

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

April 4, 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 Facilitator
Jeff VanderFord, South Whidbey Record
Kelly Kieth, Greenbank Resident
Bruce Buls, Clinton Resident
Marilyn Klainsvic, Clinton Resident
Marcia Monma, Clinton Resident
Nancy Wiechmann, Clinton Resident
Tom Sulich, Clinton Resident
Dove Struthers, Clinton Resident
George Beuhler, Freeland Resident
Phil Pearl, Port Consultant

Absent: None

1. MEETING CALL TO ORDER:

Following a Workshop session from 7:00 to 7:30 pm, the regular meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on April 4, 2007, at the Trinity Lutheran Church Community Building in Freeland, WA. Commissioner Tapert, 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 Regular meetings of February 14 and March 14, 2007, and Special Workshop of March 8, 2007.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to approve the Consent Agenda including the Minutes on file from the regular meetings of February 14 and March 14, 2007, and the Special Workshop of March 8, 2007. The Motion passed unanimously.

2. Vouchers: Due to the early meeting date, Port Clerk Amber O'Brien noted that the April vouchers will need to be signed by the Commissioners at the Port Office by April 11, 2007 (regular date) for processing and subsequent disbursement on April 19, 2007, with formal documentation to then be conducted during the regular meeting of May 9, 2007.

3. ACCOUNTANT REPORT:

A. Financial Statements: The Commissioners accepted the February 2007 Financial Statement **(EXHIBIT A)**.

4. NON-AGENDA ITEMS / PUBLIC PRESENTATIONS:

A. Possession Point Residents re: Cleveland Trail: Bruce Buls stated that he lives in Possession Point on Lupine Lane in Clinton, WA. He was on hand along with several Lupine Lane residents to discuss the potential site development to the connector trail to the Dorothy Cleveland Trail at Possession Beach. They do not think that site development at that location is a good idea. Bruce pointed out that he and his fellow residents had voiced their concerns in the past to former Port Commissioners. He distributed copies of an article from the South Whidbey Record dated August 21, 2001 to the Commissioners. The article was about the usage of the connector trail from Lupine Lane up to Dorothy Cleveland Trail. **(EXHIBIT B)** He said it was his understanding that there have been some discussions between the Possession Shores community and the Port regarding the construction of a water tower that might be sited on Port property near the Dorothy Cleveland Trail. In exchange for the property easement, the Port could gain access to water for construction of a water fountain and construction of some parking spaces at the end of Lupine Lane for the connector trail to the Dorothy Cleveland Trail. Buls said that he and his neighbors are strongly opposed to the project because it was never envisioned that area would become an official trailhead for the Dorothy Cleveland Trail. Adding additional traffic to that area is “ill advisable” and it would be a loss of privacy to those who live there. Buls said that his driveway is located at the end of Lupine Lane and he has had many people walk down it thinking that they could get to the Dorothy Cleveland Trail, and to invite more people to the area is to invite problems. He maintained that there is ample parking and water at Possession Beach Park. They urged the Port to discontinue any plans to develop the area. Buls and his neighbors would also like the Port to consider placing signage at the Lupine Lane trailhead that says “local access only” and “no parking.” Port Manager Ed Field pointed out that providing public parking on Port property in that area would potentially reduce the amount of people parking on private property. Buls said that providing public parking would become an attractive nuisance. There would be an increase in garbage and hunters, a loss of privacy to the nearby residents and the potential to be discovered by teenagers as a “park and party” area. Also, there are no gates and the area is not monitored on a regular basis. Commissioner Slinden said that the Port would look into this issue further if they receive an official proposal for the project. She also said that the Lupine residents should contact Island County regarding the need for signage. The Commission thanked the Lupine Lane residents for their input and comments.

5. PROJECT ACTION ISSUES:

A. Langley:

- 1. City – Port Harbor Negotiations:** Port Manager Ed Field said that a copy of the final version of the Port-proposed InterLocal Agreement (ILA) addressing the proposed transfer of the City’s harbor properties was submitted to the City of Langley and would apparently be voted on at their Council meeting this evening. **(EXHIBIT C)** He noted that a plan was attached to the ILA that showed the graphical layout of the property that would be potentially transferred to the Port, along with a copy of Phil Pearl’s valuation memorandum. Ed said that he and Port Attorney Al Hendricks had met with Walt Blackford and the City Attorney Dale Roundy to go over all of the final details of the ILA before it was submitted to Langley. Commissioner Seitle was concerned

that the ILA needed a stronger hold harmless clause in case the Port is unable to perform for reasons that are not under its control. Ed said that issue was addressed in paragraph #22 of the ILA. Commissioner Seitle said that paragraph #22 puts the burden on the Port. He suggested adding wording to ILA that clearly states that if the Port can not obtain permitting or some other act of nature prohibits the Port from performing, the Port should be automatically excused from performing. Ed said that Al Hendricks and Dale Roundy had come up with the text for the ILA after reviewing input from the Commissioners, with an intention of providing reasonable approaches to address performance issues. Commissioner Seitle still felt that the wording was not strong enough in the Port's favor, so Ed said that he would have Al Hendricks provide further information regarding how the revised text addressed Commissioner Seitle's valid concerns. Commissioner Slinden recommended that the Port table further discussion of the ILA until a decision is made by the Langley City Council. The other Commissioners concurred. Commissioner Seitle said that in an earlier conversation, Paul Samuelson said that the ILA would be on the City's agenda and he expected a favorable vote. Commissioner Seitle was concerned that if adopted by the City, the Port would be presented with the ILA as an official document. Commissioner Tapert pointed out that this would be like any purchase and sales agreement, the Port would be presented with an offer and would have the opportunity to make changes. Commissioner Slinden suggested that the Port schedule a special meeting to discuss the ILA after the City takes action. It was agreed that a Special Meeting would be scheduled for Wednesday evening, April 18, for the Commission to address the ILA.

2. Public Comment: (Reordered for clarity) George Beuhler, a Freeland resident, made several comments regarding Langley. He said that the Langley Marina was bought and paid for with taxpayers' money and belongs to the State. He is opposed to anyone doing anything that might change that. The Port should not pay any money to the City for the Marina. He felt that expanding moorage at the Marina to accommodate small cruise ships would not be beneficial to small boaters and local taxpayers. He went on to say that in the 1900's, Port District's were formed to maintain, use and develop the waterfront for the good of all. He was ultimately concerned that the use of the facility would be destroyed by the proposed ILA. Commissioner Seitle pointed out that the Port was aware that the facility was paid for by taxpayer dollars, and that the Port is not buying the facility in spite of what Beuhler may have read in the local newspaper. He said that initially the City wanted to sell the Marina but Port Commissioners established through a consultant that there was no market value for the facility. Commissioner Seitle emphasized that the Port's only intention is to improve the Marina. Beuhler asked that the Port keep in mind that the facility was built for use by "little guys with little boats" and not for whale watching and restaurant tour ships. Commissioner Tapert said that the key would be coming up with a plan that the Port and City can agree on regarding the future of the small boat harbor in Langley. He pointed out that nothing had been set in stone yet and the cruise ship moorage is just one of many potential future uses of the Langley Marina, and that the Port wants to be sure that the Marina benefits the community as a whole.
3. Marine Engineering: Ed noted that the Port had just received the major proposal from Art Anderson Associates (AAA) for professional engineering services for the breakwater relocation and Langley harbor development project. **(EXHIBIT D)** Ed recommended that the Commission consider immediate approval of tasks 2.1 (Temporary Storage & Relocation) and 2.2 (Technical Data Acquisition). The analysis for temporary storage seems reasonable and although it might not be as easy as they were hoping, storing the floats at Mutiny Bay is still a feasible option at this point. The technical data acquisition piece is a full list menu of items that could be done. The numbers include time and materials and are "not to exceed" numbers. Ed recommended taking a close look at the estimates from Coastal Harbor Engineering in section 2.2, which would include modeling and computer generation work. Ed said that the process to

get the borings permitted would need to begin soon to allow drilling in June. Commissioner Tapert asked if the Port of Bremerton was planning to release the floats to the Port of South Whidbey in September. Ed said that, according to Greg York (AAA), that schedule is based on the new contractor doing a majority of the in-harbor work while the breakwater is still in place in Bremerton, and that phase should be finished by early September. Commissioner Slinden asked if the floats would be functioning as a breakwater for the Port of Bremerton throughout the construction phase. Ed said that the Port of Bremerton was hopeful that the floats would be removed fairly soon in the process, which is not the current contractor plan. Commissioner Seitle said that the Commission needs time to study the proposal before making a decision. Commissioner Tapert said that he would like to see a recommendation on a take-down schedule on the different services in the proposal from AAA, and the Commission could then authorize items piece by piece. Commissioner Seitle said that the wave study should be conducted fairly soon, and that contact with DNR should be started immediately with regards to possible extension of lease areas to accommodate the harbor improvements. Ed agreed in general, but recommended waiting to approach the DNR until during the Master Plan phase in order to have a better idea of the overall new harbor configuration. The Commissions agreed to table further discussion until after they have had time to study the proposal, presumably on April 18th.

B. Dave Mackie Park / Maxwellton Beach:

1. **Restroom Reconstruction:** Ed said that Terri Arnold, Island County Parks, notified him regarding the latest challenge to get the restroom facilities reconstructed. He relayed the news from Terri that the current estimate from the contractor, RL Governor, exceeds \$50k for the fixtures and subcontractor costs without figuring his portion for the general contract work. Ed said that that amount is approximately \$20 higher than the original \$40k estimate that was done approximately two years ago. Ed noted that Arnold reportedly has an additional \$10k available in her budget that can be added to the project budget, and she is also requesting an additional \$10K from the Port so that the combined extra funds will cover the increased costs. The Commission discussed approving \$5,000 toward the additional costs necessary to complete the reconstruction of restroom facilities at the Dave Mackie Park.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to contribute an additional \$5,000 toward the reconstruction of the Dave Mackie Park Maxwellton restroom facilities. The Motion passed unanimously.

C. Bush Point Ramp:

1. **WDFW Executive Management Decision:** Ed reported that he had received an email from Kristen Kuykendall regarding the status of the funding for the Bush Point project. **(EXHIBIT E)** He read from the email, which said that the WDFW Executive Management Team (EMT) met Monday April 2, 2007 regarding the project, and at this time the EMT is not authorizing any spending for repairs but is still considering options. The email also said that Bob Everitt, the Region Manager for the area including Island County, is supporting moving forward with the repairs and will be pursuing additional conversations with EMT regarding this issue, and WDFW is in the process of applying for FEMA funds for the damage resulting from the December (2006) storm. Commissioner Seitle said that the Port needed to take an official position on the issue and suggested that the Port provide 120-day notice to WDFW that the Port will not take over the facility unless it is completed satisfactorily. Another option that was discussed would be to approach State Senator Mary Margaret Haugen regarding the situation, since she has been aware of the problem since last year and may be able to put some pressure on WDFW to get the issues resolved and the project completed. Commissioner Slinden asked what amount was needed in order to complete the project. Ed said that Kuykendall had asked the WDFW EMT for \$100,000 to complete the project, which he noted to be an amount similar to

that estimated by a local marine contractor familiar with the situation. After further brief discussion, the Commission agreed to have Ed draft a letter to State Senator Mary Margaret Haugen regarding the problem. Ed will keep the Commission informed on the issue.

D. Possession Point:

1. **Seasonal Float Launching:** Ed reported that the floats are being reconstructed and should be launched on April 7th, or the 14th at the latest. Ed said that he plans to meet with Art Pratt, Mike McCarthy and Wayne Nance for determination and coordination of manager tasks as Art leaves. Also, he noted that Wayne Nance has agreed to cover the major Possession Point Park manager duties in the interim until a new manager is hired, and that additional coverage would be provided by McCarthy and Ed as use of the Park picks up seasonally.

6. COMPREHENSIVE PLAN:

A. Schedule Update: Dennis Greguire said they are hoping to get the SEPA review package out by April 15, 2007, for the 30-day review process. He noted that, after comments are received from the various agencies as well as from the community forum (tentatively scheduled for May 16), the BMG team will assemble, review and reprint the revised final draft. The Public Hearing and formal adoption dates will then be determined by the Commission.

B. Public Comment: Kelly Kieth, a Freeland Resident and member of the Whidbey Island Sea Kayakers, said that they would like to have an opportunity for input on the Comprehensive Plan. Greguire said that the draft Comprehensive Plan public review copies should be available in May 2007. He said that the Whidbey Island Sea Kayakers could write a letter to the Comprehensive Plan Advisory team and Port Commissioners with their comments. They could also request a copy of the draft Comprehensive Plan to review in May.

7. ACTIVITIES/INVOLVEMENT REPORTS:

A. Economic Development Council (EDC): No Update.

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): Ed reported that the program for the WPPA Spring Meeting had arrived and highlighted some interesting sessions, all of which are listed in the program that went out to each Commissioner in their packets. He noted that the Spring Meeting will be held May 16-18 in Spokane, WA.

F. Port Logo Contest: Ed reviewed some Logo Contest entries received from the S. Whidbey High School graphics class. The Commission generally liked the entries but thought that they needed a little more work. They instructed Ed contact the school with the recommendation that their entries be resubmitted to better address the three aspects of the Port's new Mission Statement, with improved simplicity, scale-ability and readability to serve in multiple situations and sizes. Ed said that he would contact the teacher and provide detailed feedback in the hope of generating more suitable ideas.

8. OLD BUSINESS:

There were no Old Business items.

9. NEW BUSINESS:

- A. Island County 6-Year Capital & Transportation Improvement Plans and 2008 Road Program:** Ed reported that Island County Public Works Director and County Engineer Bill Oakes had requested suggestions from the Port Commissioners for the County's upcoming 6-Year Capital & Transportation Improvement Plans as well as their annual Road Construction Program for 2008. **(EXHIBIT F)**. He said that they would like a response by April 30, 2007. Ed suggested that the Port send a letter to the County with their suggestions and follow up with a meeting, mirroring the significant involvement that the County has pursued during the Port's own recent comprehensive planning effort. Ed recommended including specific issues in the letter such as Crawford Road Improvements, Mutiny Bay site Improvements, Mutiny Bay Drainage Improvements and Wharf Street Improvements. Commissioner Tapert said that he had a meeting at the County on April 12, 2007 and would ask for a meeting with Bill Oakes to discuss the issue, and Ed said he would get him a reminder memo with the critical items.
- B. Freeland Park:** Ed reported that County Inspector Mike Farthing has a drainage project in Honeymoon Bay that requires installation of HDPE plastic piping. Ed said that Mike has asked to use a portion of Freeland Park for 1-2 weekdays in early May for assembly and staging of the pipe before floating it over to the actual jobsite. Ed said that he wanted to make sure that the Commissioners had no objection to briefly staging the piping at Freeland Park and then floating it over to the project from there, since it should only take 1-2 days and there should be no widespread or major impacts on the park. The Commission had no objections to the County's request.
- C. World Tai Chi Day:** Ed reported that designer Sarah Birger had requested reserving Clinton Beach for the celebration of World Tai Chi Day starting at 10am on April 28, when she said that "people from around the world would celebrate World Tai Chi Day at the same time". Ed said he informed Birger that the Port does not take reservations for facilities and that the Port rules do not allow any commercial activity at their parks, but that their group was free to use the Beach on a first-come first-served non-commercial basis. He said he reminded her that there is limited parking availability and no security. Birger has assured Ed that the group would follow the Port rules, and the Commissioners had no objection.

10. EXECUTIVE SESSION:

The Board of Commissioners went into Executive Session to discuss property acquisition at 8:28 pm and came out of Executive Session at 8:34 pm.

11. ADJOURNMENT:

The meeting was adjourned at 8:35 pm.

Approved:

Minutes prepared by:

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

Commissioner Rolf Seitle, Langley

Commissioner Lynae Slinden, Clinton

- Exhibit A: February 2007 Financial Statement
- Exhibit B: SW Record article: "People use wrong end of trail", dated 8/21/01
- Exhibit C: Interlocal Agreement for the Transfer of the City of Langley Harbor to the Port Dist. of S. Whidbey I."
- Exhibit D: Professional Engineering Services for Langley Marina development Project", AAA, dated 4/3/07
- Exhibit E: "Bush Point" email from Kristen Kuykendall/WDFW, dated 4/4/07
- Exhibit F: "Six-Year Capital Improvement Program" ltr from Oakes/Island County, dated 3/7/07