

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting
August 13, 2008
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

Jeff VanDerford, South Whidbey Record
Bob Trenchard, Clinton Resident
Maureen Cooke, Langley Resident
Ron Anger, Freeland 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 August 13, 2008, at the Freeland Library Conference Room in Freeland, WA. Commissioner Seitle, 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 Regular Meetings of May 14 and June 11, and Public Hearing for Comp Scheme Amendment on June 11, 2008.
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 Slinden and seconded by Commissioner Tapert to accept the Consent Agenda, including authorization of Vouchers #3502 - #3526 in the amount of \$38,409.40. The Motion passed unanimously.

3. PUBLIC COMMENT – Including Items not on Agenda:

There was no public comment except as noted under Project Action Issues. Port Manager Ed Field reminded the Commission that Applications for Funds would be presented at the regular September meeting.

4. ACCOUNTANT REPORT:

A. Financial Statement: The Commissioners acknowledged the June 2008 Financial Statement, which had been mailed to them previously **(EXHIBIT B)**.

5. PROJECT ACTION ISSUES:

A. South Whidbey Harbor:

1. **Results of Peer Review:** Ed said that Reid Middleton's Peer Review had taken slightly longer to arrive and was briefer than he had hoped, but no major issues were identified in it **(EXHIBIT C)**. He commented that Reid Middleton's idea of staggering the alignment of the attenuators seemed to be a very good idea. Commissioner Tapert said it sounds like it is not so much the design of the breakwater but the design of the anchor system, and Ed agreed. Commissioner Tapert said the attenuators still need to be looked at very closely, but he was glad to see that the breakwater is okay. Ed said there were no fatal flaws or big red flags identified in the Review. Commissioner Slinden said it was good to have that reassurance and Reid Middleton's suggestion of staggering the alignment was excellent. Ed concluded by noting that that the Peer Review provided the Port with good information.
2. **Levy Lift Ballot Measure for Harbor Expansion and Improvement:** Ed reported that the response from the Island County Auditor and the Prosecutor with the final ballot language had been mailed to the Commission. It states that the Port is asking for an increase from \$0.10 per thousand to \$0.19 per thousand. The County does not issue a number for propositions unless there is more than one for an entity, so the title will simply be: "The Port District of South Whidbey Island Proposition."
3. **Resolution 08-03: Appointment of Advocacy Committee Chairs (Pro- and Con-):** **(EXHIBIT D)** Ed referred the Commission to the Island County Local Voter's Pamphlet Administrative Rules 2008 and its submittal requirements for a neutrally-worded explanatory statement written by the district's attorney and statements of advocacy committees for and against approval. The attorney's neutrally-worded explanatory statement must explain "...the law regarding the ballot measure as it currently exists" and must describe "...the effect that the ballot measure will have if it passes." The Pamphlet also states, "The explanatory statement shall be prepared in clear and concise language and avoid the use of legal and other technical terms insofar as possible." Ed said the deadline for all the statements is August 29, 2008, at 4:30 p.m. Port Financial Coordinator Dane Anderson said Port Attorney Al Hendricks is currently working on the statement.

Ed stated that Maureen Cooke, a Langley resident, and Ron LaCour, a Freeland resident, had agreed to serve as the Pro- and Con-Advocacy Committee chairs, respectively. Commissioner Slinden noted that Cooke was present at tonight's meeting and thanked her

for volunteering. Dane reported that LaCour had verbally agreed to serve and was also invited to attend tonight's meeting.

ACTION: A Motion was made by Commissioner Slinden and seconded by Commissioner Tapert to approve and adopt Resolution No. 08-03 regarding the establishment of Advocacy Committees and appointment of Chairpersons to support and oppose the Port Proposition for a Levy Lift to fund the South Whidbey Harbor Expansion and Improvement Project. The Motion passed unanimously.

4. Harbor Operations: Harbormaster Hiring Update: Ed reported there has been some interest in the Harbormaster position. He believes it will be about a two-month hiring process. He is working on a draft description and application, and once those are finalized, the job will need to be posted for two weeks, followed by an initial screen of applicants. Ed said he would like to get the ad out in the first part of September. The Commission agreed to that schedule.

B. Freeland Park:

1. Dock Repair Update: Ed said there is "an accelerated maintenance problem" with the Freeland Dock. The usual problem with the tires dropping off of the steel rods has increased from 4 or 5 tires per summer to at least 9 this summer. For each of the 9 dock segments, there are 8 floatation units, so it's close to missing one missing unit per dock segment. Ed said he tried to find way to replace the tires with some sort of bin, but couldn't find any with the proper dimension. He asked Reid Middleton (RM) to look into the situation and provide engineering input on possible replacement options, and they came up with a good idea that is still being fleshed out: instead of developing a completely new system, RM has suggested using thick-walled, heavy duty, HDPE plastic pipes of about the same diameter as the tires, to be mounted vertically with a blind flange on the bottom and a flange on the top with bolt holes. Then it could simply be bolted into the frame of the dock, and different lengths could be ordered for those needing feet and those that are only floatation units. Commissioner Tapert liked the idea, but suggested that the units that don't have to support the docks could have thinner walls in order to save money, because plastic can be very expensive, and Ed agreed. Commissioner Tapert added that there are contractors on the Island that could do the work.

Commissioner Seitle asked if all the flotation units would be completely replaced, and Ed explained that no, the beauty of it is that the Port could just get 1 or 2 dozen standard units, store them at Bush Pt. or somewhere, and then replace them as needed. He said right now there are 21 units in need of replacement. Commissioner Slinden cautioned that while it sounds like a good technical solution, the Port needs to get Island County on board on this because it is not the Port's financial responsibility. She said the InterLocal Agreement states "we construct, you take care of it," and the dock is not the Port's financial obligation. Ed explained that the Port has been doing only minor, regular marine maintenance as per his working relationship with the previous IslCo Parks Director, but this repair is major. His recommendation is that the Port should get a concept design and cost estimate on the table and then sit down with the County. Ed agreed with Commissioner Slinden that no materials should be ordered until that occurs, unless it becomes a major safety issue. Ed added that the planking on the dock is curling, and the structure may be nearing the end of its design life, so overall evaluation of maintenance vs replacement needs to be conducted.

Commissioner Slinden said the Port should start reviewing all of the InterLocal Agreements for the parks shared with Island County, and everyone agreed. She suggested

getting through whatever emergency items need to be dealt with, and then revisiting a more comprehensive repair or replacement program. She asked if it is a safety issue, and Ed responded, "It's getting there." Ed added that the major replacement end unit is being fabricated by Greenbank Metalworks, and it is the most critical piece. It will be put in place as soon as possible, but the rest is "important, and becoming increasingly important" but is not quite in the emergency or unsafe category.

The Commission agreed to "fix what needs to be fixed" to make sure it is usable and safe, and then they will sit down for serious discussion with Island County.

C. Possession Beach Waterfront Park:

1. **Easement Request from Ron Anger:** Ron Anger, a Freeland resident, was on hand to present his request for an easement. He provided copies of a map of the area and other related documents **(EXHIBIT E)**. Commissioner Slinden asked how long he had owned the property and Anger said he purchased it in April 2007. She asked because there was an exchange of properties several years ago, and she wanted to know if Anger had owned the property at that time. Anger explained that he is not requesting a new easement; he is asking to be added to an existing easement. The Commission said they understood that. Commissioner Slinden said there are some alternatives that need to be explored. She was not sure that a "straight-out easement" is the best advantage for the public side of this. Today, she would just like an exchange of information to take place, and she told Anger he would probably not get an answer tonight. Anger said he had not really expected one and thanked the Commission for considering his request.

The Commission and Anger engaged in a brief discussion regarding the proposed easement. Commissioner Slinden indicated she would like some research done regarding fair compensation for the easement, whether or not it is recommended, and a possible land swap. Commissioner Tapert suggested a Planned Residential Development (PRD) might be possible, and Commissioner Slinden agreed. Commissioner Slinden asked if Anger had anything else to add. He did not, but pointed out that he had emailed Ed with his responses to her questions **(EXHIBIT F)**. She acknowledged she had read them and thanked him. Anger said if they needed any other information, he'd be glad to supply it. The Commission thanked Anger for coming, and said they would keep in touch.

D. Whidbey Air Park:

1. **Compliance Study Status Update:** Ed reported Eric Johnson from the Department of Transportation had finally responded. There were a few written comments from FAA planner Mary Vargas included in Johnson's response, and she sent a revised draft of the scope of work this afternoon. Ed said at this point the Port has a scope of work and can publish a Request for Qualifications (RFQ) in the S. Whidbey Record and the Seattle Daily Journal of Commerce by the end of August. Commissioner Tapert expressed concern that they might not finish the study by the end of the year, and he thought the funding had a year-end deadline. Ed agreed and said he would ask for all RFQs to be submitted prior to the Port's next regular meeting, and the Commission could then select the consultant during the 9/10/08 meeting.

6. ACTIVITIES/INVOLVEMENT REPORTS:

- A. Economic Development Council (EDC):** Nothing new to report.

B. Council of Governments (COG): Commissioner Slinden said, “We really need to get somebody going to these meetings.” The COG has the \$.09 money that the Port will be asking for to help fund the marina. Commissioner Tapert said he needed to know when the meetings are, and Ed said Nancy Conard said the two dates for a possible presentation are August 27 and September 24. Ed said his understanding is that that the verbal presentation he and Dane will be making to support the grant application will be scheduled for one of those meetings. Although he spoke with Conard at length about the process, Ed still needs good information regarding how and when the decision is made. He tried to determine if the Port should ask for funding now, even though they may not need it for three years, or if they should instead wait until they are ready to spend it to apply for it. Based on the conversation with Conard, Ed suggests it is better to ask for the money now, in order to “get in line.” Ed said they would request \$1.2 million from the \$.09 funding. Combined with the Port’s own \$1.2 million, that would be sufficient to get the breakwater in place with full public access to public transportation.

Commissioner Tapert said he hadn’t heard anything from COG or RTPO, but if he knows when the meetings are scheduled, he will attend them. Commissioner Slinden said she is on their email lists and the groups send out the agenda, etc. Commissioner Tapert said he would call Mike Morton of RTPO and Nancy Conard of COG and make sure they have his current email.

Commissioner Seitle said, “Just for the record, the proposal that Dane and Ed prepared was very good,” and Commissioners Tapert and Slinden agreed.

C. Skagit-Island Regional Transportation Planning Organization (RTPO): Nothing new to report.

D. Marine Resources Committee (MRC): Commissioner Slinden reported that the MRC would be holding a picnic at Clinton Beach next Wednesday in the late afternoon. She said she would let the other Commissioners know the exact time. Nothing else new to report.

E. Washington Public Ports Association (WPPA):

1. **Facilities & Engineering Seminar, August 7-8: Report from Ed:** Ed said the seminar was very good and provided a lot of information. He said it was “a little bit heavy on the planning side,” but there was a lot of good discussion about general criteria, including preparation, attractors to businesses, community orientaton, and coordination with private developers for public/private partnership. Regarding a public/private partnership, the speaker described it as “a guaranteed long courtship” but the first step is a specific, defined Letter of Intent, then work on the process and details later.

Ed said Local Improvement Funding Tax (LIFT) was briefly discussed and he thinks that would be a good thing to research and get more details about that. Also, a speaker commented, “When a port is approaching a local jurisdiction, especially in a public/private partnership, you’re going to be perceived as coming in as a developer or be treated as such, and not necessarily as a public agency, so just get used to it.” Ed said a “concomitant rezone” was defined as “local jurisdiction agrees to a rezone if and only if the developer follows the pattern of redevelopment as mutually agreed upon.” He said that is similar to what the Port is working on with the City of Langley on Wharf Street, etc. Regarding compliance with recent legislative action on consultant contracting, another speaker stated that if a project is designated in the CIP plan, then services and support for that project are not covered under the new regulations. Overall, Ed said the conference was very useful.

F. Community Trade & Economic Development (CTED): Nothing new to report.

G. Holmes Harbor Shellfish Protection District (HHSPD): Nothing new to report.

H. Puget Sound Partnership (PSP): Nothing new to report.

7. OLD BUSINESS:

There were no Old Business items.

8. NEW BUSINESS:

A. Puget Sound Energy (PSE): Commission Briefing Requested – Late September or Early October: A PSE representative contacted Ed and Port of Coupeville Executive Director Jim Patton and requested a joint briefing for the ports. Commissioner Slinden said there would be other venues where PSE would be presenting along with the opponents of PSE. Commissioner Seitle added that the Port has no impact on the issue. The Commission directed Ed to inform PSE that their request was declined.

9. EXECUTIVE SESSION:

The Board of Commissioners went into Executive Session to discuss potential property sales issues at 8:40 p.m. The Executive Session concluded at 8:50 p.m.

10. ADJOURNMENT:

The meeting was adjourned at 8:51 p.m.

Approved:

Minutes prepared by:

Commissioner Rolf Seitle, Langley

Edwin S. Field, Port Manager

Commissioner Lynae Slinden, Clinton

Commissioner Geoff Tapert, Freeland

Exhibit A: Voucher Listing
Exhibit B: June 2008 Financial Statement
Exhibit C: "Langley Boat Harbor Moorage Expansion Project – Peer Review", Reid-Middleton, dated 8/6/08
Exhibit D: Resolution No. 08-03
Exhibit E: Copies of map and documents related to proposed easement, provided by Ron Anger
Exhibit F: Email from Ron Anger dated 6/30/08