

AGENDA
THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND
REGULAR MEETING

LOCATION: Freeland Library, Freeland

DATE: February 13, 2008

7:00 PM – 7:30 PM WORKSHOP

1. 7:30 PM - REGULAR MEETING

- A. Call to Order
- B. Pledge of Allegiance

2. BUSINESS MEETING

- A. Consent Agenda:
 - 1. Minutes on file: Minutes from Special Meetings of November 30 and December 4, 2007
 - 2. Vouchers: Vouchers #3315 through #3317 in the amount of \$1,133.01 (as signed on January 17, 2008, Quarterly Payroll payments) and Vouchers #3318 through #3348 in the amount of \$99,198.23 as signed today, for a total amount of \$99,198.23.

3. PUBLIC COMMENT – Including Items not on Agenda.

A.

4. ACCOUNTANT REPORT:

- A. December 2007 Financial Statement (Rev. 2/6/08, mailed earlier)
- B. Reimbursement Policy Clarification for Manager Cell Phone Costs

5. PROJECT ACTION ISSUES - Staff Report, Public Comment, Commissioners' Discussion

- A. Possession Beach Waterfront Park
 - 1. Approval of Water Tank Easement and Fountain Installation for Possession Shores Inc
- B. Clinton Beach, Pier, and Parking Lot
 - 1. Humphrey Lot Lease: Proposal from Patty's Parking for 3-year Renewal
- C. South Whidbey Marina
 - 1. Design & Master Plan Issues, incl report from DNR Meeting
 - 2. AAA Design Contract Status
 - 3. Planning for Joint Commission and Council Design Workshop Meeting
- D. Bush Point Boat Launch
 - 1. Ramp Grid Repair: Contractor Status Update

- E. Dave Mackie / Maxwellton Park
 - 1. Bathroom Reconstruction Update

6. ACTIVITIES/INVOLVEMENT REPORTS INCL. ANNUAL COMMITTEE ASSIGNMENTS

- A. Economic Development Council (EDC)
- B. Council of Governments (COG)
- C. Skagit-Island Regional Transportation Policy Organization (RTPO)
- D. Marine Resources Committee (MRC)
- E. Washington Public Ports Association (WPPA)
- F. Community Trade & Economic Development (CTED)

7. OLD BUSINESS

- A.

8. NEW BUSINESS

- A. April Meeting Date Confirmation

9. EXECUTIVE SESSION (if necessary)

10. ADJOURNMENT

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

February 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

Mike Bell, Clinton Resident
Andy Campbell, Whidbey Water Services
James Recupero, City Of Langley Councilman
Jill Bell, Clinton Resident
Terry Campbell, Clinton 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 February 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 Special Meetings of November 30 and December 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 Slinden and seconded by Commissioner Tapert to accept the Consent Agenda, including authorization of Vouchers #3315 - #3317 in the amount of \$1,133.01 (as signed on January 17, 2008, Quarterly Payroll payments) and Vouchers #3318 - #3348 (as signed today) in the amount of \$99,198.23 for a total amount of \$100,331.24. The Motion passed unanimously.

3. PUBLIC COMMENT – Including Items not on Agenda:

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

4. ACCOUNTANT REPORT:

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

B. Reimbursement Policy Clarification for Manager Cellular Phone Costs: Port Manager Ed Field explained that the Commission direction in the 2008 Final Budget for reimbursement of Port's managers work-related mobile phone expenses (Ed, Mike McCarthy at Bush Point, and Wayne Nance at Possession Park) would be implemented by means of an additional \$40.00 per month compensation (subject to payroll taxes) to reimburse their work-related cell phone costs.

5. PROJECT ACTION ISSUES:

A. Possession Beach Waterfront Park:

1. Approval of Water Tank Easement and Fountain Installation for Possession Shores, Inc.:
Ed provided two originals of the easement that had been rewritten by Port Attorney Al Hendricks. He explained that if the Commission agrees to sign the easement, the Port will keep one original and Possession Shores, Inc. will keep the other original and record it with Island County (**EXHIBIT C**).

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to accept the Easement Agreement between the Port District of South Whidbey Island and Possession Shores, Inc. and authorize signature by the President of the Board of Commissioners. The Motion passed unanimously.

Mike Bell, President of Possession Shores, Inc., thanked the Port and especially Commissioner Slinden for helping with this project. Commissioner Slinden asked when construction would start, and Bell said it would hopefully begin in late spring. Andy Campbell of Whidbey Water Services added that they are just weeks away from getting State approval of the project and they are currently preparing the building permit.

B. Clinton Beach, Pier and Parking Lot:

1. Humphrey Lot Lease: Proposal from Patty's Parking for 3-Year Renewal: Ed recommended approving the renewal of the Lease Agreement (**EXHIBIT D**).

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to approve the proposed 3-Year Lease Agreement Parking Lot Operating Agreement between the Port District of South Whidbey Island and The Norman Group, Inc., dba Patty's Parking.

Commissioner Seitle asked if the parking fees had been raised and Commissioner Slinden said not recently. The Board agreed they were quite satisfied with The Norman Group's business.

The Motion passed unanimously.

C. South Whidbey Marina:

1. Design and Master Plan Update Issues: Ed said there aren't any specific updates regarding the design or the Master Plan Update. However, he did have a report on the results of that morning's meeting with the Department of Natural Resources (DNR). Ed said they had discussed a number of different topics and made good progress on process on all of them. He explained that although nothing really got solved, they were well on their way to figuring out how to solve them. The current challenge is that the City's existing DNR lease has not been renewed for over four years and they are essentially on a month-to-month payment basis without a valid lease. Although the Port could go straight to establishing a new lease starting January 1, 2009, that would mean there would not be an official "close out" of the City's previous lease. DNR normally ensures that sampling and testing are conducted when one entity ends their lease before the next entity begins a new lease, to make sure there is no unforeseen contamination or problems. Ed said the Port will submit all the sampling and test data run in the summer of 2007 for the new marina design needs, although he didn't recall that there wasn't any sampling done in the harbor for bottom paint, etc. The concern is that the Port would be accepting liability under a new lease without knowing what the liability is because the previous lease wasn't closed out properly. The DNR representatives will discuss it and determine what is the most efficient and appropriate process to deal with the situation.

Ed said DNR had been provided with the drawings of the current breakwater location and the Port will have Fakkema & Kingma utilize their prior marina survey data to prepare an actual Metes and Bounds Description for the breakwater segments that extend past the current lease limits. Once complete, it will be forwarded to DNR and the Port will then pay for that extension beginning as of November 15, 2007, when the breakwater was installed.

Because the current marina is largely transient, the rate that the City of Langley pays is about 30% of what the normal rate would be. Ed said that as long as the Port operates the marina in that configuration, presumably the same rate would apply to the Port.

Commissioner Tapert asked what it would take to do a Port Management Agreement. Ed explained there is no cost for it, but there are very stringent and specific criteria to establish it. In particular, direct ownership and/or controlling interest for the uplands abutting the tidelands are required. The DNR representative said the first step is to get a normal lease going for the existing marina area, and then when the Port goes for an expansion beyond the limits of the area abutting the Port-owned uplands, that portion would certainly be a lease segment, but at that time the Port might want to consider converting the existing holdings to a Port Management Agreement. Because of the steps involved, the representative said, "Don't try to do it now."

Commissioner Seitle noted that the Port doesn't know what the status of the tidelands is in front of the Boatyard Inn, including the old wharf. Ed thought it would be easier to get the marina approved if the Port had those tidelands because it would indicate that the Port has

the willingness of all the property owners. Commissioner Slinden suggested a 3-way conversation should take place regarding the tidelands between the Port, the City of Langley and the owners of the Boatyard Inn property. Commissioner Seitle suggested drafting a letter to the property owners requesting clarification. Ed and Commissioner Tapert felt there had been enough letters and it is time for a meeting instead. Ed said that after the Port's next workshop and after getting the all the input from the City of Langley at the joint meeting with the Port and the City, that would be a good time to sit down with the property owners and the Port and the City. The Commissioners agreed.

Commissioner Tapert has a list of relatively inexpensive maintenance tasks (about \$8,000 of materials, excluding labor) that he would like the Port to take care of prior to the transfer date of January 1, 2009, to spruce it up before the next boating season. He said he would like the 3-way meeting to reach some sort of agreement or cost-sharing arrangement to do that.

Ed proposed that the Commissioners plan on reviewing the draft revised design information and Dane's financial information during the workshop scheduled for February 25th, and then once that rough-draft "Version 2.0" of the Master Plan Update layout is fine tuned, immediately get it to the City Council for their consideration and set up a joint meeting shortly after that. Ed said that he and Mayor Paul Samuelson had discussed having a coordination meeting to select dates and look at process and format for the joint meeting, as well as location, etc.

Commissioner Slinden said she'd like the Port to consider having a mediator present as a neutral person to facilitate the meeting. She said that way all the people at the table could participate and avoid the unbalance that could occur if a staff person from either side were to mediate. Recupero said he anticipated a very open discussion and a mediator wouldn't be necessary. Commissioner Tapert noted that there were 5 City Council Members plus the Mayor and only 3 Port Commissioners, and a mediator could help keep everyone on task and focused, resulting in a more productive, time efficient meeting. He said a facilitator would actually be a more appropriate term than mediator. Recupero said he had no objection and suggested the Port "run it by" the Mayor for his reaction. Commissioner Seitle said that facilitators do a good job when there are adversarial opinions that diverge but since there aren't any diverging opinions, a facilitator isn't needed. He said he doesn't want to revisit issues that have already been negotiated. Commissioner Tapert said that wouldn't happen and that a facilitator would help keep the meeting focused on the issues and on track. Commissioner Seitle said he had no objections as long as there is an agenda that precisely lays out what the issues are to be resolved and there is no revisiting of prior negotiations. Commissioner Slinden said it would be nice if the cost were split with the City, and Recupero said he didn't think the City would object and said he would "float it" by the mayor. The Commission directed Ed to look into possible facilitators.

2. AAA Design Contract Status: Greg York of Art Anderson Associates had informed Ed that they have enough budget left for about 45 hours of engineering time, and he sees that as adequate to get the Port through this round of iterations and the workshop on February 25th. York agreed that if this goes on for a while, it would make sense to bump AAA's budget to keep them working on this task, but the Port is certainly not ready to go into the next phase of going from 5% to 25% design for permitting. Ed and Commissioner Tapert each said the Port would need to be in agreement with the City first before moving to the next task, and Ed said that is York's understanding as well.

3. Planning for Joint Commission and Council Design Workshop Meeting: Ed suggested either Trinity Lutheran Church in Freeland or St. Hubert Catholic Church in Langley as a good location for the workshop. Commissioner Tapert agreed and said St. Hubert's was a good idea - convenient location and a lot of room. Ed said the concept for the meeting is that while it is open to the public, public participation is not on the table. Recupero agreed.

All agreed the meeting would need to be held in the evening, and the Commission agreed to submit their schedules to Ed and he would then contact the mayor to select a date. They all agreed the meeting needed to happen in March. Ed clarified that it would be called a special meeting in workshop format, so both parties could make decisions during the meeting, but it would be conducted in a workshop setting.

Ed added one more item regarding the DNR meeting. He said they had quite an extensive discussion regarding dive relocation and artificial reefs. Ed said DNR is clearly behind the curve regarding the state of the art of artificial reefs and the law, and DNR is worried about liability and associated issues that Dane's research indicates addressed favorably by existing RCW provisions. Ed said that DNR stated they would not permit a dive site; however, if the Port chooses to mitigate the loss of habitat at the existing reef location by establishing a new mitigation/restoration site in a different area - that's okay with DNR. Ed said therefore it is now a Mitigation/Restoration Site; it is not a dive site.

D. Bush Point Boat Launch:

1. Ramp Grid Repair: Contractor Status Update: Ed reported that the biologist from Washington State Department of Fish and Wildlife (WDFW) had given verbal approval for the Port's repair approach for the boat launch, and Kye Iris (Lands Agent for WDFW) has said she can handle the permit extension if needed with an email. Unfortunately though, Ed said that contractor Jesse Allen called today and "bailed." Ed said he is now 'beating the bushes' locally to locate a good flatwork contractor and a Vactor truck to vacuum out the sand and gravel from the grid and put a concrete ramp down on top of the first 16 feet. Ed said he wants it done by the end of March and thinks that is entirely possible.

Commissioner Tapert said he was concerned about doing small repairs here and there that amount to "a maintenance headache" instead of doing it right. Commissioner Seitle asked what is going to prevent the same thing from happening below the new concrete, and Ed said it might, but he's hoping that since they are out of the major tide impact zone at that point it will be all right. Ed noted that while the Port may end up with another repair, he hopes this "splint" on the top will give them 5-10 years, comparable in expected design life to the rebuilt pile hoops, and the Commissioners took no further exception to the approach for near-term repairs as Ed outlined.

E. Dave Mackie/Maxwelton Park:

1. Bathroom Reconstruction Update: Ed reported he had inspected it on Friday and the project was complete. Although it is still a concrete block bathroom, it is considerably improved and it will open on April 1st. Commissioner Slinden asked how much it cost, and Ed said that the Port had committed \$25,000.

6. ACTIVITIES/INVOLVEMENT REPORTS:

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

B. Council of Governments (COG): Commissioner Tapert reported that the meeting had focused on the newly formed Puget Sound Partnership (PSP) that Governor Gregoire created. He said that PSP apparently has the authority to make suggestions on how other departments work (or don't work) together on the issue of reclaiming Puget Sound. Commissioner Tapert said an entity can become a Puget Sound Partner if it does "good stuff" to improve Puget Sound, and those entities that do such work will then have preferential treatment when it comes to dishing out funds for grants and other things. He would like to see the Port take the opportunity and become one of those first partners, by identifying specific issues and asking PSP for assistance.

C. Skagit-Island Regional Transportation Planning Organization (RTPO): Commissioner Tapert said the meeting was mostly regarding the proposed roundabout at Sharp's Corner north of Oak Harbor and south of Anacortes.

D. Marine Resources Committee (MRC): Commissioner Slinden said she had attended Sound Waters University and she was very impressed with what the MRC and Washington State University – Extension are doing. She said she is trying to get people fired up to get involved in the Estuary Restoration project at Possession.

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

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

7. OLD BUSINESS:

There were no Old Business items.

8. NEW BUSINESS:

Ed reported that Spring Break for the South Whidbey School District is April 7th-11th, and the next regular meeting of the Port was scheduled for April 9th. Since both Ed and Commissioner Tapert would be out of town that week, he asked if the Commission wanted to reschedule the meeting for either April 2nd or April 16th. After a brief discussion, the Commission agreed to move the meeting to Wednesday, April 16th, at 7:30 p.m.

9. EXECUTIVE SESSION:

There was no Executive Session.

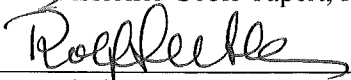
10. ADJOURNMENT:

The meeting was adjourned 8:47 p.m.

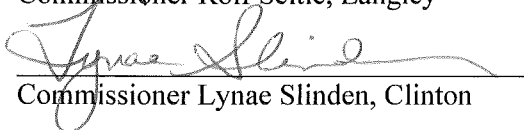
Approved:



Commissioner Geoff Tapert, Freeland




Commissioner Rolf Seitle, Langley



Commissioner Lynae Slinden, Clinton

Minutes prepared by:



Edwin S. Field, Port Manager

- Exhibit A: Voucher Listing
- Exhibit B: December 2007 Financial Statement
- Exhibit C: Easement Agreement between the Port District of South Whidbey Island and Possession Shores, Inc.
- Exhibit D: Lease Agreement/Parking Lot Operating Agreement for Patty's Parking