

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

LOCATION: SWPRD Meeting Room, 5475 Maxwelton Rd, Langley WA

DATE: April 12, 2011

7:00 PM – 7:30 PM      WORKSHOP: Commission review of vouchers and recent correspondence, and  
MEETING with Fire Commission re: InterLocal Agreement for Port Security Grant

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7:30 PM – REGULAR MEETING CALL TO ORDER

1. Pledge of Allegiance

BUSINESS MEETING

1. Consent Agenda:
  - A. Vouchers: Vouchers dated **April 12 and 13, 2011** as signed today in the total amount of **\$63,124.93.**
2. Approval of Minutes
  - A. Minutes on file: Minutes from the Regular Meetings of February 8 and March 8, 2011, and the two Special Meetings of March 29, 2011.
3. Resolution No. 11-03 to Update ByLaw Article V Citation: RCW 42.32.010 now is RCW 42.30.080

FINANCIAL ACTION ISSUES - Staff Report, Public Comment, Commissioners' Discussion

1. February 2011 Financial Report (e-distributed on Mar. 16, 2011)

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

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

1. Possession Beach Waterfront Park
  - A. Uplands Property Surplus Sale: Review and Possible Action on new Offer(s) received (no add'l yet)
  - B. ***Overnight Parking Permits: Now available*** at \$10/night for up to 10 nights; purchase at Port office
2. South Whidbey Harbor
  - A. Expansion Project:
    1. *Review of Current Initial-phase Concepts and Commission Direction for Further Action:*
      - **DG Breakwaters:** 400' D and 220' G Breakwaters, with G-fingers as Bid Alternate, Includes Port Sec. Grant, Construction anticipated in 2012
      - **Breakwater Solo:** 400' Breakwater with Gangway only, Presumably without Port Sec. Grant, Construction anticipated in 2012
      - **Phase 1 Alternate:** D & G Breakwaters with E Dock Includes Port Sec. Grant but requires add'l funding, Construction in 2013+
    2. *Phase 1 Permit Status:*
      - Hydraulic Proj. Appvl: HPA **Approved** by WDFW (Issued 2/13/10, revised 3/8/11) and follow-up HPA for Temp. Breakwater Parking **approved** by WDFW (Issued 3/4/11, revision being coordinated by Joe/Geo).
      - USACE Permitting: JARPA **submitted** Aug, 2009 under review, review pending MM & MM Protection Plan from Geo (authorized by Commis. on 3/29/11) to be submitted before 4/21/11.
    3. *Boarding Floats & Uplands Permit Status:*
      - Permit Extension Request to USACE: Revised JARPA **submitted** 2/22/11, now pending
      - Master Permit Application to Langley; City **approved** prior permits (incl SCUP, etc) through 12/29/11, with further 1-year extension **pre-approved**.
      - DOE Water Qual. Cert & CZM: Valid through 12/29/11, with one-year extension **pre-approved**
      - HPA: #122942-2 **Approved** on 3/3/11, with 30% grating requirement.
    4. *Property Issues:* No update

5. *Funding Issues*
  - Port Security Grant (Phase 1A): Unofficial approval of Project List: Now for the details...
  - Boating Facilities Grant (Floats only): Project Review input from 2/24, Evaluation on Apr. 19
6. *Consortium Coordination*
  - InterLocal Agreement with ICFD #3: Coordination in progress.
  - InterLocal Agreement with Is. Co. Sheriff: Coordination in progress
- B. Harbor Operations
  1. *Harbor Utility Fees*: Transient Utility Fee proposal from Staff for 2011 Commis. Approval/Adoption
  2. *Ice & Bait Wholesale Bidding*:
    - Commission Review of Qualifications, and Determination of Qualified Firms
    - Opening of Price Proposals and Determination of Apparent Low Bidder
  3. *Commercial Lease Opportunities and Issues*
3. Port Operations
  - A. Maintenance & Operational Wrap-up:
    1. *Status*: Shoreline Exemptions being processed through City & County
  - B. Humphrey Rd. Parking Lot:
    1. *Port Operational Plan Review*
    2. *Condition of Stairs and Planning for .*
- Urgent Repair Tasks*
  - C. Bush Pt. Boat Launch
    1. *Condition of Fence and Proposed Plan to Remove and Stack (for possible future use)*
4. Commercial Kitchen at Fairgrounds, incl USDA Rural Business Enterprise Grant (RBEG)
  - A. Continuing Communication with USDA: Application to be reviewed per input
5. New Project Opportunities and Coordination with Comprehensive Scheme
  - A. Sustainable Economic Development and IPZ Issues (Tapert & Gordon)
    1. *Potential Langley-area 'Green' Business Park and "Impact Washington" possibilities*
    2. *Impact Washington: Proposed Workshop on March 29: Scope, goal & schedule discussion*
  - B. Ferry/Commuter Issues (Gordon)
  - C. Mukilteo Parking Issues (Gordon)
    1. *Parking Garage Concept*
  - D. Comp Scheme Coordination Planning

#### ACTIVITIES/INVOLVEMENT REPORTS

1. Economic Development Council (EDC): Tapert
2. Council of Governments (COG): Gordon
3. Skagit-Island Regional Transportation Policy Organization (RTPO): Gordon
4. Marine Resources Committee (MRC): Jerome
5. Washington Public Ports Association (WPPA): Jerome
  - A. Report from Port Day in Olympia on March 14 Gordon and Jerome
  - B. Spring Meeting at Semiahmoo, May 18-20
6. Holmes Harbor Shellfish Protection District: Tapert
7. Training: Report from Bidder Responsibility Workshop, from AGC Educ. Fndn, SeaTac, 3/10/11 (Ed)

#### OLD BUSINESS

#### NEW BUSINESS

1. Request for Input on Six-Year TIP and CIP from Island County
2. Freeland Water & Sewer District: Port and/or Commission involvement?
3. Redistricting: Information rec'd from State requires Redistricting in next 8 months

#### ADJOURNMENT

## **PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

April 12, 2011

Langley, Washington

**Commissioners Present:** Chris Jerome (Langley), Curt Gordon (Clinton) and Geoff Tapert (Freeland)

**Others Present: Port Staff:** Ed Field (Port Operations Manager), Dane Anderson (Port Finance Manager) and Port Clerk Molly MacLeod-Roberts; **Clinton Residents:** Michael Farrens, Clyde Monma, Marcia Monma, Nancy Weichmann, Richard Engstrom, and Bruce Buls, and **Others:** Tony Puma (Boatyard Inn Co-Owner), Ed Young (Whidbey Island Kayak) and Laurence Bucklin (University Place resident and neighboring property owner at Possession)

**WORKSHOP & MEETING CALL TO ORDER:** The Board of Commissioners of the Port District of South Whidbey Island convened on Tuesday, April 8, 2011, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwellton Rd., Langley, WA. During the Workshop from 7:00 p.m. to 7:30 p.m. for informal Commission review of vouchers and recent correspondence, there was also an informal meeting with representatives of Island County Fire District #3 (ICFD3) regarding the proposed InterLocal Agreement for Port Security Grant. During the informal discussions, ICFD3 Commissioners Mike Helland and Kenon Simmons and Chief Rusty Palmer were present, and Finance Manager Dane Anderson generally reviewed the status of the Port Security Grant with both Commissions and provided additional information regarding potential schedules, etc. The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was then convened by Port Commissioner Jerome, President, who called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

### **BUSINESS MEETING**

#### **1. Consent Agenda**

**A. 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**).

#### **2. Approval of Minutes**

**A. Minutes:** Minutes from the Regular Meetings of February 8 and March 8, 2011, and the two Special Meetings of March 29, 2011.

**ACTION:** A Motion was made by Tapert and seconded by Gordon to approve the Consent Agenda including Vouchers and Minutes as submitted, including the authorization and acceptance of Vouchers dated April 12 and April 13, 2011, for a total amount of \$63,124.93. The Motion passed unanimously.

**3. Resolution No. 11-03 to Update Bylaw Article V Citation (RCW 42.32.010 is now RCW 42.30.080) (EXHIBIT B):** The required Notice of the proposed change was provided at the regular March meeting on March 8, 2011. Anderson explained the Resolution was necessary to make very minor changes to update the Bylaw that refers to a citation in the RCW that was revised and replaced in the mid-1970s.

**ACTION:** A Motion was made by Gordon and seconded by Tapert to approve and adopt Resolution No. 11-03 as submitted. The Motion passed unanimously.

## **FINANCIAL ACTION ISSUES**

**1. February 2011 Financial Report:** The Commission acknowledged receipt of the February 2011 Financial Statement, which had been distributed to them previously (**EXHIBIT C**).

### **PUBLIC COMMENT – Including Items not on Agenda**

**Ed Young** was on hand to present Whidbey Island Kayaking Company's (WIKC) Proposal for Annual Moorage (**EXHIBIT D**). Young explained that WIKC has provided kayak tours and rentals in the waters of South Whidbey for 10 years – activities that are non-polluting and low-impact and allows the otherwise non-boating public the marine experience. He said 90% of their business comes from off-island tourists, enhancing the local economy. The proposal requested that WIKC be granted annual moorage when the next slip becomes available, per South Whidbey Harbor Regulations Rule II.E.3.c. If given annual moorage, Young believes that WIKC's presence (using their 30' boat as an office) would have little, if any, impact on Harbor Operations. At Jerome's request, Anderson read that section of the Regulations aloud, as follows: *"A waiting list has been established, allowing potential private boaters to sign up for an annual moorage space, and proposals for possible commercial opportunities may also be submitted to the Port at any time. When an annual moorage berth becomes available, the Commission shall prioritize consideration of proposals for commercial opportunities which enhance the recreational experience, with the waiting list for possible private moorage to be reviewed (with the following factors i and ii to be taken into consideration) only if there are no commercial proposals which are determined to be preferable with respect to addressing the Port's Comprehensive Scheme goals within the legal constraints applicable to the Harbor properties."*

Gordon asked Staff if a commercial lease would be at the same rate as the private lease. Port Operations Manager Ed Field said a commercial lease is a slightly different issue that may or may not indicate a different rate – Staff has not had the opportunity to discuss it prior to now. Anderson added that Staff does not have any reference to any commercial information on a rate sheet. He did a quick survey of facilities around Puget Sound, and some of the commercial tour activities relate specifically to round trips and the cost per foot for moorage for round trip, others charge on a per customer basis, and some just charge the regular moorage rate.

The Commission agreed the proposal met the requirements of the regulation. They thanked Young for his presentation and said they would revisit it when moorage became available.

## **PROJECT ACTION ISSUES**

### **1. Possession Beach Waterfront Park**

**A. Uplands Property Surplus Sale – Review and Possible Action on New Offer(s) Received:** Anderson reported no new offers have been received. However, the prospective buyer who made a \$240,000 purchase offer with a limited easement (to which the Port countered with a full easement for the Dorothy Cleveland Trail, which the buyer declined to respond to), has informed the Port's real estate agent that he is still interested if the Port wants to reconsider his original offer.

Gordon asked if the Possession Shores Water District has discussed whether or not they could provide water to a residence on the property. Anderson said his understanding is that the Water District is not interested in providing water to that particular residence or that particular offer. Tapert said his understanding is that in order to get a well site approved when you have property adjoining a water district, you must first get request service from that water district. If the water district denies the request, then that allows the property owner to designate and for the County to approve a well site location.

Gordon asked when the property listing expires, and Anderson stated, "Midnight on May 9, 2011." The Commission noted the next regular Port meeting is scheduled for May 10, 2011, but Jerome would not be able to attend that meeting.

**Clyde Monma** asked if the original offer was contingent upon getting a well, getting a septic system, and those types of things. Gordon said, "No. There was a financing contingency."

**Bruce Buls** said he would again encourage the Commissioners to leave the Park intact – Trail and all. He said AT&T has been in contact with the neighbor to the south (a pathologist who lives in Dallas), and AT&T has actually staked out a spot there where they would place a cell tower. Buls asked if AT&T has applied for or asked for a fall easement, and the Commission said they had not. He said, *"It would be ironic if AT&T put in a cell tower adjacent to the Port property, because it would actually devalue your property, which is one of the issues that we as neighbors have with putting the tower on Port property – it would devalue the adjacent neighbors' property values. Going back to some of the public testimony on preserving the Park, and hearing the proposal from the kayak operator tonight, it seems to me that for economic development and talking about the growth of eco-tourism – keeping and promoting the Park, putting up signage about the ecological connection between the uplands and the waterfront – could be developed into an extra attraction for off-island visitors. This kind of park is certainly an attraction for tourists, and tourism is a great source for economic development. I would encourage the Board to consider that kind of economic development as well as the preservation of this open space, which obviously the public here on the Island values very much, as being the proper way of going with this property. I know economic development is part of the mandate and you feel it is important. I concur, but I think to do it by taking something away...taking our property value away (if you were to lease to AT&T or taking the value of the public's access away) in order to get some money and use it for something else, is an inappropriate way of going about economic development."*

Buls continued, *"A thought about the cell tower – I recently switched my long distance service to Whidbey Telecom's new 'Spark' service (voice over internet protocol service). Whidbey Telecom is really promoting local business – keep the money on the Island. I think they are promoting Spark as an alternative to everyone going to cell phones. They want people to keep their landlines and using the VOIP service for long distance calls as a way of keeping Whidbey Telecom alive and thriving. I don't think Whidbey Telecom is really crazy about public space being used to give to one of their competitors (AT&T, Sprint, Verizon, etc.). So if economic development is really driving these decisions, the economic development from a cell tower would likely go to one of those off-island, multi-national corporations. I would encourage you to keep all these things in mind as you continue to consider the options for this property."*

**Marcia Monma** noted that the station manager at KWPR (the public radio station whose headquarters are in Coupeville) has created podcasts for various trails, providing listeners with descriptions of what he sees and hears as he walks on those trails. Monma said the station manager recently did a podcast from the Dorothy Cleveland Trail and said it was a really good trail.

**Larry Bucklin** expressed his concern that if the Trail is closed at the top, people might take the game trail instead and head south through and across his septic line. He said, *"If that occurs, I would ask that you provide signs so the Trail is well marked."*

Jerome asked if there was any other public comment. There was none.

Gordon noted that in November 2009, an economic development opportunity was presented to the Port by Goodman Networks/AT&T, who proposed leasing the upland property at Possession for placement of a communications tower. In March 2010, the Port held a public meeting in Clinton to discuss the proposal. At that meeting, Leslie Tidball spoke on behalf of a group of neighbors, which later officially became "Friends of the Dorothy Cleveland Trail" (FOCDCT). After that meeting, Gordon said he had made it clear to Tidball that there were two potential economic benefit opportunities for the upland property and

he was comfortable with either one. The Port could lease the property for a cell tower and collect the revenue for it, or sell the property (preferably to another public agency). He continued, *"And take those dollars that previous Port Commissioners had invested in preservation (sort of 'accidentally') and do something else that serves the community with economic development. It's not buying the property twice – it's returning economic development dollars back to the community. And my direct suggestion to Tidball that night was that she should contact preferably Pat Powell (Whidbey-Camano Land Trust Director) or somebody else at Island County and look into the Conservation Futures program to purchase the upland property. As the months proceeded, the FOCDCT actively made their position known, and I remember imploring both Clyde and Marcia Monma independently to talk to Powell, because I knew she was very familiar with the Conservation Futures program, and if in fact this is a threatened parcel on South Whidbey it would fit the program."* Gordon explained that Conservation Futures collects \$661,000 per year. Pat Powell and the Whidbey-Camano Land Trust have not only made applications, but have secured grants in 2008, 2009 and 2010. Powell has also worked for both the State's Recreation and Conservation Office and directly for the U.S. Navy. He added, *"Currently, the Island County Commissioners have asked for her help with the appraisal processes for the Port of Coupeville who, in a similar situation, is trying to sell to Island County a Conservation Easement on property that they acquired as part of the Greenbank Farm purchase. It is not part of the mandate of a port to preserve property. There were quite a bit of questions as to whether the Port of Coupeville could even sell the Easement, and once the legal parties realized they were trying to undo themselves from a preservation status, then it is becoming possible for them to acquire money from that Easement. The point is, port districts aren't supposed to be in the preservation business. The Island County Commissioners have final decision on Conservation Futures funds, and they are working out a Conservation Easement to try to fund the Port of Coupeville for a portion of the Greenbank Farm property that they got themselves into because they also purchased the commercial side. They basically want to get compensated for the fact that they have been in the preservation business."*

Gordon said noted that groups or individuals, as well as bureaucracies and other groups like park districts apply for Conservation Futures funds. He explained that he was on the Conservation Futures Board when it was first enacted. He was on the Technical Advisory Group for 11 years and he was the Chair for 8 years. He stated, *"So I am really disappointed that no offer has been made to purchase the property and maintain it as a park. I'm confused and disappointed that Powell has been to Port meetings several times, you all (FOCDCT) have been here, I've tried to steer you in the right direction...but it is **not** the Port's job to enter into conservation projects. As a Commission we also agreed that we would consider a lesser priced offer if there was a common good for the community. I don't know what else we could possibly do. As time runs out, I am still compelled as a Port Commissioner to go with the economic development benefits that are laid out to us. The best one here would be to go back to the offer made by Gilbert for \$240,000, and I am really sad to see that there's been no other offer and no application for Conservation Futures funds."*

**Clyde Monma** asked if he could say something. Gordon said that public comment period had ended and it was time for Commission discussion, but Jerome allowed Monma to speak. Monma noted that Pat Powell had met with Anderson and he didn't know what they had discussed. Anderson said, "You just heard what we discussed." Gordon interjected, *"The point is – nobody made an application for Conservation Futures funds. That's something you could have done as an individual, your group could have done, and Powell could have helped you. There's even enough money in this year's fund – they didn't even allocate all the money. I don't get it. The number one criteria set up by the Technical Advisory Group was: Is this property threatened by development?"*

Gordon noted that the Commission had voted unanimously to list the property and voted unanimously to turn down/counter Gilbert's original offer. He would like the Commission to take another look at Gilbert's offer. Gordon thought Buls was correct – if AT&T doesn't build a cell tower on the Port

property, they will just build one further down the ridge. He said, *"We have a great offer from somebody that wants to build a house. We didn't get any other offers, and at this point 'a bird in the hand' would be a good thing."*

Monma said that the FOTDCT had considered making an offer, but there was no way (in his view) that they were going to pay the inflated price of \$235,000 or anywhere close to it. He said, *"It's very simple. It was priced out of the market by the Commissioners and the real estate agent."* Gordon noted that Coldwell Banker was employed to do a market survey, and any offer would be considered. With respect to offers, Gordon reminded Monma of two things: 1) the Commission had agreed a lower offer would be considered if there was a public benefit, and 2) applications can be made to Conservation Futures for any amount you want, but they can't pay more than the appraised value. The purchase price is therefore driven by the appraisal.

Gordon also pointed out that the Port has a potential, willing buyer for \$240,000 who has not pulled completely away from the table. He said, *"If we would sell it to Conservation Futures for a fair amount, then why wouldn't we go with an honest offer that we had when in fact we had listed the property? The only condition Gilbert didn't meet was that he didn't include the top part of the Trail, and based on that we denied the offer which was even higher than the asking price."* Jerome said he would be in favor of instructing Staff to go back to the buyer to see if some middle ground could be reached that would preserve the Trail or perhaps move it slightly to give him the privacy he wants while essentially preserving the Park the way it is. The Commission agreed, and directed Staff to contact the real estate agent for that discussion. Gordon noted that in the meantime, the property is still listed and it is open for offers.

**B. Overnight Parking Permits:** Now available at \$10 per night for up to 10 nights; purchased at Port office in Freeland. Field reported that the permits have been printed and all the procedures are in place. Overnight parking is limited to 1/3 of the lot's capacity. He reiterated that there is no camping and no access to the vehicles when the park is closed at night.

**Larry Bucklin** said he was a neighboring property owner of the Port at Possession; he's "been on that beach for 64 years." He provided his review of the property's history and how he thought that the Port came to own it. He said the Holcomb family owned it for years, then sold it in the early 1980s to Dr. Lindahl, another neighbor on the beach. Lindahl and his friend bought the property for investment purposes with the intention of subdividing it. When they found out the Shoreline Management Act wouldn't allow the development they wanted, Bucklin said they donated the property to Whitman College. The College then looked for a buyer, and that's when the Port became interested and made a contingent offer on the property. He said, *"At that time, the Port then proceeded to try to find grant money and started the process of permitting what is essentially a non-conforming use in a residential area. That was in 1984. It was a rather contentious process that went through several revisions of the written plan, the drawings, reduced the parking by half, made sure the activities were to the north of the dock/boat launch, etc. – all to mitigate the adverse effect on the neighbors. That's the bell I'm ringing here. As a part of that subsequent permitting that was approved, in addition to the approved site plan with a development on it, there were also conditions placed on the day-to-day use of the park. The number one condition/rule is that it is day use only, and that's why I'm here. That's part of the Conditional Use Permit. My feeling is that allowing vehicles on the park grounds overnight violates the Conditional Use Permit, which stipulates day use only. You are offering to have the vehicles and trailers staged on the site. The quid pro quo is that they have to pay. Well, they are paying for the use of that space overnight; therefore it is not day use – it is night use. It's very black & white. It didn't say 'no people activities' – it said 'no use – for day use only.' Although overnight parking is a great idea, it's in violation of the Conditional Use Permit and I would ask that you rescind that Resolution and not implement this permitting process."*

Bucklin presented a letter dated 4/11/11 (**EXHIBIT E**). In the letter, he provides a written request to the Board to take immediate action to rescind Resolution NO. 10-09 to implement overnight parking at Possession. The letter asked for a written response within 30 days confirming that the Resolution has been rescinded or alternately, setting forth the Port's position as to how overnight parking is not a violation of the Day Use Only condition of the Park's Conditional Use Permit. Bucklin added, *"If you were to embrace 'day use only' – we would have precluded the battle over the kayak issues, etc. Last year the Commission sent out a questionnaire asking what people would like to see at the different Port locations. One of the questions was regarding overnight staging of boats and trailers and being able to store them on site. It implied that that could occur at Possession. My concern is that it is 'death by a thousand lashes' – there's this little nibble, and this little nibble, and this little nibble, and pretty soon you've got more demand. As for the idea of promoting the Park? You've only got 12-14 parking spaces there for non-trailer, so where are you going to put all those people? The next thing I'll hear is that the Port wants to have an expanded parking lot."*

Field reported that Island County Senior Planner/Code Enforcement Officer Andrew Hicks had advised the Port that he had responded to a (unnamed) complainant as follows:

*"Staff has reviewed the Port of South Whidbey Resolution #10-09 against the conditions CUP #34/84. It has been determined that, taken together with all restrictions on overnight parking included in Resolution #10-09, permitting overnight parking would not constitute a violation of the conditions of CUP 34/84 (specifically condition #2.a). The provisions of Resolution #10-09 reasonably allow vehicles to remain onsite, by permit only, for the express purpose of allowing daytime use of the boat launch in scenarios where a user will not return to the park the same day. The resolution stipulates that persons who obtain an overnight parking permit agree not to return to the park to move or occupy the vehicle and reinforces that camping is prohibited. The resolution also includes limitations on the number of permits that may be issued at any given time and on the amount of consecutive days a permit may be valid for."*

Bucklin said that Hicks' response was not provided to him, but he disagreed with it. He continued, *"After you folks respond to me (and I hope you will), and if that's the basis of your response, that's fine. I'm going to go back to the County and ask for a formal response, which will then be appealable by me to somebody else."* Staff was directed to respond via mail to Bucklin's letter and include a copy of the County's response. Bucklin said, *"I'm presuming that you will look at this again and consider the bigger of picture of where not embracing day use only opens up Pandora's box for other things – that's my concern."*

## **2. South Whidbey Harbor**

**A. Expansion Project:** Gordon noted that this agenda item required a lengthy and involved discussion regarding the financial overlook picture and the project, and he would like additional time to review the information. He suggested holding a special meeting in workshop format to do so. The Commission agreed, and Staff was directed to schedule a Special Meeting in workshop format on Thursday, April 14, 2011 at 9:00 a.m. in the Conference Room of the Port office located at 1804 Scott Rd. in Freeland, WA.

### **B. Harbor Operations**

1. Harbor Utility Fees: Transient Utility Fee proposal from Staff for 2011 (**EXHIBIT F**). Field explained that the revised fee proposal was the result of discussions with Harbormaster Rick Brewer and looking at typical operations around Puget Sound. Staff recommends instituting a scaled utility fee for all overnight transient moorage: \$3.00 per night for boats 16' to 35' LOA (length overall), and \$5.00 per night for boats above 35' LOA, effective May 1, 2011 through April 30, 2012. The Long-Term Utility fees will remain unchanged for now (\$45 per month for Annual and \$50 per month for Seasonal Lease or Month-to-Month moorage). Field noted that the utility bills that are coming in are still extremely high.

Anderson explained that based on the 2010 utility charges and 2010 user days, this change in fees should result in substantial amounts of utility revenue over utility expense, which will help the Port cover some of the other maintenance issues such as the pumpout barge, etc. The projection is about \$4,000 more revenue than expense.

**ACTION:** A Motion was made by Tapert and seconded by Gordon to approve the changes in Overnight Transient Utility Fees on the South Whidbey Harbor Fee Schedule as presented. The Motion passed unanimously.

2. Ice & Bait Wholesale Bidding

- Commission Review of Qualifications and Determination of Qualified Firms
- Opening of Price Proposals and Determination of Apparent Low Bidder

Field reported that the submittal date for bids was April 5, 2011, and Northwest Marine Solutions (last year's ice & bait vendor) was the only submittal. The numbers in the bid proposal were very similar to last year, and clearly the company is able to perform the work. Since Harbormaster Rick Brewer is the owner of Northwest Marine Solutions, Field discussed with Brewer that it is important that the overload of work for ice & bait sales would not contribute to the overload on him. Brewer provided assurance that he has staff that will be hauling the ice, not himself. On that basis and because it is a very popular service at the Harbor, Field recommended that the Port accept the offer. The Commission agreed to approve Northwest Marine Solutions' proposal and award the bid for ice & bait vending to the company as submitted.

3. Commercial Lease Opportunities and Issues: Addressed earlier during public comment period (proposal by Young).

**3. Port Operations**

**A. Maintenance & Operational Wrap-up**

1. Status: Shoreline Exemptions being processed through City of Langley and Island County. Due to the County's processing delays, their comment period extends until April 29, 2011, so theoretically we don't have a permit that allows us to clean the Possession ramp until April 29<sup>th</sup>. However, Field explained the Port has a letter from ICFD#3 requesting availability of that ramp for a training exercise on April 21<sup>st</sup>, so Manager Wayne Nance will need to get the floats in and the ramp cleaned ahead of time.

**B. Humphrey Road Parking Lot**

1. Port Operational Plan Review: Field reported that Laura Nance and Duncan McPhee (current Port employees) are ready to proceed with the operations on at least a 6-month trial basis. Anderson referred to the two Pro Forma reports he previously prepared and distributed to the Commission (**EXHIBIT G**). The first Pro Forma shows that if the fees were not changed, the projected net income for a full year would be \$8,039, which is almost twice as much as the current net income. The total for Payroll and Expense Reimbursement is \$19,022 and it is based on the rate of \$17.50/hour. The second Pro Forma shows that if the rates were increased, the net income would go up to \$32,048. Staff recommendation is that the rates should not change until the end of 2011 at the earliest. The Commission agreed and approved the management plan as presented. It was noted that future re-paving costs should be considered in long term planning for the facility.

2. Condition of Stairs and Planning for Urgent Repair Tasks: Field said last week he noticed significant deterioration of some of the concrete stair treads. Subsequently, Reid Middleton conducted a visual inspection of the stairs and provided a Clinton Stair Condition Report (**EXHIBIT H**). Field described the stairs as 20-30 years old, built with non-epoxy, non-galvanized rebar, exposed to a marine environment, and there has been a fair amount of corrosion. Reid Middleton recommends replacement of the treads as soon as possible. After a brief discussion, Commission agreed that the repair should be done "in-house"

through the hiring of temporary employees for the work. Field noted that Diamond Concrete Products is the only local precast stair replacement manufacturer he has located, and they can do the fabrication within 2-3 weeks of placing the order. Anderson estimated the cost at \$7,000-\$8,000. Field said he will proceed with replacement stair acquisition and planning for the replacement operation per Commission direction, and the Commission agreed.

C. Bush Pt. Boat Launch

1. Condition of Fence and Proposed Plan to Remove and Stack (for possible future use): Field said a neighbor had called to complain about the panels of the fence blowing over and not being reinstalled. Field explained the situation as, *"It's one of many design flaws we inherited from the Department of Fish & Wildlife. The 4x4 wooden posts were socketed in completely enclosed concrete with no drainage. They got wet, they rotted, and they fell over. I don't see the fence as critical to our mission or critical to the Bush Pt. parking operations or anything else, and with the wind out there they are going to keep blowing over."* Unless anyone objects, Field said he would have the manager gather the fence panels and stack them in the back yard of the Bush Pt. residence. The Commission had no objections.

**4. Commercial Kitchen at Island County Fairgrounds, including USDA RBEG (Rural Business Enterprise Grant)**

A. Continuing Communication with USDA: Application to be reviewed per input. Anderson said the understanding from the USDA representative in Mt. Vernon is that the USDA office in Olympia made the decisions last week and will be communicating those this week at the earliest.

**5. New Project Opportunities**

A. Sustainable Economic Development and IPZ (Innovative Partnership Zone) Issues (Tapert & Gordon)

1. Potential Langley area "Green" Business Park and "Impact Washington" Possibilities: No report. Gordon noted that the upcoming WPPA Spring Meeting has a section on IPZs on the agenda and he plans to attend.

B. Ferry/Commuter Issues: (Gordon) No update.

C. Mukilteo Parking Issues (Gordon)

1. Parking Garage Concept: Gordon reported that Steve Hager (Director of Properties, Port of Everett) had returned his call today. The Port of Everett Commissioners are meeting tonight and the parking garage concept is one of the topics on the agenda. After a lengthy discussion, Hager assured Gordon that "this wasn't a political issue, it's just a matter of form." Gordon said we should find out tomorrow or the next day what the Port of Everett has decided.

D. Comprehensive Scheme Coordination Planning: Anderson explained that this agenda item was simply to get everyone up to speed on the requirements for new project opportunities. Before any money can be spent on a project, the project must be acknowledged as being in compliance with the Comp Scheme. There is a whole process involved with amending the Comp Scheme, including public hearings, etc. Gordon asked, "Do you think there's going to be a problem if, for example, we need to provide contingent earnest money for the Mukilteo property? We can't even do earnest money?" Anderson said, "That's right; it's a pretty bright line." Gordon said, "If that's the case and we're looking at negotiating something in Mukilteo soon, then we need to start scheduling public meetings for a Comp Scheme change. I'll let you know tomorrow if the Port of Everett is willing to let us do this and then we'll have to schedule special meetings."

Jerome said, "It seems like we have some other projects in mind, so it would be timely to add some other things while we're making changes." Field agreed it would be good to get as much on the table for discussion at the same time as possible. In particular, new projects would need to be included in the

Comp Scheme and the project selection criteria. Anderson encouraged the Commission to review the Comp Scheme and focus not only on the specific projects that are listed, but also the new project selection criteria, because it's Staff's preliminary opinion that the criteria might have to be altered. Gordon reiterated his belief that the Comp Scheme needed to be rewritten to focus on economic development.

**ACTIVITIES /INVOLVEMENT REPORTS:**

**1. Economic Development Council (EDC):** (Tapert) Tapert said he did not attend the annual membership luncheon.

**2. Council of Governments (COG):** (Gordon) Gordon said he had asked the COG to review the \$0.09 funds available for the various years based on cash flow. He said, "They didn't like that very much, but they had agreed that by May of this year, all the recipients would report their status." Anderson will attend the May COG meeting to provide a status report for the Port. The Oak Harbor mayor specifically asked for details about the Freeland Water & Sewer District project and how it applied to economic development.

**3. Skagit-Island Regional Transportation Planning Organization (RTPO):** (Gordon) Gordon said he was informed that he could no longer be a member of the Technical Advisory Committee and the RTPO, so he is now only on the RTPO. In order to apply for RTPO funding, the Port must either have a Certified Acceptance agency sponsor or to apply directly, the Port must have Certified Acceptance status. Gordon wants the Port to be able to make its own applications directly (rather than going through Island County, the City of Langley, etc.), so he will work on getting CA status. He said, "Hopefully we're going to have more transportation-related projects, and that can be anything from parking lots to stairs to parking garages to ferry commuter issues to bus routes. So I'd like to be a CA." Anderson said he had begun reviewing the CA requirements today and he could present a synopsis at the next regular meeting, but he cautioned, "It's not a slam dunk. It's doable – but it's not simple."

**4. Marine Resources Committee (MRC):** (Jerome) Jerome said he missed the last meeting due to a medical appointment, so he did not have anything to report.

**5. Washington Public Ports Association (WPPA):** (Jerome)

**A. Report from Port Day in Olympia on March 14:** (Gordon and Jerome) Gordon and Jerome reported that they were able to meet briefly with Representative Norma Smith, Representative Barbara Bailey and Senator Mary Margaret Haugen. Jerome said they also had the opportunity to hear Governor Christine Gregoire speak and listen to WPPA representatives and a few legislators during a sort of lunchtime meeting. Both Gordon and Jerome said it was very informative, and it was helpful to speak with other port commissioners, managers and executive directors.

**B. Spring Meeting at Semiahmoo, May 18-20:** Gordon said he would attend on the Wednesday and Thursday. Port Clerk Molly MacLeod-Roberts said she would register him for the event, and Gordon said he would make his hotel reservation (for one night only).

**6. Holmes Harbor Shellfish Protection District (HHSPD):** (Tapert) No report.

**7. Training – Bidder Responsibility Workshop:** Report from Bidder Responsibility Workshop from AGC Education Foundation on March 10<sup>th</sup> at SeaTac (Field). Field said it was an excellent workshop, and noted that 80% or more of the attendees were public agency representatives.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**1. Request for Input on Six-Year Transportation Improvement Plan (TIP) and Capital Improvement Plan (CIP) from Island County (EXHIBIT I):** Field said that the Port has provided input almost every year but there has been "very little indication that it has ever hit bottom." Gordon said he would like to work on it. He directed Staff to provide copies of the previous letters for his review so he could work on this year's response.

**2. Freeland Water & Sewer District – Port and/or Commission Involvement?:** Field noted that the Port office is in Freeland and of course, Freeland is within the Port district. Although the Port is not "officially involved," since sewers are a big economic issue, it might be a good idea to have a point person on the Commission for the topic. Gordon said he attended the recent Freeland Water & Sewer District public meeting and has had conversations with some Freeland business owners. Tapert said he had also talked with several Freeland business owners. If the Port decides to have an official representative, he thinks it makes sense for that person to be the Freeland District 1 Commissioner, but that doesn't preclude another Commissioner from being involved. The Commission agreed, and Gordon said he would continue to be involved and provide updates as needed.

**3. Redistricting – Information received from State requires Redistricting in next 8 months:** Field reported that the U.S. Census Bureau has provided a 50-page Guide to Redistricting in 3 phases along with 4 CDs. It appears that redistricting involves breaking down the 3 Commissioner districts into individual precincts and getting really tight numbers to the point where each district's population matches (based on the 2010 census). We have not heard anything from Island County yet, other than the fact that they received the same packet. They have 8 months to complete the process, and the redistricting will take effect for the 2012 elections. Field noted that the Port does not have any elections scheduled for 2012. Gordon suggested Staff should contact Island County Elections Administrator Loann Gulick for assistance. Jerome suggested WPPA might be able to help as well.

**ADJOURNMENT:** The meeting was adjourned at 9:30 p.m.

Approved:

Minutes prepared by:

\_\_\_\_\_  
Commissioner Chris Jerome, Langley

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Edwin S. Field, Port Manager

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Commissioner Curt Gordon, Clinton

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Commissioner Geoff Tapert, Freeland

- Exhibit A: Voucher Listing
- Exhibit B: Resolution No. 11-03: Update Bylaws
- Exhibit C: February 2011 Financial Statement
- Exhibit D: Proposal for Annual Moorage from Whidbey Island Kayaking Company
- Exhibit E: Letter from Laurence A. Bucklin dated 4/11/11 re: overnight parking at Possession
- Exhibit F: Draft South Whidbey Harbor Fee Schedule (revised transient utility fees)
- Exhibit G: Humphrey Road Parking Lot Pro Forma Reports
- Exhibit H: Clinton Stair Condition Report from Reid Middleton
- Exhibit I: 3/15/2011 Request for Input on TIP and CIP from Island County Public Works