

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

LOCATION: Freeland Library, Freeland WA  
DATE: May 13, 2009

7:00 PM – 7:30 PM      WORKSHOP

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1. 7:30 PM - REGULAR MEETING

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

2. BUSINESS MEETING

- A. Consent Agenda:
  - 1. Minutes on file: Minutes from the Regular Meeting of February 11, 2009, and the Special Meeting of March 2, 2009.
  - 2. Vouchers: Vouchers #3814 through #3856 (as signed today) for a total amount of \$49,246.90.

3. PUBLIC COMMENT – Including Items not on Agenda.

A.

4. ACCOUNTANT REPORT:

A.

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

- A. South Whidbey Harbor
  - 1. Expansion Project
    - 1. Design & Permit Prep: NEW Corps Mtg. Sched. for GeoEngrs and Reid-Middleton
    - 2. Dive Site Design and Permitting Presentation by Russell Sparkman
    - 3. Property Issues, incl. DNR Port Management Agreement (PMA) status
    - 4. Funding Update:
      - 1. Initial Revenue and Cost Data from Port Operations (incl. '09 projections)
      - 2. DOE Planning Grant: Status Update
      - 3. Public-Private Partnership (P3) Opportunities
    - 5. Phil Simon Park Relocation for Summer '09: Preliminary plan review
  - 2. Harbor Operations
    - 1. Harbormaster Report
    - 2. Seasonal Labor Assistance: Status of Stimulus Funding Possibility c/o SEA
    - 3. Reservation Policy
    - 4. Revenue Enhancement Possibilities: Bait & Ice Concession? Vending machines?
- B. Whidbey Airpark
  - 1. Compliance Report: Commission Discussion
  - 2. Possible Acquisition: Asli Arts Building

- C. Clinton Beach, Fishing Pier, Dock and Parking Lot
  - 1. Dock: Major Maintenance
  - 2. Wood Columns and Picnic Table: Refinishing
- D. Freeland Park
  - 1. Freeland Dock: Island Co. Funds not available until 2011+
- E. Possession Beach Waterfront Park
  - 1. Equipment: Backhoe condition

## 6. ACTIVITIES/INVOLVEMENT REPORTS

- A. Economic Development Council (EDC)
- B. Council of Governments (COG)
- B. Skagit-Island Regional Transportation Policy Organization (RTPO)
- C. Marine Resources Committee (MRC)
- D. Washington Public Ports Association (WPPA)
- F. Community Trade & Economic Development (CTED)
- G. Holmes Harbor Shellfish Protection District
- H. Puget Sound Partnership
- I. Ctr. For Wooden Boats Cama Beach/Whidbey Summer Event (Sept 5, 2009)

## 7. OLD BUSINESS

- A. County-wide Parks Issues: May 20 Meeting

## 8. NEW BUSINESS

- A. Island County Public Works: Annual TIP and CIP Input Request

## 9. EXECUTIVE SESSION (Property Acquisition Issue)

## 10. ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

May 13, 2009

Freeland, Washington

**Present at the meeting were:**

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

Clint Christiansen, Oak Harbor Resident  
Robert Gilman, Langley Resident  
Sam Osteen, Oak Harbor Resident  
Betty Bastai, Oak Harbor Resident  
Katharin Searle, Freeland Resident  
Paul Senness, Oak Harbor Resident  
Jan Kocian, Freeland Resident  
Darrell Posch, Clinton Resident  
Russell Sparkman, Langley Resident

**Absent:** None

**1. MEETING CALL TO ORDER:**

The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on May 13, 2009, at the Freeland Library Conference Room in Freeland, WA. Commissioner Slinden, President, called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

**2. BUSINESS MEETING – THE CONSENT AGENDA:**

**A. Consent Agenda:**

1. Minutes: Minutes from the Regular Meeting of February 11, 2009, and the Special Meeting of March 2, 2009.
2. Vouchers: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board, and have been presented to the Board for review. The vouchers so listed and presented are summarized on the attached Voucher Listing (**EXHIBIT A**).

**ACTION:** A Motion was made by Commissioner Tapert and seconded by Commissioner Seitle to accept the Consent Agenda, including authorization of Vouchers #3814 - #3856 in the amount of \$49,246.90. The Motion passed unanimously.

**3. PUBLIC COMMENT – Including Items not on Agenda:**

There was no public comment.

**4. ACCOUNTANT REPORT:**

**A. Financial Statement:** The April Financial Statement was not yet completed, pending receipt of the Island County Treasurer's Report for the month of April.

**5. PROJECT ACTION ISSUES:**

**A. South Whidbey Harbor:**

**1. Expansion Project:**

**1. Design & Permit Prep: New Corps of Engineers (Corps) Meeting Scheduled:** Ed reported that he had been working very closely with Joe Callaghan of GeoEngineers and Shannon Kinsella of Reid Middleton (RM) on the process for presenting the package to the Corps and all of the assembled agencies and the tribes. The Corps has changed their schedule, so the next possible intake meetings are now July 8<sup>th</sup> or August 12<sup>th</sup>. Joe and Shannon can have their preliminary package of the mitigation scope and plans, as well as the preliminary design drawings of the harbor itself, to the Port by June 12<sup>th</sup>. The Commission could schedule a Special Design/Review meeting for June 17<sup>th</sup> or 18<sup>th</sup>, and the package could then be presented to the Corps at the July 8<sup>th</sup> intake meeting. The actual paperwork package (including the Substantial Development Permit for the City of Langley, the Joint Aquatic Resource Permits Application (JARPA) for the Corps, the Hydraulic Project Approval for the Washington State Department of Fish and Wildlife (WDFW), and the Water Quality Certification for the Department of Ecology (DOE)) will then go out by the end of July. Ed said that schedule would get the Port "in for permit" as quickly as possible.

Ed noted that the DOE Integrated Planning Grant issue could complicate things, and asked Dane to explain. (The agenda item was moved accordingly). Dane said DOE admitted that the Port's project is sort of on the edge of the spectrum, but everything he has heard so far is that they are willing to fund it to the tune of \$187,200. He estimated that there is a 75% chance the Port will receive the grant. Dane explained that it is a reimbursable grant, but unfortunately the "trigger" on the reimbursement starts at the time it is approved, and not before then. Ed said RM could delay things a bit on their invoicing. He said if the Port really wants to recover the costs of the design and permitting work that will be done in the next 60 days, all that work would have to be on hold for the next 60 days. However, there is "a lot more engineering to come" and the money could be spent and recovered through the grant later. Ed stated, "The project manager in me says absolutely charge ahead." The Commission agreed to move forward with the July 8<sup>th</sup> date to present the package to the Corps.

Commissioner Seitle asked if the Port should talk to the Tribes prior to the July 8<sup>th</sup> meeting. Ed didn't think it was necessary yet, because according to Joe at Geo, the July 8<sup>th</sup> meeting provides a very good opportunity to meet with everybody, and immediately after that meeting the Port should connect with the Tribes and follow up. Commissioner Seitle felt it would be appropriate to send the Tulalip Tribe a letter to

inform them of the Port's plans as a courtesy, and include the initial site plan as an attachment. Commissioner Slinden agreed to do so as President of the Commission.

Commissioner Seitle said he was very happy with how fast things are moving, and he is very impressed with RM and Geo.

2. Dive Site Design and Permitting Presentation by Russell Sparkman: Sparkman said he and other members of the dive community understand that the Port supports diving – it's in the Port's Comprehensive Scheme. He wanted to show the Board the magnitude of the potential opportunity for a premier dive site at the Harbor. The Board then viewed a video about diving in the Harbor, made by Russell's son, Guy, for his 8<sup>th</sup> grade project. The Board said the video was very nicely done.

Sparkman said diving has a strong economic development potential not just for Langley, but all of South Whidbey. There is a great opportunity for Langley to become **the** premier dive destination in Puget Sound. He explained that there are basically 3 types of dive destinations: local, regional/national and national/international. Although Langley is currently only a local dive site, Sparkman said there is an opportunity to become a regional/national dive destination. He presented additional information and statistics regarding the amount of revenue provided to the local economy of dive destinations. British Columbia (B.C.) is very far ahead of the rest of North America in terms of artificial reef development. They have been sinking decommissioned naval vessels and they have become a very desirable dive destination. In 1989, the value of B.C.'s dive tourism was \$2.3 million. By 2001 it increased to \$9.2 million, and \$12-\$13 million by 2003 (excluding lodging and meals for divers, so the actual economic value is substantially greater). Sparkman noted that a study conservatively estimates that 45,000 divers per year visit the City of Edmonds' artificial reef and spend just over \$1 million at nearby businesses. The cost for the city to maintain the dive site is less than \$1,000 per year.

Sparkman said, "Everything points to significant economic development related to the artificial reefs, so it's a low risk investment with high local economic benefits." He said the estimated cost of a new artificial reef is \$350,000 (based on the recently completed Saltwater State Park), and divers could conservatively contribute \$1,050,000 in revenue to the local economy. By emulating Saltwater State Park, Sparkman said Langley could easily become a regional dive site, but to become a premier dive destination – you need a hook. He said Underwater Sculpture Gardens have been very successful and a proven draw at other dive sites, and would integrate really well with Langley's arts culture. He provided the Commission with the draft Biological Evaluation of Saltwater State Park and the completed JARPA form, as well as examples of some underwater sculptures (**EXHIBIT B**).

He concluded that establishing an artificial reef dive destination is entirely consistent with the mission statement and core values and goals and objectives as stated in the Port's Comprehensive Scheme. Sparkman requested that the Port recognize the potential of a dive destination as an economic driver, not just for Langley but all of South Whidbey, recognize that Langley can become the premier dive destination of Puget Sound, cooperate with the City in making this a priority, include a 30% engineered artificial reef design in the Port's JARPA, allocate human resources to help fulfill requirements of the JARPA, and allocate financial resources (i.e. grant funding) to this proven economic driver.

The Commission thanked Sparkman for his excellent presentation. Commissioner Slinden stated that although they are supportive of the concept of establishing an artificial reef dive destination, the Port now has a timeline and intends to present the plans for expansion of the harbor on July 8<sup>th</sup>. She questioned if the dive site plans would be ready to go by then, and noted that the Port doesn't even have the property where the dive site would most probably be located. It's important that nothing holds up the Port's process going forward. Commissioner Seitle said the Port could facilitate the project, but they are not in a position to provide financial support.

Ed reported that during a teleconference with RM and Geo, they identified two approaches for the dive site: 1) if you call it a dive site and put a new structure on "a barren, flat bottom," the knee-jerk reaction from all the agencies is that you are disturbing the bottom, requiring mitigation and building habitat somewhere else, or 2) acknowledge that removal of the toxic tires also involves removing habitat. Therefore you are building a replacement habitat and not a dive site (habitat restoration). It therefore becomes mitigation, rather than causing the need for mitigation.

Commissioner Tapert suggested that they should identify "a black box area" for future habitat restoration. He suggested the dive community should look at the current plans and try to determine the best location, in the safest area that is most accessible. Although Sparkman had requested that the Port include it in the JARPA, Commissioner Slinden said it sounds like a separate project. Rather than incorporate it with the Port's JARPA, it could follow along behind and the Port's JARPA could continue to move forward at the necessary pace. It's important to not delay the Port's JARPA process. Commissioner Slinden said in the future a partnership between the City/Port/Dive communities might be formed to make it happen.

The Board agreed with City Councilmember Robert Gilman it would be a good idea for Sparkman and other members of the dive community to have additional conversations with Port Staff and the Langley City Council to determine an appropriate place for that "black box area" based on the current plans, and the details can be worked out later. Commissioner Tapert said right now the dive site plan is not up to the pace of the Port's JARPA and could therefore delay the process. A black box should be sufficient at this time. Commissioner Slinden thanked Sparkman and all the members of the dive community for attending the meeting.

3. Property Issues, including DNR Port Management Agreement (PMA) status: Dane said new developments arose just prior to the meeting, and should be handled under Executive Session.

4. Funding Update:

1. Initial Revenue and Cost Data from Port Operations (including 2009 projections):

Dane reported that although the 2009 budget anticipated a loss of \$34,000 for Harbor operations (largely due to maintenance issues, etc.), it turns out that the Port may actually **make** between \$15,000 and \$17,000.

2. Department of Ecology (DOE) Planning Grant – Status Update: Addressed earlier.

3. Public-Private Partnership (P3) Opportunities: Dane reported that he'd had conversations with some potential private investors, and wanted clear direction and

approval to continue to pursue P3 opportunities, under the concept of private partners investing in the marina in return for a long-term lease for a component they pay for a number of years (to be negotiated). At the end of that term, the component then returns to the Port. The facility is Port-owned the entire time, but the partner would collect the revenue for the term of the lease. Commissioner Tapert saw nothing wrong with discussing it. Ed noted that the Port would be operating the entire facility (including private docks, etc.) under the Harbormaster. Commissioner Seitle felt it would be very complicated to figure out. He said he was intuitively not in favor of it, but thought the Port should look at it. Commissioner Slinden said it would help increase the amount of space available if the details could be worked out, so P3 opportunities are worth looking into. Commissioners Tapert and Slinden said they had no objections to Dane continuing to talk about P3 opportunities with potential private investors, but Commissioner Seitle said he only half agreed and urged Dane to be cautious in conversations. Commissioner Slinden told Dane, "You've got two and a half. Do it."

5. Phil Simon Park Relocation for Summer '09 – Preliminary Plan Review: Dane referred the Commission to the design drawing submitted by Emerge Gardens (**EXHIBIT C**). The proposed plan meets this year's budget of \$10,000 for the Park, but he explained that the designer has concerns about the longevity of the facility with only that amount of funding. The designer believes a much nicer and more resilient Park could be created by increasing the budget to include putting up a minor retaining wall, replacing the main gravel walkway with permeable pavers, purchasing weather-resistant picnic tables, installing curtain drains and standpipe for water, etc. The designer feels a budget of \$30,000 would be sufficient for all those changes.

Commissioner Seitle said he was in favor of increasing the budget in order to better improve the Park.

**ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to approve an increase in the budget to \$30,000 for Phil Simon Park per the preliminary drawings submitted by Emerge Gardens.**

Commissioner Tapert said there were 4 things he'd like to change: 1) keep the bulkhead cap intact along the east side, 2) swap the northern barbecue area with the landscaped area so the barbecue is further away from the boat ramp, 3) a rain garden using low impact development techniques instead of a formal curtain drain, and 4) use rectangular rather than round picnic tables and they should be made of recycled plastic rather than vinyl coated steel. He said it is important to incorporate longevity and low impact design elements whenever possible. Commissioner Slinden said she would like to add something to the other side of the ramp around the kiosk so it's more attractive and usable. Commissioner Tapert noted that Phil Simon's daughter had a photograph of the original sign and it would be nice to duplicate it. The Commission agreed on all the suggested changes. After a brief discussion, the Commission also agreed the parking lot should no longer be patched with asphalt but should instead be entirely gravel for now.

**Commissioner Slinden called for a vote and the Motion passed unanimously.**

## 2. Harbor Operations:

1. Harbormaster Report (EXHIBIT D): Harbormaster Rick Brewer provided a summary of his April report and added “things are going great.” The Commission agreed with Rick’s recommendation for the dinghy storage fee and schedule (\$75 per year plus leasehold taxes from June 1, 2009, through May 31, 2009). Rick’s report included a recommendation to present a letter of appreciation to Victoria Moore from the Commission for her efforts in the planting and maintenance of the flower boxes at the Park and at the entrance to the pier. The Commission agreed and Commissioner Slinden said she would take care of it.

His report concluded with a request for permission to look into a summer program such as “Concerts on the Pier” featuring local musical groups. Commissioner Slinden said, “Go for it.” Commissioner Seitle was concerned about the type of music and asked for quality assurance, and Rick said that would be fine. Commissioner Tapert said he had no objection. Rick said he would look into it and report his findings at the June meeting.

**Fred Lundahl, President of the Langley Chamber of Commerce,** said the Chamber had 3 minor points about the Harbor: 1) Lundahl reported that the Chamber continues to receive “tons of compliments” about the work Rick is doing. 2) There is still some puzzlement over some of the fees and the hours. Rick noted that they have updated the signage with that information and added signs indicating day use area of over 100 feet, which can be used up until 4:00 p.m. 3) Lundahl thanked Rick again for the help he provided to the Hat Island boat coming in.

2. Seasonal Labor Assistance: Status of Stimulus Funding Possibility c/o Service Education Adventure (SEA): Included in the Harbormaster Report.

3. Reservation Policy: Ed referred the Commission to the Recommended Reservation Policy for Transient Moorage (**EXHIBIT E**) submitted previously. Dane said he did extensive research on the Recreation & Conservation Office (RCO, formerly IAC) regulations, and couldn’t find anything prohibiting reservations. Rick subsequently drafted the proposed policy. The Commission agreed to accept the recommended reservation policy for immediate implementation on a trial basis. Rick said he would keep them informed.

4. Revenue Enhancement Possibilities: Bait & Ice Concession? Vending machines?: Ed asked if the Commission wanted Staff to explore the possibilities. Commissioners Tapert and Slinden said that would be fine, and Commissioner Tapert suggested one of the vending machines could provide basic fishing tackle. Commissioner Seitle said he was opposed to any vending machines and any concessions at this time. With the approval of the majority of the Commission, Dane said he would research the matter and keep them informed of his findings.

## **B. Whidbey Airpark:**

1. Compliance Report – Commission Discussion: At the Port’s last regular meeting, it was agreed that a meeting would be requested with the Federal Aviation Administration (FAA) to discuss if they were interested in going to the next step. Dane said absolutely nothing has happened. Commissioner Tapert said the first attempt to schedule a meeting was unsuccessful, so David Ketchum of Airside, Inc. was going to draft a letter for Commission review to request a meeting with an individual at FAA who was “higher up.”



Commissioner Seitle said it was late in the evening during the last regular Port meeting when he made the motion for the Port to meet with the FAA. He said, "I would withdraw that motion now." He felt the Commission must decide first if the Port has any intention to commit to the operation of the airpark. If they do not, then to continue any further will just involve additional staff time, effort and expense. Commissioner Seitle thought they should send a thank you letter to the Washington State Department of Transportation's Aviation Division and "cut this off now."

**ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to write a letter to WSDOT Aviation thanking them for funding the airpark study and a letter to David Ketchum thanking him for a very good study and indicating that the Port has no intention of operating an airport.**

Commissioner Seitle said the FAA might fund the acquisition of the airpark itself, but they would not fund anything "outside the fence." He felt there is no economic development opportunity with respect to the airpark itself. He said, "It makes no sense for the Port to operate this airport."

Commissioner Slinden explained that she had considered the following: the State's impending final Long-Term Air Transportation Study which reports on the demands throughout the state for air transportation, the lack of discussion with the County regarding Crawford Road, the prior commitments of Staff time and funding to existing projects, there is not enthusiastic support by all three Commissioners, and there has not been public demand from either airport property owners or Port district constituents. As a result of those considerations, Commissioner Slinden felt that the Commission should table the matter until some, if not all, of those issues were resolved. When the Port is ready to begin a new project, she believed the Commission should evaluate the projects in the Comp Scheme and prioritize them to determine where to invest the Port's resources if and when they become available. She would prefer that the Port put its energy into the dive site as an economic driver rather than the airpark, because it would have a better chance at success and would probably provide a better overall financial gain.

Commissioner Tapert noted that the motion to meet with the FAA as a fact finding mission had passed at the Port's last regular meeting. He said they need to fulfill their obligation in the Comp Scheme to explore the possibility – they don't have to commit to anything. Commissioner Seitle said it is intellectually dishonest to go forward and take money from the State and the FAA if the Port has no intention of operating an airport. Commissioner Slinden suggested the Port should perhaps have the meeting with the FAA, in order to determine if the FAA is even interested in pursuing the matter. She doesn't think the FAA would possibly be interested based on all the unresolved issues, but if Commissioner Tapert felt it necessary to hear that directly from the FAA then the meeting should be scheduled.

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

Commissioner Slinden said they would discuss the issue again next month after Dane, Commissioner Seitle and David Ketchum have met with the FAA.

2. Possible Acquisition – Asli Arts Building: Marty Behr was on hand to make a presentation to the Commission regarding the possible acquisition of his property ( as indicated in his

letter email to Dane dated May 8, 2009 (**EXHIBIT F**). Behr also provided copies of the Windermere Real Estate package prepared for the sale of the warehouse (included in EXHIBIT F). He asked the Commission to consider the possibility and requested that he be allowed to meet with Staff to discuss lease or purchase opportunities of the property. He also asked each of the Commissioners to come and tour the property in the next month. He provided additional details of the property. The Commission directed Dane to meet with Behr, and Behr said he would contact each of the Commissioners to schedule a tour. Commissioner Slinden noted that Crawford Road is still a major concern since it is a private road and the only access to the property. The Commission will discuss the issue again after Dane has met with Behr and the Commissioners have had a chance to see the property and review the information. The Commission thanked Behr for his presentation.

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

1. **Dock – Major Maintenance:** Ed said Art Anderson Associates has not submitted their recommendation for the repair of the dock yet.
2. **Wood Columns and Picnic Table – Refinishing:** Given the excellent job that Coastal Soul did for the Clinton Dock Rub Rail Replacement project, Ed recommended that Coastal Soul Construction be awarded the additional work of refinishing the columns and tables at Clinton Beach, noting that it was intended to adequately maintain the wood for another 2 or 3 years. The Commission agreed.

**10. EXECUTIVE SESSION(S):**

Due to the late hour, Commissioner Slinden suggested the agenda be reordered and the Executive Session(s) moved up, and the Commission agreed. Ed noted that the first issue was a property acquisition or easement issue in the Possession area. The public was requested to leave briefly, and the Board went into Executive Session at 9:50 p.m. to discuss the property acquisition matter. The first Executive Session concluded at 9:55 p.m., and the room was re-opened. It was noted that this issue involves a private driveway (serving property owned by Darrell Posch), which was inadvertently constructed on Port property. In order to clear property issues, Mr. Posch approached the Port to resolve the situation, and there have been previous Executive Sessions to address possible resolutions such as property trades or sales, easements, or other remedies. Based on the previous discussions and this Exec Session, President Slinden advised Mr. Posch that since earlier Port suggestions of property trades along the waterfront were not acceptable to him, the standard approach of getting an appraisal and proposing a purchase price for an easement would be an acceptable process with the Commission to resolve the situation, although he could always consider reconstructing the driveway to move it off Port property. Mr. Posch said he would consider his options and respond.

A second Executive Session was requested by Dane Anderson to address a property acquisition issue related to the South Whidbey Harbor Expansion project, and the Board went into Executive Session at 10:00 p.m. to discuss it. The second Executive Session concluded at 10:05 p.m., and the room was re-opened. It was noted that this issue involved tidelands adjacent to the Harbor, which had long been promised as a donation to the Port when the expansion is assured. Ed and Dane stated that it is now becoming an urgent need to document the transfer for permit purposes, and despite assurances regarding the donation, the process has reportedly been slowed due the requirements for scheduling the appraisal. Although the Commission was sympathetic to the documentation needs of the donors, the Commission

discussed Dane's recommendation to establish a Letter of Agreement (**EXHIBIT G**) to preliminarily document the transfer.

**ACTION:** A Motion was made by Commissioner Seitle and seconded by Commissioner Tapert to authorize Port Financial Manager Dane Anderson to submit the draft letter of agreement (**EXHIBIT G**) between the Port and landowners Paul Schell and Tony Puma to the Port Attorney for review, and if the Attorney approves, the Commission will execute the Agreement. The Motion passed unanimously.

The meeting returned to the original agenda order where it left off (Project Action Issues).

**D. Freeland Park:**

1. Freeland Dock – Island County Funds Not Available until 2011+: Ed reported that he met with Steve Marx, Island County Assistant Public Works Director, at Freeland Park, and reviewed all the maintenance and emergency repair work that the Port has done at the Park. Ed also explained to Marx that the Port would not be spending any additional money per Commission direction and per the original InterLocal Agreement (ILA), which requires the County to pay for the maintenance and repair of the dock. Marx said he would “see what money he could find,” but reported back two days later that, “There is no money in the budget for 2009 or 2010, maybe they’ll find some in 2011.”

Commissioner Seitle said the Freeland dock is an important facility for area boaters. Commissioner Slinden said she would love to go to the County-wide Parks meeting next week and tell them the Port would make the contribution of fixing the dock. She asked how much it would cost to replace it, and Port Accountant Chuck Edwards said that it cost about \$300,000 to build the current dock. As for annual maintenance of the existing dock, Ed put the ballpark figure for that at \$5,000-\$10,000. In reality, what is needed is \$3,000-\$5,000 for the next 2 or 3 years and complete replacement of the dock in about 5 years.

Commissioner Seitle suggested they should explore the possibility of buying ready-made docks. Commissioner Tapert disagreed, because according to the ILA, the County is responsible for the maintenance of the dock – the Port is not. He said, “In my opinion, we say ‘forget it’, sign over the 25% deed and give it back to the County.” Commissioners Slinden and Seitle said they don’t disagree with Commission Tapert. The Commission recommended that Ed draft a letter to the Island County Commissioners explaining the situation, and informing them that the Port will no longer pay for maintenance and repair of the Freeland dock since it is the responsibility of the County per the terms of the existing ILA.

**E. Possession Beach Waterfront Park:**

1. Equipment – Backhoe Condition: Ed reported the backhoe had thrown a tie rod, and a new one with shipping and installation would have cost about \$1,000. Possession Manager Wayne Nance and Rex Lukinich of Greenbank Metalworkers were able to make a rod for \$200-\$300. Although the backhoe is working again, there is another tie rod and the backhoe is old and has been in and around the salt water for a long time, so Ed said, “The clock on the backhoe is ticking.” It would cost between \$10,000 and \$20,000 to purchase a good, used backhoe, and it is not in this year’s budget. He asked the Commission if they should look for a replacement backhoe this year and if they find a good one, buy it – or should they put it in next year’s budget, knowing that it will definitely need replacement by

then. The Commission agreed to wait until next year unless a really good deal comes along.

**7. ACTIVITIES/INVOLVEMENT REPORTS:**

- A. Economic Development Council (EDC):** Nothing new to report.
- B. Council of Governments (COG):** Nothing new to report.
- C. Skagit-Island Regional Transportation Planning Organization (RTPO):** Nothing new to report.
- D. Marine Resources Committee (MRC):** Nothing new to report.
- E. Washington Public Ports Association (WPPA):** Nothing new to report.
- F. Community Trade & Economic Development (CTED):** Nothing new to report.
- G. Holmes Harbor Shellfish Protection District (HHSPD):** Nothing new to report.
- H. Puget Sound Partnership (PSP):** Nothing new to report
- I. Center for Wooden Boats Cama Beach/Whidbey Summer Event (September 5, 2009):**  
Nothing new to report.

**8. OLD BUSINESS:**

- A. County-wide Parks Issues – May 20<sup>th</sup> Meeting:** Commissioner Slinden said she and Dane would attend the meeting. The Commission briefly discussed some options such as transferring the 25% ownership in Dave Mackie, Freeland, and Mutiny Bay to the Parks Department, swapping Bush Pt. for the State Park area at Possession, and joint maintenance work.

**9. NEW BUSINESS:**

- A. Island County Public Works – Annual Transportation and Capital Improvement Plan Input Request:** Since nothing had changed, Ed was directed to submit last year's letter updated with the current date.


**10. EXECUTIVE SESSION:** Conducted earlier in the meeting (see above)

**11. ADJOURNMENT:**

The meeting was adjourned at 10:35 p.m.

Approved:

  
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Commissioner Rolf Seitle, Langley

  
\_\_\_\_\_  
Commissioner Lynae Shinden, Clinton

  
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Commissioner Geoff Tapert, Freeland

Minutes prepared by:

  
\_\_\_\_\_  
Edwin S. Field, Port Manager

- Exhibit A: Voucher Listing
- Exhibit B: Draft Saltwater State Park Artificial Reef Replacement Biological Evaluation, completed JARPA, and samples of underwater sculpture
- Exhibit C: Emerge Gardens' preliminary design plan for Phil Simon Park
- Exhibit D: Harbormaster Report dated 5/13/09
- Exhibit E: Recommended Reservation Policy for Transient Moorage
- Exhibit F: 5/8/09 Letter from Marty Behr and Asli Arts Building sale information
- Exhibit G: Letter of Agreement (draft) between Port and Schell & Puma for Tidelands transfer