

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting
June 10, 2009
Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton
Commissioner Rolf Seitle, Langley
Commissioner Geoff Tapert, Freeland
Ed Field, Port Manager
Molly MacLeod-Roberts, Port Clerk
Rick Brewer, Port Harbormaster

Herb Helsel, Langley Resident
Chris Jerome, Langley Resident
Hal Seligson, Langley Resident
Nancy Waddell, Clinton Resident

Absent: None

1. MEETING CALL TO ORDER:

The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners convened on June 10, 2009, at the Freeland Library Conference Room in Freeland, WA. Commissioner Slinden, President, called the Regular 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 Meeting of March 11, 2009.
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 Tapert to accept the Consent Agenda, including authorization of Vouchers #3857 - #3900 in the amount of \$58,032.42. The Motion passed unanimously.

B. Staff Contracts:

1. Finance Manager Contract for June through December 2009: Ed explained the proposed Agreement With Consultant **(EXHIBIT B)** is unchanged and noted it is the fourth 6-month contract offered to Dane Anderson. The 2009 budget includes \$50,000 for Staff Augmentation and as of today, Dane has been paid \$28,700. Ed noted that Dane is currently off and out of the country for an entire month. He said Dane has "proved his worth at this point" and recommended the renewal of the contract for another 6 months.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to approve and execute the Agreement with Consultant Dane Anderson for the term of June 6, 2009 to December 5, 2009. The Motion passed unanimously.

3. PUBLIC COMMENT – Including Items not on Agenda:

There was no public comment.

4. ACCOUNTANT REPORT:

A. Financial Statement: The May Financial Statement was not yet completed, pending receipt of the Island County Treasurer's Report for the month of May. The Commission acknowledged receipt of the 2008 Annual Report (**EXHIBIT C**) previously mailed to them and submitted to the State Auditor's Office on May 28, 2009.

5. PROJECT ACTION ISSUES:

A. South Whidbey Harbor:

1. Expansion Project:

1. Design & Permit Prep - Design Review & Permit Submittal Coordination: Ed reported they are maintaining the permitting schedule as agreed by the Commission last month, including presentation to the U.S. Army Corps of Engineers ("the Corps") on July 8th and submittal of the entire permit package, including the JARPA, later in the month of July. He explained that late last week they learned a pre-submittal package would have to be in 30 days in advance. Ed referred the Board to the Draft Pre-Application Project Summary (**EXHIBIT D**) prepared by GeoEngineers (delivered to them earlier in the week). Ed explained that he had cleaned up some of the text and semantics and added some emphasis about the area being a commercial/business area and not primarily a residential area. The Commission approved the revised draft as presented and Ed said it would be submitted to the Corps tomorrow.

Ed noted that the Board's special design review meeting to deal with the details and mitigation plan issues is scheduled for Tuesday, June 16, 2009, at 1:00 p.m. in the Port office in Freeland. Shannon Kinsella of Reid Middleton and Joe Callahan of GeoEngineers will both attend the special meeting. Joe's initial recommendation for mitigation is that the Port can propose removal of the sunken tire debris and the old Hein wharf & its shading effects as "straight up mitigation" for the entire Alternative 4, including the finger piers. In all likelihood, the Corps will require that the vast majority, if not all, of the mitigation to be done in the 1st phase. Ed said Joe has started on a PowerPoint presentation for the July 8th meeting, and then based on all the input from both the design review meeting and the assembled bodies at the July 8th meeting, they will finalize the permit documentation and submit it by the end of July.

2. Property Issue Update: Regarding the tidelands in front of the Boatyard Inn, Ed reported that owners Tony Puma and Paul Schell have signed a letter of agreement indicating they will transfer the tidelands to the Port in exchange for the Port's efforts to increase transient moorage at the marina. They don't want to complete the transfer

until an appraisal is done, though, because if the appraisal is not done within 60 days of transfer, they would not get the tax benefit.

3. Funding Update:

1. Department of Ecology Planning Grant – Status Update: According to Dane’s report, the Port should be getting the \$187,000 planning grant effective July 1.

4. Phil Simon Park Relocation for Summer 2009 – Project Sequence & Schedule: Ed reported he met with the City of Langley’s Director of Community Planning Larry Cort and Director of Public Works Challis Stringer earlier today, and they are still working on some issues. For sequencing, Ed recommended a very limited overlay of asphalt in front of the existing park location and just past the Drakes’ property line (65’ x 20’ strip). Island Asphalt can do that – no permit required, and it would greatly improve that area which is severely potholed. Ed explained it is critical to do the paving in front of the ramp as well. Starting tomorrow, Possession Park Manager Wayne Nance will clear the brush from behind the existing parking area, in back of the existing park location, and along the Drakes’ fence. The Port’s ramp cleaning contractor (Spyderman Excavating) will then remove the pilaster posts/rock columns and logs from the park area, and Harbormaster Rick Brewer has “graciously volunteered his property as a dump site” for the rocks and logs. Once the brush has been cleared and the columns and logs removed, the topsoil and sod will be cleared and the park will disappear within 2-3 weeks and will be “a park in progress” for 2-3 months.

Ed will send out a small works bid package for the hardscaping, and hopes that the hardscaping will be completed by mid-August. The new park will not be landscaped until October, when the weather has cooled and end-of-season plants can be purchased for less money. The remaining glitch in the project is the water line. Ed explained it would be best if they could put a new hose bib by the ramp, but the City has indicated there may be a permit issue. Rick provided additional explanation of the rules regarding hosing down boats near the Sound, and suggested that the Port could post a sign that reads: “Boats with bottom paint cannot be rinsed here.” Ed said the water line will be on pause until the Port hears back from the City, but everything else for the Phil Simon Park relocation project will charge ahead. The Commissioners agreed.

2. Harbor Operations:

1. Harbormaster Report (EXHIBIT E): Rick summarized his May report.

2. Revenue Enhancement Opportunities: Rick presented a proposal for “Wake and Row” (EXHIBIT F), for concerts on the pier on August 22nd and 23rd. Commissioner Seitle was concerned because noise from the marina tends to carry a long way, and he wondered who would be conducting “quality control” on the type of music. Rick said he had discussed it with Mona Newbauer, who chairs the music side of the Arts Council, and she recommended that a selection committee should review potential bands. He noted some individuals had expressed interest in sponsoring bands for the event.

The Commission discussed various concerns regarding the size of the event, locating bands on the pier itself, bands selling CDs, parking & traffic issues, noise levels, etc. Commissioner Slinden suggested the event be pared back for its initial year.

Ed reported that Port Attorney Al Hendricks felt the Concerts on the Pier would be okay on a trial basis, with the exception of two concerns: 1) protecting the Port from any liability from anyone involved in the activities and 2) assurance that the activities are allowed within the City's codes. Port Accountant Chuck Edwards had safety concerns, and recommended that both audience and musicians should be located on shore and not out on the pier. The City indicated it could be approved as a one-time event on a trial basis, but if it were an ongoing event, it would require a lot more consideration by the City. The City is generally enthusiastic about the concept, but they have a lot of questions about traffic and crowd control. The City Council will have a workshop on Monday, and Ed will provide the Council with a letter per the Commission's direction after tonight's meeting.

After further discussion, the Commission agreed that although they liked the concept on a trial basis, the proposal needed to be scaled back to just a one-day event. The Commission also agreed that CD sales would not be allowed on the pier, the focus should be on marine/boater activities, and the musicians could be on the dock. Rick said he would modify his proposal accordingly, and the Commission approved the proposal as modified but subject to input from the City of Langley.

Rick also submitted a proposal to conduct a Business Feasibility Study **(EXHIBIT G)** for his company to operate as a bait vendor at the marina for a 90-day trial period. He wanted to make it clear that he doesn't want to be in the bait business; he just wants to see the viability of having a bait/ice business there. Rick explained that any profits would be donated to support marina improvements and sponsor Port events at the marina. Ed noted that Dane had looked into an ice operation, and although it is very viable, it is not feasible for this year due to space and power issues. Port Accountant Chuck Edwards said the proposed bait business would be okay on a trial basis only, provided the Port receives some compensation (such as donation of proceeds to the Port for marina improvements & events). Rick explained he was only interested in doing it for a maximum of 90 days. Port Attorney Al Hendricks deferred to the City on the matter, and the City of Langley indicated it would require a Shoreline Exemption Review (a one-page permit form). The City would consider the bait business as a water-dependent type use and therefore could be on the pier.

Commissioner Seitle thought that allowing a vendor operation, even on a trial basis would pre-empt the Port's policy regarding vendors. Commissioner Tapert disagreed, and said, "We should give it a shot, see what happens and from there, we can develop a policy." Commissioner Slinden agreed. The Commission authorized Rick's proposal to operate a bait business on a trial basis for a maximum of 90 days. Ed said he would write a letter to the City of Langley.

3. Summer Intern Update: Ready to go – get those applications in. Rick reported he began preliminary interviews today.

B. Whidbey Airpark:

1. Status: David Ketchum/Airside to arrange meeting with Washington State Department of Transportation (WSDOT) Aviation and Island County: No update; Ketchum on hold until Dane returns from vacation. Ed noted that the Federal Aviation Administration (FAA) had declined to meet with the Port. Commissioner Seitle felt there really was no point in going forward if the Port doesn't intend to operate an airport. He said the airpark would never make any money and therefore was not viable for economic development. Commissioner Slinden said the Commission had approved a meeting with the FAA, and not just with the WSDOT Aviation. She said the airpark issue distracts the Commission away from completing the Harbor project and the airpark is not necessarily the best location for incubator businesses or any other businesses. She views Freeland's mixed-use area as a better location for incubator businesses. Commissioner Slinden said the FAA is not interested, so the Port should "let this go" and focus time and energy on doing a really good job with existing facilities. Commissioner Tapert disagreed, because he felt going through the public input process would provide valuable information. Additional discussion regarding Island County and Crawford Road issues ensued.

Commissioner Seitle said the Port's goal has always been economic development opportunities, but it is not feasible for the Port to operate an airport and it would not contribute to economic development in the area. He stated that he is opposed to doing anything else regarding the airpark because it has no potential.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to discontinue discussions with the FAA and WSDOT Aviation regarding the Whidbey Airpark.

Commissioner Tapert said it is in the Comp Scheme and he thought the Port might want to have the citizens "have their say" on the matter.

Commissioner Slinden called for a vote. The Motion passed by a vote of 2-1, with Commissioners Slinden and Seitle in favor and Commissioner Tapert opposed.

C. Clinton Beach, Fishing Pier, Dock and Parking Lot:

1. Dock – Major Maintenance: Ed said Art Anderson Associates (AAA) has submitted their engineering report. AAA was the original designer of the dock, and their research indicates that the dock was built somewhat more stoutly than the original design drawings showed when it was installed at the first location. The dock was later moved, and AAA expressed concern about the change in wind and wave dynamics at the new location versus the original location the dock was designed for. After review of the original shop drawings, the engineer felt the dock is in better shape than they expected it to be. AAA determined that the broken bolts need to be replaced and recommended that the plate that came loose from the triangular frame should be welded back on. (Ed noted that Rex Lukanich of Greenbank Metalworks had made the same recommendation previously.) AAA also recommended tightening the thru-bolts, and Ed said he hoped to find a small local company (on-island) to do the repairs. AAA's report included the final comment: *"The overall assessment is the facility is in reasonable condition except the items that require immediate repairs noted above. In general, we would expect the service life to be reduced when compared to the original location where the facility was sited; however, pending an unusual storm event that would severely damage the floats, assuming that the facilities are maintained on a routine and periodic basis, the Port may likely receive several more years of service out of the facility."*

2. Wood Columns and Picnic Table – Refinishing: Shawn Ogle of Coastal Soul Construction has completed the refinishing work on the columns and Ed said they look really nice. The tables have been stripped and the re-layering process has started, so the picnic tables should be refinished in a week or so. Ed said Ogle has done a nice job and has been very helpful.

D. Bush Pt. Boat Launch:

1. Transfer Status Update: The Recreation and Conservation Office (RCO) paperwork has been approved and sent back to the Washington State Dept. of Fish & Wildlife (WDFW).
2. Dock Condition – Hinge Repairs Needed: Ed reported that he talked with Marine Floats today (the manufacturer of the floats). They have some ideas for a “beefed up” hinge system and an improved pile system, since they were not happy with the pile hoop system either.
3. Ragnar Relay Event Site: Ed reported the Ragnar Relay Series Event would take place on July 25th and would be using the Port’s spare lot as an overflow exchange area for the runners.

E. Possession Beach Waterfront Park:

1. Equipment – Backhoe Condition Update: Park Manager Wayne Nance has the backhoe “cobbled together” for now and hopes it will last for the rest of the year, but Ed said next year’s budget should include a replacement backhoe. Wayne also reported that the dishwasher “gave up the ghost” and the stove is “acting funky.”

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): Nothing new to report.

E. Washington Public Ports Association (WPPA): Nothing new to report.

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

I. Center for Wooden Boats Cama Beach/Whidbey Summer Event (September 5, 2009):
Nothing new to report.

7. OLD BUSINESS:

A. County-wide Parks Issues: Commissioner Slinden said there is a meeting tonight to discuss lakes, but nothing else new to report.

8. NEW BUSINESS:

A. Freeland Non-Municipal Urban Growth Area (NMUGA): Commissioner Slinden said the group has been discussing a lot of land use issues, building sizes, mixed use zoned area, building heights, etc. She thought the Port should give some input and participate to make sure they could do an economic development project (like an incubator business) in Freeland. Commissioner Tapert said he is on the Steering Committee and he is the Co-Chair of the Economic Development Section. He said he would indicate the Port’s interest in economic development opportunities, but he is mostly at the meetings as an ordinary citizen. Commissioner Slinden said she would really appreciate Commissioner Tapert taking an active role, and suggested mixed-use areas could provide potential for economic development projects. There was some additional discussion regarding mixed use opportunities, and Commissioner Tapert said he would report back on the matter.

9. ADJOURNMENT:

The meeting was adjourned at 9:18 p.m.

Approved:

Minutes prepared by:

Commissioner Lynae Slinden, Clinton

Edwin S. Field, Port Manager

Commissioner Geoff Tapert, Freeland

Commissioner Rolf Seitle, Langley

- Exhibit A: Voucher Listing
- Exhibit B: Agreement with Consultant Dane Anderson (June 6, 2009-December 5, 2009)
- Exhibit C: 2008 Annual Report
- Exhibit D: Pre-Application Project Summary Letter to Army Corps of Engineers dated 6/9/09
- Exhibit E: Harbormaster Report dated 6/10/09
- Exhibit F: “Wake and Row” Music on the Pier proposal
- Exhibit G: Northwest Marine Solutions’ proposal to conduct a Business Feasibility Study as a bait vendor