

**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND  
REGULAR MEETING**

Held at South Whidbey Parks & Rec District, 5475 Maxwelton Rd, Langley WA  
Tuesday, August 12, 2014 at 7:30 p.m.

**AGENDA**

WORKSHOP (7:15 – 7:30 PM): Commission review of vouchers and recent correspondence

REGULAR MEETING CALL TO ORDER and PLEDGE OF ALLEGIANCE

**Consent Agenda**

Approval of August 2014 Vouchers in the amount of **\$181,638.12** and approval of Minutes from the Special Meetings of March 25 & April 16 and the Regular Meeting of April 8, 2014.

PUBLIC COMMENT – Items not on Agenda: Please limit comments to 5 minutes

FINANCIAL UPDATE

**June 2014 Financial Statement and Finance Manager Report**

STATUS REPORTS

**South Whidbey Harbor**

Phase 1 Project

- Retainage Release
- Signage

Outside Mooring – Engineering qualifications and proposals

Harbor Operations

- Offsite Parking at Langley Middle School
- Harbormaster Report

**Possession Beach Waterfront Park**

Boat Ramp Renovation Project – draft shoreline conditional use, SEPA environmental checklist, biological evaluation, costal geologic analysis technical memo, and Joint Aquatic Resources Permit Application (JARPA)

**Dave Mackie Park**

**Port Operations**

Maintenance & Operations Supervisor Report

ACTIVITIES/INVOLVEMENT REPORTS

**Gordon:** Council of Governments (COG), Skagit-Island Regional Transportation Policy Organization (RTPO) Technical Advisory Committee (TAC), Washington Public Ports Association (WPPA) and Clinton Community Council (CCC)

**Gregoire:** Economic Development Council (EDC), Langley Shoreline Master Plan (SMP) Committee and Island County SMP Committee

**Halloran:** Marine Resources Committee (MRC) and City of Langley Council Meetings

OLD BUSINESS

Amended Contract for Management Consultant

Executive Director Job Description

Comprehensive Scheme 2013-2019

NEW BUSINESS

**Freeland Boat Launch**

ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

August 12, 2014

Langley, Washington

**Commissioners Present:** Curt Gordon (Clinton), Dennis Gregoire (Freeland) and Ed Halloran (Langley)

**Others Present**

**Port Staff:** Angi Mozer (Port Finance Manager), Molly MacLeod-Roberts (Port Clerk), Dane Anderson (Management Consultant), Duncan McPhee (Harbormaster) and Wayne Nance (Maintenance & Operations Supervisor). **Public:** Mel Trenor (Island Beach Access), Jim Sundberg (Langley City Councilmember), Laura Nance (Clinton resident) and Jay Davenny (Langley resident)

**MEETING CALL TO ORDER:** Following a Workshop from 7:15 p.m. to 7:30 p.m. for informal Commission review and discussion of vouchers and recent correspondence, the Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on Tuesday, August 12, 2014, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwellton Rd., Langley, Washington. Commissioner Curt Gordon (President) called the Regular Meeting to order at 7:32 p.m., followed by the Pledge of Allegiance.

**CONSENT AGENDA**

**Approval of Current 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**).

**Approval of Minutes:** Minutes from the Special Meetings of March 25 and April 16 and the Regular Meeting of April 8, 2014.

**ACTION:** A Motion was made by Commissioner Ed Halloran and seconded by Commissioner Dennis Gregoire to approve the Consent Agenda as presented, including the authorization and acceptance of Vouchers dated August 2014 as signed today in the amount of \$181,638.12. The Motion passed unanimously.

**PUBLIC COMMENT – Items not on Agenda**

**Jay Davenny** of Langley read aloud a written statement (**EXHIBIT B**) he had prepared regarding his art work for signage at the South Whidbey Harbor. It was addressed to Gordon, and the statement accused Management Consultant Dane Anderson of theft of his company's work for the period covering 2/6/14 through 3/22/14 by using it to conduct business with the City of Langley during its Design Review Board meeting in May. He wanted to be compensated for the use of his Wharf St. designs during that period for the sum of \$800. Attached to the statement was a copy of the following email message sent to Anderson on May 6th (verbatim):

*Dane, my last invoice #3 dated 4/14/14, listing materials and labor has not been honored by the Port of South Whidbey up to the date of 5/6/14. This invoice was submitted on time and listed every expenditure in detail. I have been carrying material costs incurred last as 3/9/14.*

*I am withholding all current work (see attachments) pertaining to wharf st signage, from the Porto of South Whidbey's use until I am paid for all work and materials in: invoices: #3 #4 #5*

*Jay Davenny*

Davenny asked why Gordon had not responded to any of his inquiries regarding the misuse of his business materials. Gordon said he had verified with Staff that his requests for payment had been processed in a timely fashion. Due to the Port's regular meeting schedule of the 2<sup>nd</sup> Tuesday of each

month, there is an odd cycle for payment that requires submittal of invoices by the Wednesday before the meeting. If that deadline is missed, it can result in delayed payments of a month or more. Gordon said, *"I need to leave this up to the Staff to handle and not micromanage this."*

Davenny said, *"I gave Angi Mozer a perfectly detailed invoice. She's not a bookkeeper – she's a grant writer. She had trouble defining what was taxable and non-taxable. I've been giving invoices out for 40 years. This is the first time someone couldn't figure it out. I spent two hours on that invoice – every dime was accounted for. But it was too complex for her, and so she called me up and said 'Jay, I just don't understand this.' And I just said, 'What's wrong?' She said there was tax and non-tax and asked me to change that invoice for her. I said, 'Sure, I'll do it. Will this cause any problems for me getting paid?' And she said no, it'll be just fine. I emailed her the new invoice and a couple of days later everyone else was getting paid and I called her up and asked where my check was. She said she was sorry and that they got so behind with it they couldn't figure it out. What do mean you couldn't figure it out? I had spent hundreds of dollars of my own money procuring equipment and metal for these signs and now I was going to have to wait two more months to get paid. Now, how many people in this room are going to work for free? And so I was expected to continue with this signage material for Dane Anderson. That's pretty much in a nutshell, folks. But I'm amazed, Curt, that it has taken you more than 2 months to respond to me. That's inexcusable. That's your mission – you're the head of the Port."* Gordon said he did look into it. Davenny interrupted, *"You didn't look it into at all."* Gordon said to Davenny: *"Number one – you are not listening. Number two – I'm done with you criticizing the Staff. You've said your piece. We're done."* Davenny said, *"Well, thank you for your time. I do appreciate that."* He then left the meeting.

**Mel Trenor** of Island Beach Access (IBA) was on hand to present an update on the group's progress with public beach access signage on South Whidbey. IBA successfully worked with Washington Water Trails and Island County Public Works Dept. to place a water-facing sign at Marisa Lane three weeks ago. The County was very helpful and actually installed the sign which Trenor had provided along with the driver to pound it in. Next up is a group of signs on Robinson Road: the delineator sign visible from the water (Island County Parks Dept. will install in the next week or so), a new sign currently being fabricated by the Parks Dept. for Robinson Beach Park, and 3 signs put in by County Roads Dept. along the way directing drivers how to get to the Park. Trenor said all of that should be completed within the next 2-3 weeks. IBA will then move on to Shore Meadow Road, which is also uncontested. He spoke with the County about the actual size of the property, and the County has decided to survey it. Trenor told the County that if there was a funding problem for the staffing, etc. needed to do that, IBA has a grant that can be dipped into to help pay for surveying costs. The County's response was that wouldn't be necessary; they can cover that cost. Trenor said, *"So the County will pay for the survey and IBA will pay for the signs. The official County sign will indicate where County property ends, but another sign is needed indicating that it is now State property and you can continue on because it is public all the way up the beach."*

In September, Washington Water Trails and Island Beach Access will hold a public event at Marisa Lane. Kayakers will come ashore there and the press will be invited. Trenor intends to write a Letter to the Editor publicly thanking the Port, Island County Public Works and Washington Water Trails for their support.

Although Halloran was very critical of IBA's original plan for using the sponsorship funding due to concerns about contested/uncontested properties, since then IBA has done exactly what the Commission challenged them to do. He thanked and commended IBA on the work they are doing.

Gregoire disagreed that Shore Meadow road was uncontested, arguing that the condo owners there don't know anything about the shoreline permit. Those residents must be communicated with and a map of the beach property is needed. Trenor agreed. Gregoire's understanding is that the public beach is right in

front of the condos and the residents aren't aware of that – they believe that beach belongs to the condominium owners. Trenor responded, *“Communication and education are key. So we're getting our ducks in a row. We want to get the survey done so we know exactly where the boundaries are, and then we'll have a public education program to talk with those people.”* Gordon suggested IBA could use the Port's grant not just for signs or surveys but also for things like an educational kiosk, the costs of holding a public meeting, etc.

Port Finance Manager Angi Mozer believed IBA needed to formally resubmit the Application for Funds with a redefined scope, and she would work with Trenor to revise it appropriately. Trenor thanked the Port and indicated he would continue to provide updates. He added, *“This is a cooperative effort, and I am really impressed with how the Port, County and NGOs are all in this together because the public is going to benefit. I think it's great.”*

#### FINANCIAL UPDATE

**June 2014 Financial Statement and Finance Manager Report:** The Commission acknowledged receipt of the June 2014 Financial Statement (**EXHIBIT C**) which was distributed previously. Mozer reported the Port received \$42,000 in tax, operating and grant revenue and incurred \$73,000 in operating and capital expenses during June 2014. Ending cash balance at 6/30/14 was \$555,000.

Earlier in the day, Mozer attended the Island County Hazard Mitigation Planning meeting. They basically established the team and defined the process for different jurisdictions to provide input to that Multi-Jurisdictional Hazard Mitigation Plan. After getting that “information dump” today, Mozer will provide the team with information on the Port's resources and critical infrastructure to include in that Plan. From there, the team will likely decide what projects might be eligible for grants for bolstering infrastructure, etc. The Plan is designed to be reviewed on an annual basis.

#### STATUS REPORTS

##### **South Whidbey Harbor**

##### Phase 1 Project

- **Retainage Release:** Anderson reported, *“We are officially done. Mike Carlson Enterprises' retainage was included in tonight's approved vouchers. L&I and everyone else at the state level believes MCE and all the subcontractors have paid all the appropriate employment taxes so everything's done. In Mike's final email he thanked the Port and was appreciative of the Port bringing me in to close out the project.”*
- **Signage:** The first of two signs approved by the Langley Design Review Board has been installed on the dock by Symbols & Signs. The sign at the top of Wharf St. should be installed later in the month.

**Outside Mooring – Engineering Qualifications and Proposals:** On August 4<sup>th</sup>, the Port opened the four submittals for the Request for Qualifications and Proposals (**EXHIBIT D**). One bid did not include a cost, so it was deemed unresponsive. The costs submitted by the other three ranged from \$42,010 - \$73,400. Anderson said all three are well qualified. Berger Abam (highest bid) actually did the survey in 2004, so they have history with the facility. Reid Middleton, Inc. (lowest bid) has a lot of history with the facility as well. Gordon noted the difference in Reid Middleton's bid was the design number – it was half of the others. That makes sense, since they designed the Phase 1 project and already did some design work on the outside mooring. He said Collins Engineers, Inc. (\$51,240) had a very impressive resume as well. Both Berger Abam and Collins Engineers would do their own survey, but Reid Middleton would hire a survey firm.

As far as timing, the fish window is not an issue because no in-water work is involved. The work is covered under the existing maintenance & operations permit, and Anderson has an email from Langley Director of Community Planning Jeff Arango that confirms no permits are needed for the project.

Halloran suggested the Port would get a “check and balance” from Berger Abam or Collins Engineers that wouldn’t be possible from Reid Middleton since they designed the Phase 1 project. Gordon agreed. Port Staff (including Harbormaster Duncan McPhee) had concerns that Reid Middleton’s design analysis would be biased, but might be mitigated by hiring a subcontractor to conduct the survey. Anderson added that Reid Middleton had proposed the same team they used on the expansion project and there were some issues were some members of that team. If they choose to go with Reid Middleton, Anderson said he would ask the Commission to request they modify their team accordingly to avoid having those individuals on the project. Gordon said it would be good to have a different set of eyes, and the Commission agreed.

**ACTION:** A Motion was made by Halloran and seconded by Gregoire to award the Outside Mooring Project to Collins Engineering, Inc. in the amount of \$51,240. The Motion passed unanimously.

#### Harbor Operations

- Offsite Parking at Langley Middle School (LMS): The Port is authorized to use 5 spaces at the LMS parking lot on a test basis. Staff from Langley Public Works and the Harbor are checking on the use of that facility at different times of day.
- Harbormaster Report: Harbormaster Duncan McPhee was on hand to read aloud his monthly update (**EXHIBIT E**). The new D and E docks continue to perform “outstandingly” for boater and community use and meet or exceed revenue projections. Mechanically, he has not seen any pressing issues. The Tacoma Yacht Club brought 23 large boats in July 16-18 and gave very positive feedback. Response to parking at LMS has not been enthusiastic; several people have commented that it is too far away from the Harbor to make it appealing. McPhee is evaluating implementation of a reservation fee for 2015. He reported he and the rest of the Harbor staff have received many compliments from boaters and locals on the condition of the facility and the expansion.

#### Possession Beach Waterfront Park

Boat Ramp Renovation Project: The draft permit package for the project is on file at the Port office. Coast & Harbor Engineers and their subcontractors are ready to submit all permit applications. Anderson explained the permit applications have not been submitted pending Commission direction. Gregoire said the permit package was very well put together.

A Special Meeting is scheduled on August 19<sup>th</sup> to provide additional opportunity for the public to view Coast & Harbor’s presentation of project design, review the permit documents, ask questions and provide comments. Gregoire said, “*Whatever comments we get – pro and con – we take those and the Minutes and put them with the rest to complete the permit package.*” Anderson asked the Commission if they wanted to wait until after the meeting to submit the permits. He explained, “*When I spoke with our permit specialists, they were at a bit of a loss to figure out how to incorporate any information that would come in through our public meeting in the permit applications.*” Gregoire said they should wait to submit. There has to be a cover letter, and he would like Matt Kukuk (Saratoga Land & Environmental Services) to draft it for Anderson’s review signature. That letter should state that the Port held a public meeting and took testimony, and have a summary of the public comments attached to it. The Commission agreed Kukuk should draft the letter as described and attach a one-page summary.

**Dave Mackie Park:** Gordon has asked Island County Commissioner Jill Johnson to get an audience with the Commander of the Seabees. He also has a verbal commitment from Matt Kukuk to help in any way he can to provide temporary bridging to the beach.

#### Port Operations

Maintenance & Operations Supervisor Report: Wayne Nance was on hand to present his Report (**EXHIBIT F**). All of the parks are extremely busy with crabbing and fishing open. At Bush Point, he

repaired hoops on the mooring floats and found and fixed an underground leak at the residence. He placed an 11x17 laminated sign at Possession of the proposed project and has received lots of good feedback. Nance plans to remove the floats from Bush Pt. and Possession earlier this year – in late September/early October. Crabbing season at the Clinton Fishing Pier has been a maintenance nightmare, especially on Mondays/Tuesdays. Anderson explained that the crabbers (mostly from off-island) are leaving all their waste (crab bait, cigarette butts, eelgrass, etc.) to the point that it “looks like a third world garbage dump.” He suggested the Port might want to consider not having that space available for crabbing. The Commission agreed to discuss that and other possibilities before the next season.

#### ACTIVITIES/INVOLVEMENT REPORTS

**Gordon:** Council of Governments (COG) and Skagit-Island Regional Transportation Policy Organization – Technical Advisory Committee (RTPO-TAC), Washington Public Ports Association (WPPA), and Clinton Community Council (CCC):

**COG:** Meeting cancelled.

**RTPO-TAC:** Gordon said the boundaries of Metropolitan Planning Organizations (MPOs) are being changed. If the Skagit RTPO blends with the Mount Vernon RTPO to form one big MPO, Island County might be “out in the wind.” Gordon asked Island County Transportation Planner Doug Cox if funding for a passenger-only ferry study would fit with their next round of planning and he said, “Absolutely.” So if the Port can get some support from the County or Island Transit, he’d like to figure out how to request funding for a ferry study (Langley-Everett).

**CCC:** The group has made big strides lately as they try to rejuvenate Clinton in a sustainable way, working especially with local farmers, food, and food-related products. The CCC has preliminary approval from Marion Henny to use most of the Dodge Building in Clinton without paying rent for the first year and then there will be a graduated rent structure over the next 3 years. Gordon’s only concern with the CCC is that “electeds” need to stay involved, because the CCC members are non-elected. He said, “*They are great folks, and we want to make sure they represent everyone’s interests.*”

**WPPA:** Halloran said the recent seminar he attended in Skamania was “extraordinarily well done and exceptionally well organized.” He met several people, learned a great deal and appreciated the opportunity to attend the excellent seminar.

**Gregoire:** Economic Development Council (EDC), Langley Shoreline Master Plan (SMP) Committee and Island County SMP Committee: No reports.

**Halloran:** Marine Resources Committee (MRC) and City of Langley Council Meetings

**MRC:** Blaine Reeves (Assistant Division Manager of Shellfish, Science & Invasive Species Management in the Aquatic Resources Division of Washington State Department of Natural Resources) gave an outstanding presentation on ghost shrimp harvesting at the recent MRC meeting. During the presentation, Halloran learned that prior to 1950 the State of Washington owned ALL of the shoreline in the entire state. In 1950, the state started selling it to private individuals and businesses. Today, only 23% of Washington’s shoreline is publicly owned.

The MRC discussed the Northwest Straits contract at length. It has already been reduced from the \$75,000 that was expected to \$71,000. A significant amount of that (nearly \$60,000) goes to the administrative expenses of running the MRC, and the rest going to the studies.

**Langley:** Anderson attended the meeting in Halloran’s stead. The City adopted a new code related to catastrophic events and charging for water for properties that have experienced such events. It did not originally accommodate government agencies, but it has been revised accordingly.

## OLD BUSINESS

**Amended Contract for Management Consultant (EXHIBIT G):** At the regular June meeting, the Commission took formal action to approve amendment of Dane Anderson's contract to remove the limitation of no more than 20 hours worked per week. That amended contract was provided to the Commission and Gordon provided his signature as President.

**Executive Director Job Description (EXHIBIT H):** Gordon noted that under Education and Experience, the description states: *"A minimum of 10 years' experience in management is required with a preference toward public agency management. A Bachelor's Degree in any field related to business development and management is required. A master's degree in business administration or public administration with special training and/or experience in finance is preferred."* Gordon noted the wording was very strict and Gregoire said it could be changed to be more qualitative than quantitative. Anderson suggested "required" could be changed to "preferred" instead. Halloran said he would leave it alone – the Commission can waive a requirement for an individual if needed. After brief discussion, the Commission agreed to make the wording more flexible and assigned the task of amending the description accordingly to Anderson. The Commission approved the Executive Job Description as amended (per discussion).

**ACTION:** A Motion was made by Gregoire and seconded by Halloran to appoint Angi Mozer as Interim Executive Director. The Motion passed unanimously.

**Comprehensive Scheme 2013-2019:** Due to the lateness of the meeting, discussion was postponed to another time.

## NEW BUSINESS

**Freeland Boat Launch:** Gordon had walked the launch and noted that one of the shear pins had not been broken – it had just been allowed to fall out. He has pointed out the conditions of that launch to the County and they have not fixed it. The Port recently learned its ownership of the Freeland Park was actually more than 25%. Gordon suggested they would need to have a Special Meeting to discuss the future of that facility and whether or not the Comp Scheme would need to be changed. Halloran noted that the South Whidbey Yacht Club had asked Island County a year ago to repair the launch and put rub rails on it. The Club even agreed to install the rub rails. The County did nothing.

**Island County Fairgrounds:** A Special Meeting to discuss Property Management Options with Island County Commissioner Helen Price Johnson is scheduled for August 13<sup>th</sup> and she had emailed a Draft Discussion Format for the meeting. The Commission approved the draft format and directed Staff to attach it to the Special Meeting announcement and agenda.


**Correspondence from Kathleen Waters:** Waters had copied the Port on her email to the City of Langley regarding her concerns about the stability of the bluff on Wharf Street. She asked the City to address a solution to the separate and serious landslides on Wharf Street in 2013. Halloran asked if Staff had provided a response to Waters. Since the Port had simply been cc'd on the email, Staff had not yet responded. Halloran believes all correspondence to the Port needs a response, even if the response is simply "Thank you very much for sharing your concerns and we will look into it." The Commission agreed and directed Staff to do so.


**Paul Schell:** Gordon sadly noted the passing of local resident Paul Schell, describing him as a true visionary and an interesting guy whose exceptional support of our community will be missed.

ADJOURNMENT: The Meeting was adjourned at 10:12 p.m.

Approved:

  
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Commissioner Curt Gordon, Clinton

  
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Commissioner Dennis Gregoire, Freeland

  
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Commissioner Ed Halloran, Langley

Minutes reviewed by:

  
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Angi Mozer, Interim Executive Director

- Exhibit A: Voucher Listing
- Exhibit B: Written statement from Jay Davenny dated 8/12/14
- Exhibit C: June 2014 Financial Statement
- Exhibit D: Submittals for Outside Mooring Project
- Exhibit E: Harbormaster Report
- Exhibit F: Maintenance & Operations Supervisor Report
- Exhibit G: Amended Contract for Management Consultant
- Exhibit H: Executive Director Job Description