

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, November 15, 1999**

10:00 a.m. – 10:15 a.m.	Public Comment Period.
	CONSENT AGENDA. MISCELLANEOUS.
10:30 a.m. – Noon	Work Session – Review of Flood Awareness Week Activities.
1:30 p.m. – 2:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.
*T 2:00 p.m. – 3:00 p.m.	Deliberations following Public Hearing – Skagit County Code 14.06 Critical Area Ordinance, specifically Section 14.06.095, “Ongoing Agriculture on Lands Designated Agriculture-NRL,” and Section 14.06.096, “Strategic Plan for Protecting Wild Salmonids.”
7:00 p.m. – 9:00 p.m.	Joint Meeting of the Board of County Commissioners and Planning Commission to address Growth Management Act (GMA) Compliance Issues which include a proposed Unified Development Code, and proposed amendments to the Countywide Planning Policies and the Comprehensive Plan (Hearing Room “C”).

The Skagit County Board of Commissioners met in regular session on Monday, November 15, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PUBLIC COMMENT PERIOD.

Jamie Lanning, 13084 State Route 9, Mount Vernon, presented the Board with a copy of a newspaper article regarding the sidewalk in the Clear Lake area. Mr. Lanning indicated his interest in getting additional assistance from the County in the future. He spoke to the specifics of the methods of constructing sidewalks. He further commented on the need to remove cars from the County right-of-way in the Clear Lake area.

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, November 15, 1999, items 1-16, and items 19 and 20. Staff had explained that items 17 and 18 were removed due to the lack of proper signatures. Commissioner Wolden seconded the motion. The motion passed with a unanimous vote and the Consent Agenda was approved.

COMMISSIONERS’ OFFICE:

1. Record of the Proceedings for Monday, November 8, 1999.
2. Resolution with Certifications of Compliance Authorizing a Community Development Block Grant Application. Skagit County is applying to the State Department of Community, Trade and Economic Development for funding assistance. Skagit County authorizes submission of this application to the State Department of Community, Trade and Economic Development to request \$687,300 to assist in the construction of a community facility to serve low and moderate income citizens of eastern Skagit County, etc. **(Resolution No. 17642)**

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3. Resolution with Certifications of Compliance Authorizing a Community Development Block Grant Application. Skagit County is applying to the State Department of Community, Trade and Economic Development for funding assistance. Skagit County authorizes submission of this application to the State Department of Community, Trade and Economic Development to request \$150,000 to assist in the construction of a community facility to serve low and moderate income citizens of eastern Skagit County, etc. **(Resolution No. 17643)**

EMERGENCY MANAGEMENT

4. Personal Services Agreement for the La Conner Fireman's Association for the installation of address signs for Skagit County during the County Readdressing Project. The agreement is from January 1, 1998 through December 31, 1999 and will not exceed \$287.00 during this term or any renewal term. **(Contract No. 04653)**

HEALTH DEPARTMENT

5. Amendment #4 to the 1999 Consolidated Contract, Department of Health Contract Number C00723. The amendment is reducing federal funding for the Breast and Cervical Health Program. **(Contract No. 04201)**

INFORMATION SERVICES

6. Interlocal Agreement between Skagit County and the Town of La Conner to provide cooperative information services. The agreement governs three types of transactions: Agency purchases of goods and services from the County; County purchases of goods and services from the Agency and purchases of goods and services from third party vendors through contracts executed and administered by the County or agency. The Agreement is effective on the date of execution by both parties and remains in full force and effect until terminated by either party in accordance with the termination provision provided. **(Contract No. 04654)**

PARKS, RECREATION AND FAIR

7. Personal Services Agreement with Semrau Engineering and Surveying to assist with planning, design and construction service for a water pumping-circulation system for the Clear Lake swimming area. Intent of this system is to assure a safe water quality level for public swimming. Contractor will charge County a maximum of \$1,500 for consulting and design services. **(Contract No. 04655)**
8. Out-of-State Travel Request for Kami Manley to attend a National Leadership Development School for Parks and Recreation on December 5-8, 1999. The total cost will be \$820.00. **(Approved)**

PLANNING AND PERMIT CENTER

9. Interim Ordinance Amending and Renewing the Provisions of Ordinance No. 17442, Interim Ordinance to Implement the Comprehensive Plan. **(Ordinance No. 17646)**

PUBLIC WORKS DEPARTMENT

10. Change Order No. 3 Avon Allen Road Improvement Project, ES33110-3 – Paragon Construction. Total contract amount will increase by \$28,312.73 to a total of \$536,215.66. **(Contract No. 04474)**
11. Resolution Calling for Public Hearing to Consider a Speed Limit Revision on the Entire Length of Biz Point Road, No. 13300, from 35 to 25 m.p.h. (Public Hearing: November 30, 1999, at 9:00 a.m.) **(Resolution No. 17647)**

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12. Out of State Travel Request for Derek Koellmann; Salmon Habitat Project Review (Vancouver, B.C., Canada; November 16, 1999 Per diem for lunch \$10.00. **(Approved)**
13. Resolution and Contract with Petersen Brothers, Inc. – 1999 Guardrail Project, C.R.P. No. 07000-6. Petersen Brothers was the low bidder at \$238,513.41. **(Resolution No. 17648, Contract No. 04656)**
14. Request for Proposals Rental of Ferry Passenger Vessels (RFP Opening: December 7, 1999 at 2:00 p.m. No award will be given to specific firms or individuals. An eligibility list will be established of all qualified vessel charter firms/individuals showing their quoted rental rates. **(Resolution No. 17649)**
15. Vendor Services Agreement between Skagit County and Pip Printing to scan photos, make minor revisions to last year's flood brochure artwork, and print and fold 50,941 flood brochures. The term of the agreement is November 8, 1999 through December 31, 1999. The Contractor will be paid \$2,365.22 for his services. **(Contract No. 04657)**
16. Professional Services Agreement Between Skagit County and Environment International Ltd. The completion date of the Agreement is June 2001. In 1997 Skagit County and the U.S. Army Corp of Engineers entered into an agreement to conduct a \$3.9 million dollar flood control study. The objective of the study is to examine all possible solutions for reducing flood damages in the floodplain and determine the best alternative. In August 1999, Skagit County Published a Request for Proposals for firms specializing in facilitating meetings, group dynamics and consensus building. Environmental International scored the highest and will provide facilitation and public involvement services to Skagit County in support of the Skagit River Feasibility Study. Initial payment will be \$10,000 to conduct preliminary work and firm up the scope of the project for a final estimate on work, scope and total cost. **(Contract No. 04658)**

SENIOR SERVICES

17. Vendor Services Agreement with D-Tech, Inc. to provide replacement of Fire Alarm Control Panel and replace smoke detectors, etc. The cost will not exceed \$3,800 and will commence on 11/8/99. **(REMOVED DUE TO LACK OF PROPER SIGNATURES)**

SHERIFF

18. Personal Services Agreement between the Sheriff's Office and James Tracy, Ph.D. to provide pre-employment psychological consultations which will be administered by the Sheriff's Office Administrative Chief or designee. The County will compensate the Contractor at the rate of \$250.00 per pre-employment psychological consultations, \$125.00 per hour for fitness for duty evaluations and \$125.00 per hour for additional consultations as necessary. The contract will begin November 1 and terminate November 1, 2000. **(REMOVED DUE TO LACK OF PROPER SIGNATURES)**

YOUTH AND FAMILY SERVICES

19. Personal Services Agreement between Skagit County and Ann H. Danford, MSW, to provide individual therapy, family therapy, group therapy, case consultation, education classes and travel. The amount of the Contract will be \$60 an hour for individual therapy, \$65 an hour for family therapy and \$70.00 an hour for group therapy. Case consultation will be charged at \$50 an hour with education classes at \$60 an hour. Travel will be paid at \$20 per hour. The term of the contract is from August 1, 1999 and will continue until terminated. **(Contract No. 04659)**
20. Personal Services Agreement between Skagit County and Susan Radkins, M.S. to provide the same as above. The rates will be paid as above. The term of the agreement is from August 1, 1999 and will continue until terminated. **(Contract No. 04660)**

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MISCELLANEOUS.

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, November 15, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 56513 through 56697 from Clearing Fund 696 in the total dollar amount of \$687,314.30 (Transmittal No. C-82-99); and,

Warrants numbered 56698 through 57014 from Clearing Fund 696 in the total dollar amount of \$797,453.17 (Transmittal No. C-83-99).

2. Staff presented an Interlocal Agreement with the Office of Financial Management for provision of the Livescan Award. It was explained that the Office of Financial Management had requested revised wording to the previously-executed Interlocal Agreement. To avoid confusion, a new document was created with the revised language, and will be given the previously-assigned contract number. Commissioner Hart moved to approve the Interlocal Agreement with the Office of Financial Management as explained by Staff. Commissioner Wolden seconded the motion, and it passed with a unanimous vote. **(Contract No. 04630)**
3. Chairman Anderson presented to the Board a letter addressed to Governor Locke, advising that the flag at the Skagit County Courthouse would be flown at half-mast through Saturday, November 20, 1999, in memory of Pat McMullen, Skagit County's former State Senator. Commissioner Wolden moved to approve the letter and Commissioner Hart seconded the motion. The motion passed unanimously, and the Board signed the letter to Governor Locke.
4. Staff presented several Ordinances on behalf of the Public Works Department to effectuate speed limit revisions previously approved following a public hearing. All of the revisions were from 35 mph to 25 mph for the entire length of the roadways. Commissioner Wolden moved to approve the speed limit revisions on the following County Roads: McGlenn Drive #40450, View Lane #40460, Island View Lane #40470, Second Street #31250, and Feather Lane #91080. Commissioner Hart seconded the motion, and it passed with a unanimous vote. **(Ordinance Nos. 17650, 17651, 17652, 17653, 17654)**

DELIBERATIONS FOLLOWING PUBLIC HEARING – SKAGIT COUNTY CODE 14.06 CRITICAL AREA ORDINANCE, SPECIFICALLY SECTION 14.06.095, “ONGOING AGRICULTURE ON LANDS DESIGNATED AGRICULTURE-NRL,” AND SECTION 14.06.096, “STRATEGIC PLAN FOR PROTECTING WILD SALMONIDS.

Kendra Smith, Assistant Director, reviewed the adoption of the pertinent interim ordinance, and the public hearing held earlier. She reviewed the Board's options.

Commissioner Harvey Wolden commented that this is the first time in the State of Washington where the agricultural community has gone from a position of opposing buffers and the State Salmon Strategy to one of supporting buffers, cooperating to make something happen, and voluntarily acting to get salmon protection on the ground as soon as possible. He spoke to the development of an adaptive management approach, with the property owners working with the local government toward a common goal of protecting and restoring salmon habitat while keeping a viable agricultural industry.

Commissioner Robert Hart added his support for the interim ordinance, commenting on the good science involved in getting salmon habitat on the ground immediately using adaptive management as developed by the Natural Resources Consultants scientist, who also work for the National Marine Fisheries service. He noted that the written testimony from the state resource agencies, and the tribal biologists suggests that these buffers are not sufficient to comply with the Endangered Species Act. However their credibility is questioned when the tribal

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governments themselves have not adopted their proposals nor used them in siting their casinos nor their proposed marina. He further stated he felt this ordinance complies fully with the Growth Management Act, particularly when the voluntary compliance requires 80% involvement with 540 days or the requirements are regulatory and the compensation does not apply. The 5 year lease programs may be less than some want, but with the adaptive management strategy, they can be renewed and adapted to the requirements found most conducive to the joint goals at that time. He further stated that the comments about only protecting class 1,2, &3 streams in agricultural lands ignore the requirement that any major change of operation or new agricultural operations need to comply with all the requirements of the Critical Areas Ordinance. He went on to state that the future study areas for estuarine rearing area improvements, the continuing studies of practices being done by the WSU research unit and the Padilla Bay Estuarine Reserve for agriculture practices to reduce sediments and pollutants. He thanked the agricultural community for coming forward with this proposal.

Chairman Ted Anderson stated that he has long been a fan of managed buffers which respond much quicker than no touch buffers and arbitrarily established regulations. He spoke of the great advantage to having property owners stepping forward voluntarily to get quick establishment of salmon habitat rather than delayed compliance with regulations. He noted the favorable comments he has received from both the general public and the press regarding this proposal. He stated that this ordinance could set the groundwork for developing reasonable buffers in resource lands located in other areas of the County. Chairman Anderson concluded by saying this ordinance has an excellent chance to withstand challenges and restore salmon.

Commissioner Wolden moved to adopt Skagit County Code 14.06 Critical Area Ordinance, specifically section 14.06.095, "Ongoing Agriculture on Lands Designated Agriculture-NRL," and Section 14.06.096, "Strategic Plan for Protecting Wild Salmonids." The motion was seconded by Commissioner Hart and passed with a unanimous vote.

(Ordinance will be prepared by Staff and presented at a later date).

ADJOURNMENT.

Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Harvey Wolden, Commissioner

Robert Hart, Commissioner

ATTEST:

Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners