

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting

April 18, 2007

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

Dennis Gregoire, Comp Plan Tech Cnsltnt.
Jeff VanDerford, South Whidbey Record
Don McArthur, SWYC
Pauline Cruchon, Langley Resident
Kurt Grant
Richard Boyle, Freeland Resident
Rich Parker, Comp Plan Fac/Editor

Absent: None

1. MEETING CALL TO ORDER:

The Special Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on April 18, 2007, at the Trinity Lutheran Church Community Building, on Woodard and Hwy 525, Freeland, WA. Commissioner Tapert, President, called the meeting to order at 7:00 pm., followed by the Pledge of Allegiance.

2. PUBLIC COMMENT:

There was no public comment during this period.

3. PROJECT ACTION ISSUES:

A. Langley Projects:

1. InterLocal Agreement for Transfer of Langley Harbor: The Commissioners considered adoption of the InterLocal Agreement (ILA) for the transfer of the Langley Harbor which had been approved by the Langley City Council on April 4, 2007. **(EXHIBIT A).**

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to adopt the ILA for the transfer of the Langley Harbor.

Commissioner Seitle asked Port Manager Ed Field if he felt that the City and Port attorneys adequately addressed Exhibit A "Harbor Description" in the ILA. Ed said that the description was prepared by the City using a base mapping from Fakkema & Kingma. Ed said that, if the ILA is approved, he would plan on meeting immediately with the Island County Auditor's office to review recording requirements, and if problems were encountered, he would continue up to

Fakkema & Kingma's Oak Harbor office to authorize preparation of a proper legal description. Commissioner Tapert said that if there is an omission in the document there is enough clarity in the Agreement that it could be replaced. Commissioner Slinden agreed and said that the City and Port could mutually adopt an amendment to the plan to reflect any necessary changes. Commissioner Seitle was concerned that the tidelands traded by the City to Puma & Schell had not been included in the document. Ed said that there were two sets of tidelands owned by Puma & Schell, and that the tidelands (traded to the City) in front of the Marina are included in the ILA while the tidelands in front of the present Boat Yard Inn are not included in the ILA. After further brief discussion the Commissioners voted on the Motion.

The motion passed unanimously, and the Commission President Tapert signed the ILA.

2. Breakwater Damage Update: Ed said that, according to initial reports from Art Anderson Associates (AAA), there was no significant structural damage to the breakwater floats resulting from the recent Navy tug incident. He noted that the concrete wave wall would need to be repaired, but that those repairs would be considered "cosmetic" with respect to the overall structural integrity or watertightness of the breakwater.

3. AAA Proposal: Each Commissioner was given a copy of the 4/3/07 AAA proposal. **(EXHIBIT B)** Ed said that he had spoken with Greg York of AAA regarding the sedimentation issues at the existing boat ramp location. York said that if adverse sedimentation conditions and overall design factors are found to be potential problem issues, the current location may not be the best place for the boat ramp, and he encouraged the Port to look at other possibilities before ramp reconstruction. Ed also noted that some of the possible sedimentation issues may be related to the temporary breakwater staging locations suggested in February. Commissioner Tapert said that he had spoken to Greg York earlier today regarding some of these issues. He said they had not discussed the boat ramp issue, but Commissioner Tapert went on to state that the boat ramp is a City of Langley project and the Port should support the City. He added that if the Port uncovers compelling information that suggests that the project should be modified in any way, then the Port should share that information with the City, but the City is the lead on the project and it would be up to them to make any necessary modifications. Commissioner Tapert said that he would like the consultants to minimize any further evaluation of the boat ramp for now and let Langley proceed, and that the Port should act in an advisory capacity and share any information it has with that City that would be applicable and irrefutable regarding the boat ramp project. Commissioner Tapert went on to discuss the AAA proposal. He noted that there was an apparent overlap in information gathering under the technical data acquisition section, with Geo-engineers and HWA both taking soil logs for different reasons. (Geo-engineers are taking samples for chemical analysis and HWA is doing it for structural analysis.) Commissioner Tapert said that the Port needs to be sure that AAA has its sub consultants working in harmony to avoid duplicating efforts. Since all of the estimates are "not to exceed" estimates, Commissioner Tapert said that he wants to be sure that the Port keeps a tight reign on what is being spent.

Ed said that Greg York and AAA would be encouraged by the Port to use Fakkema & Kingma as a surveying subconsultant in order to avoid recreating documentation that they have already compiled and the Port has already paid for. The Commission agreed. Ed said that he would discuss these recommendations with Greg. Commissioner Tapert recommended against authorization of tasks #2.2 and #2.3 of the AAA proposal until the Port has all of the necessary technical data and initial news from Langley regarding their plans so that the Port does not propose something that is inconsistent with what Langley wants. Ed responded that the process envisioned during negotiation of the transfer ILA generally called for the Port to develop the

concept design(s) for presentation and review with Langley. Commissioner Seitle was concerned that the City might take a passive attitude since they expect the Port to be the lead agency on the project, but he was also concerned that if the Port gives the impression that that everything it does is subject to a review and approval process by the Langley City Council, it could lead to serious delays in the project. Commissioner Tapert said he envisioned that the City and the Port would form a committee that would work together on the project. Ed responded that the City was not in favor of design by committee, and that the draft ILA was specifically reworded by the City to require and emphasize the Harbor Master Plan amendment process in lieu of a marina committee. Commissioner Seitle suggested that the Port present the City with a revised draft Master Plan, and if the City had any problems with the Plan then both agencies could discuss them. Commissioner Slinden pointed out that the original Master Plan was adopted by both agencies and any revisions to the initial plan should be a collaborative effort with both agencies. Commissioner Tapert agreed. Commissioner Slinden said that the City of Langley Comprehensive Plan would be a good resource for the Port once it is completed. Commissioner Seitle said that the City's Comprehensive Plan would be dealing with land use and not anything that would be useful for the Harbor Plan. Commissioner Slinden's understanding was that the City had a committee working on the Marina portion of its Comprehensive Plan. Commissioner Seitle was not anticipating that the Port would be responsible for producing a complete design document. Commissioner Tapert said he had a hard time authorizing a \$102,000 expenditure for the conceptual design without having a modified Master Plan. The Commission agreed. Commissioner Tapert recommended that the Port get the results of the technical data investigation (wind & wave study, soil testing etc.) before they move forward to the conceptual design phase. After obtaining the technical data, the Port would then share it with the City of Langley, gather their input, decide what changes need to be made to the Master Plan and then give direction to the technical consultants for what can be done in the near term. The Commission agreed in general. Commissioner Seitle said that it is important that AAA is aware that the Port is not looking for winter usability of the Langley Harbor and only looking for survivability. Commissioner Tapert said that the Port may consider year round usage in the future. After further brief discussion, the Commission agreed to approve sub tasks #2.1 and #2.2 but hold off on task #2.3 for now.

ACTION: A Motion was made by Commissioner Slinden and seconded by Commissioner Tapert to approve tasks #2.1 and #2.2 from the 4/3/07 AAA proposal, but hold authorization on task #2.3 for a 60-day period. The Motion passed unanimously.

Commissioner Seitle said that the Port should talk to the Department of Natural Resources (DNR) regarding the possible location of the new floats because they would likely be outside of the leased area. Commissioner Tapert agreed and said that the Port should begin negotiations with the DNR regarding an expanded lease. Dennis Greguire pointed out that the negotiation process with the DNR could take several years so it would be appropriate for the Port to begin early. Ed expressed concern that discussions with DNR would be premature at least until a proposed project area was defined. Commissioner Tapert suggested that the Port take the existing Master Plan that was adopted by the Port and the City and sketch out a rough rectangle encompassing the proposed lease area and take that to the DNR to start the process, since that would give the Port a better idea of what the DNR is willing to accept as an expanded lease area for the Port. Commissioner Seitle suggested that the Port invite a DNR representative to a future Port meeting to discuss the issue. Commissioner Tapert volunteered to contact the DNR to find out what is necessary to get started on this process with the DNR. The Commission had no objections to Commissioner Tapert contacting the DNR.

B. Bush Point Boat Launch:

1. **Damage Repair Update:** Ed said that he had spoken with Kristen Kuykendall, project manager for Wa.Dept. of Fish & Wildlife (WDFW), regarding Bush Point. According to Kristen, WDFW's Executive Management Team has now authorized her to proceed with the plans and specifications for the repairs. Kristen has coordinated a meeting with the WDFW construction operations group, who will develop a repair cost estimate. The current estimate of \$100,000 is still valid at this point. Kristen needs to obtain final approval from the executive management team for the revised estimate, plans and specifications. She is planning an on-site visit next week with the construction operation crew and Ed is planning to attend that meeting. The tentative plan that Kristen is now working toward is to put a vertical steel sheet piling on either side of the pedestrian and vehicle bulkheads, excavate and refill with concrete underneath, replace the sand that has washed away underneath the grid with larger rock and extend the wall where the sand bags have washed out with sheet piling. The only permit problem she is anticipating is from Island County because the County permit would not cover extending the wall. The bulkhead and ramp repairs are within the current permit footprints. Kristen is planning to send out an inspector to inspect the plumbing and the restrooms, which are still not working. WDFW thinks that the problem may be lack of line pressure for the Bush Point water system to adequately activate the sensors in the lines. They might have to put in a pressure tank to solve that problem. Ed will keep the Commission informed on the issue.

4. COMPREHENSIVE PLAN:

- A. Status Update and Process Discussion:** Facilitator/Editor Rich Parker said that the development of the Comprehensive Plan was into phase III, which is wrapping up the work that the Comprehensive Plan Committee has done so far including goals and potential projects and formatting that into a draft Plan with SEPA checklist format, which is intended to be mailed out to various agencies by the end of this week. Rich said that the Comprehensive Plan Committee has reviewed the Commissioners' input that was gathered at the workshop a few weeks ago and at this point, sections 1-5 of the Comprehensive Plan are complete. The final two sections to be completed are the background and financial data. Towards the end of the 30-day SEPA review period, on approximately May 16, Rich and the Committee are planning to hold a community forum for public input. Commissioner Slinden said that she would be attending the WPPA Spring seminar in Spokane on that date so would not be present at the forum. Dennis said that the May 16 date had not yet been released to the public and could be changed. The Commission discussed other possible dates but determined that May 16 was the best available date for two out of three Commissioners (Tapert and Seitle) to attend and was also best suited for the SEPA process deadlines. Commissioner Seitle requested a list of the agencies and local community groups that the SEPA document would be mailed to. Rich said that the list would be emailed to the Port. Rich pointed out that during the public comment period, people can comment at any point up to the date that the Comprehensive Plan is adopted. Dennis also mentioned that the DNR would get a copy of the SEPA information. The issue of the formal title of the document was raised, and Rich noted that the laws defining port planning (RCW 53.20) call for the Commission to adopt a Comprehensive Scheme of Harbor Improvements, while the term "comprehensive plan" is more commonly associated with Growth Management Act requirements. The Commissioners agreed that the document should henceforth be titled as the "Comprehensive Scheme of Harbor Improvements".

5. EXECUTIVE SESSION:

There was no Executive Session.

6. ADJOURNMENT:

The meeting was adjourned at 8:08 pm.

Approved:

Minutes prepared by:

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

Commissioner Rolf Seitle, Langley

Commissioner Lynae Slinden, Clinton

Exhibit A: ILA for the transfer of the City of Langley Harbor to the Port District of South Whidbey.
Exhibit B: "Professional Engineering Services Proposal ..." Art Anderson Associates, dated 4/3/07