.

B. Clinton Beach, Dock and Humphrey Road Parking Lot:

1. Dock Repair Update: Ed said the rollers had gotten flat, probably due to a maintenance gap toward the end of Art Pratt's tenure. They are all greased up now, and Rex Lukanich of Greenbank Metalworks managed to track down the company that makes the rollers and has installed the new rollers, so everything is back to normal.

C. Bush Point Boat Launch:

1. Transfer Negotiation Update: Ed reported that he had received a phone call from Kye Iris, (Lands Agent for WDFW) earlier in the day. Iris told Ed that Kristen Kuykendall was in the process of drawing up an InterLocal Agreement (ILA) because the transfer needed to happen quickly to keep the \$9,000 (which is all that remains of the \$100,000 funded for the emergency repair) from "evaporating" at the end of the calendar year. Iris said she did not even have access to the draft ILA, but wanted to give Ed "a heads up." Iris said she understood tonight was the Port's last meeting of the year and that even if the Port had received the ILA, there was no way for it to be acted upon and signed tonight without full legal review, etc. Ed said the cost of repairing the ramp grid is still an unanswered question. Iris learned later in the day that the money was not actually evaporating, but other projects were looking at the funds covetously. To start the transfer process, she asked Ed to submit a letter to Washington State's Recreation and Conservation Office (RCO

formerly the IAC) that states the Port is proposing to do the transfer with WDFW and that the Port will agree to take over the various grant conditions that are on the property. Iris said the WDFW is in favor of it in principal and by copying her on the letter, it will at least get the money tied up. Ed is trying to get a proposal from Jesse Allen for the repair work and Iris is trying to track down the hydraulic project approval to find out what the Port may or may not be able to do under the existing permit. Ed said the optimal situation would be to have it repaired before the fish window on March 15, 2008, so the season would start with new pile hoops and an improved ramp and then proceed into negotiations in good faith with all the necessary information. Commissioner Seitle asked if the transfer is the physical transfer of ownership of the facilities and not an operational transfer and Ed said that was correct. Ed noted that the repairs have held up very well in spite of some heavy weather during the last month. The shoreline has held up fine, there has not been any sign of further settlement of the abutment structures, and there has not been any significant further settlement of the grid 10 to 15 feet out from the car abutment. Commissioner Tapert asked if the Port needed the \$9,000, and Ed said yes, because the ramp needs to be fixed, especially the pothole there. Ed said if they could get 20 feet of concrete they could be done with it and call it good, but his understanding is that the state's biologist will not approve that. The biologist might approve 12 feet, but not 15 feet. Ed reported that Bush Point caretaker Mike McCarthy had delivered the pile hoops to Marine Floats in Tacoma last week. Marine Floats also has a really good plastic bumper product that can be put around the floats that will protect both the floats and the boats that tie up to them, and Ed said they would be measuring and then ordering the product. Commissioner Tapert asked if those invoices had been paid. Ed said the Port had paid the invoices and was keeping track of the monies paid. He said the Port would certainly have the \$9,000 well covered plus whatever it takes to fix the ramp. The Commission gave Ed approval to write the letter to RCO in order to tie up the \$9,000 and continue the process.

6. ACTIVITIES/INVOLVEMENT REPORTS:

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): Commissioner Seitle said the Tulalip Tribe representative made a nice presentation at the last meeting. He talked with the speaker afterward, and the representative stressed the importance of the Port making contact with the Tribe as early as possible and further explained that entailed the Port going to the Tribe, rather than the Tribe coming to the Port. Commissioner Seitle felt that was a priority because the Port wants the Tribe on its side for the marina project. Ed agreed and said once the SEPA for the Master Plan is ready, the Port absolutely needs to go visit the Tulalip Tribe.

E. Washington Public Ports Association (WPPA):

1. Designation of Trustee for 2008: Commissioner Seitle agreed to remain as the designated trustee for 2008.

F. Community Trade & Economic Development (CTED)

1. Special Meeting on Monday, January 7, 2008: After discussion, the Commissioners agreed the meeting would be held at the Port office on January 7, 2008, at 10:00 a.m., and Ed was directed to finalize scheduling with CTED.

7. OLD BUSINESS:

There were no Old Business items.

8. NEW BUSINESS:

- A. Share-Car Discussion with Island Transit:** Commissioner Tapert said the only option Flexcar offered was a Flexcar at the Port's sites for \$1,800 per car, per month and he felt that was too much. He explained that the Port could be credited back for the car's usage, but for that would mean the Port would need 180 hours per month at \$10/hour of usage before it could be without cost. Commissioner Tapert then contacted Martha Rose of Island Transit, and Rose indicated she would be willing to meet with the Port in January or February to see how share-cars might be implemented at the Island's points of entry. That would involve creating a new system – not using Flexcar. Rose will contact Ed when she's ready to schedule a meeting.

9. EXECUTIVE SESSION:

There was no Executive Session.

10. ADJOURNMENT:

The meeting was adjourned 8:47 p.m.

Approved:

Minutes prepared by:

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

Commissioner Rolf Seitle, Langley

Commissioner Lynae Slinden, Clinton

- Exhibit A: Voucher Listing
- Exhibit B: Employment Agreement for Edwin S. Field
- Exhibit C: Agreement With Consultant Dane Anderson dba Emerge Consulting
- Exhibit D: Letter and Application for Funds from Friends of Freeland, dated 12/11/07
- Exhibit E: October 2007 Financial Statement
- Exhibit F: Letter from AAA dated November 13, 2007