

AGENDA
THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND
REGULAR MEETING
March 8, 2006

1. 7:15 PM – 7:30 PM Workshop
2. 7:30 PM - REGULAR MEETING
 - A. Call to Order
 - B. Pledge of Allegiance
3. CONSENT AGENDA
 - A. Minutes on file: Minutes from Regular Meetings of January 11 and February 8, 2006, and Special Meeting of January 20, 2006
 - B. Vouchers on file: Vouchers #2574 through #2602 in the total amount of \$99,487.42.
4. ACCOUNTANT REPORT
 - A. December 2005 Financial Statement
 - B. January 2005 Financial Statement
5. PUBLIC COMMENT – Including items not on Agenda.
 - A.
6. PROJECT ACTION ISSUES - Staff Report, Public Comment, Commissioner's Discussion
 - A. Clinton Beach, Pier & Dock, Parking Lot
 1. Construction Update
 - B. Bush Point
 1. Construction Update
 2. Additional Construction Funding: Action on WDFW InterLocal Agreement
 3. Operations, including Overnight Parking
 4. Near-term Issues, including Rental and Caretaker Issues
 - C. Langley
 1. Ramp & Park Project: Application for Funds for Schematic Design Update
7. ACTIVITIES/INVOLVEMENT REPORTS
 - A. Economic Development Council (EDC), including Uniquely Whidbey Trade Fair
 - B. Council of Governments (COG)
 - C. Skagit-Island Regional Transportation Policy Organization (RTPO)
 - D. Marine Resources Committee (MRC)
 - E. Washington Public Ports Association (WPPA)

8. OLD BUSINESS

- A. Website Development: Review of proposals
- B. Reminder: April Meeting date is Tuesday, April 4 due to spring break

9. NEW BUSINESS

- A Personnel/Hiring Seminar from WGEP on April 26 in Lynnwood (FREE!)
- B.

10. EXECUTIVE SESSION

11. ADJOURNMENT

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

March 8, 2006

Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton
Commissioner Rolf Seitle, Langley
Commissioner Geoff Tapert, Freeland
Ed Field, Port Manager
Chuck Edwards, Port Accountant

Jeff Van Derford, South Whidbey Record
Dennis Gregoire, Freeland Resident
Donna Keeler, City of Langley Planning Consultant
Dennis Keefe, Freeland Resident
Karl Smith, Freeland Resident
Susan Bennett, League of Women Voters
Albert Forsyth, Freeland Resident
Jim Recupero, Langley Resident
Larry Dobrin, Freeland Resident

Absent:

Amber O'Brien, Port Clerk

1. MEETING CALL TO ORDER:

Following a Workshop session from 7:15 to 7:30 pm, the regular meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on March 8, 2005, at the Freeland Library conference room, 5495 S. Harbor Avenue, Freeland, WA. Commissioner Slinden, 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 January 11 and February 8, 2006, and the Special Meeting of January 4, 2006.
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 voucher numbers #2574 - #2602 for a total amount of \$99,487.42. The motion passed unanimously.

3. ACCOUNTANT REPORT:

A. Financial Statements: The December, 2005, and January, 2006, Financial Statements were presented by Port Accountant Chuck Edwards, with no exceptions taken. Edwards said that the Port's total income for 2005 was \$462,168, of which \$413,972 was from property taxes and \$31,438 from interest income. The expenditures for 2005 were \$369,956, of which \$128,994 was for the Clinton Beach project. Edwards said that the annual report would be prepared for submittal to the State Auditor's office by May 2006. Commissioner Seitle requested that Edwards prepare a brief summary of spending status on the 2006 Budget to date, noting that the schedule for preparing it could reflect the current heavy tax workload in the Accountant's office.

4. NON-AGENDA ITEMS / PUBLIC PRESENTATIONS:

There were no public presentations on non-Agenda items.

5. PROJECT ACTION ISSUES:

A. Clinton Beach:

1. **Construction Update:** Ed reported that the site has been generally rough-graded, with designer Jason Henry having reviewed and "fine-tuned" the work on Tuesday March 7. He noted that the deck reconstruction has gotten well underway, including extra work for removal of a massive concrete foundation block under the northwest corner of the deck and major rework of the existing timber structure to accommodate permit requirements and available decking materials. Field said that Pay Application #2 for about \$79,000 was included with this month's vouchers, representing about 28% completion based on the cost of approved work vs. about 56% of the contract time expended. He noted that while the contractor is still behind, they have held steady over the preceding month and should gain significantly with structure construction and assembly in March. With respect to change orders, Field noted that he had processed four change orders within his authority level for unexpected conditions and/or permit requirements. One larger Change Order (#5) for demolition and removal of major unexpected concrete and asphalt quantities, negotiated by Field from \$14,048 down to \$12,674 and reviewed previously by Commissioner Seitle, was signed at the Meeting. Field noted that he was waiting on the revised proposal from Advanced for the exterior electrical poles and fixtures omitted from the bid scope, and said he was also tracking potential additional-cost items for bolt and connection material for the SCCC-fabricated structures and for structural reconstruction costs for the existing deck.

B. Bush Point:

1. **Construction Update:** Field said that Kristen Kuykendall from WDFW had notified the Port that the repairs to the new ramp grid were scheduled for Friday, March 10. He said erosion and settlement had been experienced under the new grid, and the manufacturer had been consulted for the repair solution, which is to be implemented on March 10. In response to Commissioner concerns about possible long-term problems, Field noted that the entire project, including the repaired ramp grid, would be covered by the standard one-year construction warranty. With respect to the completion of the Phase 1 ramp, piling and float contract, Field said that Kuykendall has directed the Phase 1 contractor

IMCO to properly re-install three piles which were not driven correctly at the outset. WDFW is now awaiting the contractor's response. With respect to the status of the Phase 2 uplands contract, Field reported that Kuykendall said she is resolving some final septic permit issues, with the Phase 2 contractor ACI reportedly ready to restart on Monday, March 13.

Commissioner Slinden then asked the members of the audience, most of whom were Bush Pt residents, if they had concerns which they wished to address with the Board of Commissioners. Subsequent speakers and their concerns were as follows:

- Larry Dobrin: Speaking as an involved Bush Pt resident, Mr. Dobrin noted that he had met with Port Manager Field regarding the residents' concerns about proper lighting and preventing light pollution, and commended the Port for its openness and responsiveness in investigating and addressing the status of exterior lighting fixtures.
- Karl Smith: Mr. Smith indicated his concern over a number of issues, including: the proper repair of the new ramp grid; the improper use of Port funds on property not owned by the Port; the litter problems frequently associated with lots of fishers; the existing undocumented waterlines running under the new paved parking lot; uncontrolled parking by fishers; Port funds potentially "wasted" on a caretaker for the new facility; a recommendation that WDFW sell off one of the two existing structures; a recommendation that the new bathroom be connected to the existing septic system serving the Bush Pt Resort; and a complaint that the existing (County) storm water system is inadequate and allows flooding of his private property south of the Resort. Commissioner responses included that this project and the associated Port funding had been fully reviewed by the Port Attorney from project inception with no exceptions taken, assurances of appropriate caretaker responsibilities and compensation, statements that WDFW is responsible for septic and waterline issues, and a similar statement that the storm water concerns are primarily County issues.
- Dennis Gregoire: Mr. Gregoire noted that he had 15+ years of experience in project management at the Port of Everett, where the use of Port funding was legally conducted on appropriate non-owned projects for Port benefit. He also asked about initial wind and wave studies at Bush Pt, which Port Manager Field noted were the reason why the floats would be removed seasonally at Bush Pt. Mr. Gregoire also asked about fees, which he was told were under consideration. He noted that the Port of Everett did charge fees at ramps, but that was based on a determination that more than 60% of users were from outside of their Port District boundaries.
- Dennis Keefe: As owner of the adjacent property, Mr. Keefe expressed concern that there would be more fishers' cars than available parking. He also voiced strong opposition to allowing either overnight parking or camping/sleeping in cars, and asked whether a parking fee was under consideration. He was advised that overnight parking, in-car camping and parking fees are all issues under on-going consideration, although no decisions have been made to change current park rules or to start any fees.
- Larry Dobrin: Mr. Dobrin suggested that residents might be interested in providing input on the proposed caretaker's duties.

- Albert Forsyth: Mr. Forsyth simply wanted to know when the new ramp would be ready for use. After noting that WDFW has full responsibility for project management and control, Field responded that WDFW has a current contract requirement for completion before Memorial Day (2006).

2. WDFW InterLocal Agreement No. 06-1031: Field presented the final/revised originals of the proposed InterLocal Agreement (ILA) with WDFW for Commissioner signature, to enable the Port to provide the additional funding for the Bush Pt Boat Launch construction as approved at the January 20, 2006 Special Meeting. He stated that the Port Attorney had reviewed the ILA with no exceptions noted, and that WDFW had approved the minor revisions proposed by the Port for conformance with Port Resolution #06-02 and Port billing/reimbursement timing. Field noted that the Amendment to extend the original Bush Pt Land Use Agreement with WDFW until April 30, 2033, had been signed by Commissioners Slinden and Tapert, also as approved at the January 20 Special Meeting, and he requested final action and direction from the Commissioners on both documents. Commissioner Seitle restated his contention that the 10-year extension Amendment to the Land Use Agreement does not constitute a benefit to the Port in consideration of the additional funding, and also restated his objection to cancellation Clause #11 in the original Land Use Agreement. He presented his position paper for inclusion in the Minutes (**EXHIBIT B**) and summarized his position verbally. He then proposed that, in lieu of the extension Amendment and additional-funding ILA, the Port and WDFW complete a new basic ILA for the same 25-year term, which includes the additional Port funding commitment of Not-To-Exceed \$115,000 but excludes the cancellation Clause #11 from the original Agreement. Commissioner Slinden responded that the 10-year extension does indeed constitute a benefit to the Port, based the premise of the original agreement to ensure public access, and therefore does constitute consideration for the additional funding. Commissioner Tapert concurred, and while acknowledging that the extension was not major consideration, he emphasized that the main concern and focus right now must be to expedite WDFW's completion of the project so that public use can finally resume. Commissioner Seitle noted his continuing objection for the record.

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to approve the proposed InterLocal Agreement No. 06-1031 with WDFW for the additional construction funding for the Bush Pt Boat Launch. Commissioners Slinden and Tapert voted to approve and Commissioner Seitle voted to reject, so the Motion was approved by majority vote.

Commissioner Slinden subsequently signed InterLocal Agreement No. 06-1031, and with Commissioner Seitle continuing to decline to sign the extension Amendment to the original Land Use Agreement, she directed that both documents as approved by Port Board of Commissioner action be returned to WDFW immediately for final WDFW signature, processing and recording. In response to a question from the Record reporter regarding WDFW assuming operations at facilities after the expiration of leases, the Port Manager indicated that he was not aware of any such cases, which Mr. Gregoire said was confirmed during his experience at the Port of Everett.

2. Operations, including Overnight Parking: (Re-ordered for clarity): The Commissioners confirmed that, based on the recent input from residents and users of the Bush Pt facility, overnight parking and camping/sleeping in cars would continue to be prohibited. However, they said the issue would continue to be considered after the facility is completed and management and operational parameters are established.

3. Near-term Issues, Including Rental and Caretaker Possibilities: (Addressed later under New Business).

C. Langley:

1. Ramp & Park Project: Ed said that the Port had received an Application for Funds from the City of Langley for design fees for the Schematic Design Update for the Ramp & Park project, in the amount of \$6,500 (**EXHIBIT C**). He noted that the Schematic Design Update was intended to bring the Berger Partnership design drawings into conformance with the City-designed revisions from the IAC Grant Application last fall, address Permit questions and comments, and provide an updated probable cost of construction. Representing the City, planning consultant Donna Keeler emphasized to the Commissioners that the City was endeavoring to contain project costs, including further review and negotiation of the overall design fee scope and proposal. She noted that this initial Schematic Design Update was critical to keep the Permit process moving ahead, since questions and comments from reviewers have not yet been fully answered, pending designer re-involvement. Commissioner Seitle questioned whether this work would include specific responses to JARPA Permit review questions, and whether Berger has the expertise in-house to respond fully or would they need additional input from other consultants? Donna said that Berger expected to be able to respond using in-house expertise, and she also noted that she was soliciting input from Hugh Shipman of the Dept. of Ecology to provide additional background. Ed and Donna both said that responses to pending Permit questions is an essential aspect of the Berger proposal scope, as discussed in person with Jason Henry, but given the ambiguity in the proposal scope description as pointed out by Commissioner Seitle, Ed said that he would specifically review that concern with Jason.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to approve Langley's Application for Funds for the Schematic Design Update fee in the amount of \$6,500 (from the Port's project commitment of \$152,000), subject to confirmation that the scope of the update will include consultant input as needed to address the pending Permit questions. The motion passed unanimously.

6. ACTIVITIES/INVOLVEMENT REPORTS:

- A. Economic Development Council (EDC):** Commissioner Tapert said he attended the most recent EDC meeting, but no action was possible as there was not a quorum in attendance. He noted that he expected to attend the next meeting in 1-2 weeks, but he also noted a growing frustration with the EDC's lack of attention to south Whidbey issues and concerns.
- B. Council Of Governments (COG):** Commissioner Slinden reported that the COG will be considering two applications for the 0.08% Rural County Economic Development funds at its next meeting: an Oak Harbor project and Langley's proposed Wharf Street improvements. She also noted that she had discussed the possibility of having the EDC work for or with the Port during the economic development phases of the upcoming Comp Plan process.
- C. Regional Transportation Planning Organization (RTPO):** No recent meeting to report.

D. Marine Resources Committee (MRC): Commissioner Seitle noted that recent discussions at the MRC have centered on continuing efforts to maintain the funding for the Georgia Straits initiative. He also noted that the MRC is making progress on preparation of large educational panels, although he did not have specific detail or schedule information.

E. Washington Public Ports Association (WPPA): No Update.

7. OLD BUSINESS:

A. Website Development: The Commissioners discussed the four proposals that had been received for development of the Port's website, from Creative Solutions, Bruce Brereton, Gail LaForest and CK Websites. With respect to format and appearance, the Commissioners generally agreed with Ed's comment that Brereton's example website for the S. Whidbey Intermediate School presented a better example of a public agency website than the commercial examples referenced in the other proposals. The Commissioners also agreed that the proposal from Bruce Brereton (**EXHIBIT D**) appeared to provide the least-cost alternative, although start-up costs did not appear to be fully addressed. Given that the Brereton proposal was apparently well below the Port Manager's authorization level, the Commissioners directed that Ed meet with Brereton to further review his proposal and potential scope of work and start-up cost issues, and if the results of that meeting were positive, to proceed immediately with his firm for development of a Port Website.

B. April Meeting Date: The Port Manager and Clerk both noted reminders that, due to conflicts with Commissioner schedules and spring break, the regular April meeting has been rescheduled to **7:30 pm on Tuesday, April 4**, at the Freeland Library Conference Room. The Port Clerk was requested to confirm room availability and issue the Agenda to the Record no later than the Thursday preceding the meeting.

8. NEW BUSINESS:

A. WGEP Seminar on Selecting & Hiring Employees: Ed noted that the Wa. Government Entity Pool would be providing a FREE seminar for management on selecting and hiring employees, to be held in Lynnwood on April 26, and he said that he was planning on attending. The Commissioners agreed this was fortuitous timing given the following issue:

B. Bush Pt Caretaker and Operations & Maintenance Workshop: The Commissioners agreed that the overall Port operations & maintenance issues and the specific topic of possible job responsibilities and compensation for a caretaker for the Bush Pt facility constituted too extensive a discussion to be properly conducted within this regular Meeting. They therefore agreed to hold a Special Meeting on those issues, to be conducted as a workshop for Port Commissioners and staff, wherein prior public input will be considered but further input will not be sought. They agreed to conduct this Special Meeting workshop at the Port office conference room on Thursday, March 16, starting at 7:00 pm.

C. Personal Schedules: It was noted that Commissioner Tapert will be out of town during March 22-30, Commissioner Slinden will be on vacation during April 7-17, and Ed will be on vacation during April 7-15. Ed noted that he will coordinate with the designers for Clinton Beach project monitoring during his absence.

9. EXECUTIVE SESSION:

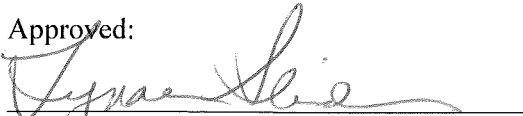
There was no Executive Session.

10. ADJOURNMENT:


ACTION: A motion was made to by Commissioner Slinden and seconded by Commissioner Tapert that the meeting be adjourned. The motion passed unanimously.

The meeting was adjourned at 9:00 p.m.

Approved:



Commissioner Lynae Slinden, Clinton



Commissioner Rolf Seitle, Langley



Commissioner Geoff Tapert, Freeland

Minutes prepared by:



Edwin S. Field, Port Manager

- Exhibit A: Voucher Listing
- Exhibit B: December 2005 Financial Statement
- Exhibit C: January 2006 Financial Statement
- Exhibit D: Seitle Statement, rec'd 3/8/06
- Exhibit E: Application for Funds for Schematic Design Update, Langley, dated 2/28/06, including 2/24/06 Berger proposal
- Exhibit F: Port Web Site proposal, Bruce Brereton, dated 2/14/06