

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, February 13, 2001**

9:00 a.m. – 10:00 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
10:00 a.m. – 10:30 a.m.	Parks Projects Update.
10:30 a.m. – 11:00 a.m.	Facilities Projects Update.
11:00 a.m. – 11:30 a.m.	Public Hearing – To Consider Testimony regarding an Application for Leasing Real Property located at 45821 Railroad Avenue, Concrete.
11:30 a.m. – Noon	Discussion and Possible Action – Grant Reallocations for Key Salmon Habitat Acquisitions.
1:30 p.m. – 2:00 p.m.	Bid Opening – Flood Debris Removal from Highway 9 Bridge.
2:00 p.m. – 2:30 p.m.	Work Session – Boundary Review Board.
2:30 p.m. – 2:45 p.m.	Public Comment Period.
6:30 p.m. – 7:30 p.m.	West Bow Hill Road Public Outreach Meeting (Edison Fire Hall, \ West Bow Hill Road, Edison).

The Skagit County Board of Commissioners met in regular session on Tuesday, February 13, 2001, with Commissioners Ted W. Anderson, Don Munks, and Kenneth A. Dahlstedt present.

**PARKS PROJECTS UPDATE.**

David Fair, Parks & Recreation Department Director, introduced Park Ranger, Lou Peterson. He advised that the Park Ranger program is up and running, focusing on trail use, general parks problems, abandoned vehicles, theft, illegal camping, graffiti, vandalism and other concerns. He stated that there has already been a discernable change made just by Mr. Peterson's presence. Mr. Fair reported that the challenge is to protect 1,700 acres of parkland that the County either manages or owns, and which consist of 36 parcels of land spread across the County. He advised that it is impossible to visit all of the County Parks in one day. Mr. Fair stated that the main target has been the Cascade Trail, and special emphasis patrols elsewhere as needed.

Mr. Peterson reviewed his education and background in law enforcement with Whatcom County and the City of Everett. He reviewed the vehicles that he utilizes, including a patrol car, motorcycle, and bicycle. He also displayed his uniform and associated coat and the Ranger badge and patch.

Mr. Peterson advised that due to his limited commission, he is unarmed, and uses the approach of educating first, and then proceeding to fines and arrest.

Commissioner Dahlstedt asked if Mr. Peterson felt uncomfortable being unarmed. Mr. Peterson responded that he carried a gun for many years, and that it might be necessary to re-evaluate this policy as in some instances it might be important to be armed.

Mr. Fair added that the limited commission negotiated with the Sheriff included that the Park Ranger would not be armed. He stated that evaluation would be necessary as time goes on to consider areas of training, weapons and other related items. He stated that the Sheriff's Deputies are always available in a

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back-up position and to provide the transport of individuals to jail if necessary. Mr. Fair further commented that Mr. Peterson's experience has helped jump-start the program, and has saved the County money.

A discussion ensued on the use of volunteers to help patrol the large geographic area described by Mr. Fair.

Patrik Dylan, Parks Department Staff next discussed the following projects:

1. Northern State Recreation Area – He reviewed the first Advisory Committee Meeting and the ambitious plan that was set out. He stated that the challenge may be to keep the momentum going through the years to accomplish the ambitious timeline that was presented. He reported that there is a need to get more public involvement. He outlined the organization of the group and the project timeline for 2001, showing the breakdown of subcommittees and task groups.
2. Upgrades at Howard Miller Steelhead Park – Mr. Dylan reviewed the recent article that appeared in the Skagit Valley Herald regarding the fish-shaped playfield that is currently under construction. Chairman Anderson stated that the Rockport community is most appreciative and supportive of this project.
3. Improvements at Skagit Valley Playfields – Mr. Dylan reviewed the outline of an improved parking lot which will increase the amount of parking stalls from 40 to 75 and allow for a bus turnaround. He reviewed photographs of the subject area, and advised that Public Works did all of the grading and the supplying of gravel.
4. Swinomish Boat Launch – He indicated that the Department does not yet have a permit in hand, but that there have been continuing discussions with National Marine Fisheries (NMFS). The permit is at the stage for Federal agency review.

Mr. Fair next gave an update on brushcutting activities at Polte Road where clearing was done in a couple of spots too close to the trail. He confirmed that it was desired to leave 300-400 feet of vegetation alongside the trail.

Mr. Fair asked the Board to appoint Bob Vaux as Interim Director, since Mr. Fair's last day of employment with Skagit County is February 16. The Board indicated that they had no problem in appointing Mr. Vaux as Interim Director. Mr. Fair also informed the Board that he had given Stephanie Wood, Personnel Director, a list of recommendations for individuals to be selected as an interview panel for the Director of Parks & Recreation.

Bob Vaux, Assistant Director, advised Chairman Anderson of a Community Meeting at Rockport Community Center on February 22nd at 6:30 p.m.

### FACILITIES PROJECTS UPDATE.

Roger Howard, Director reported on the following projects:

- 1) City of Mount Vernon's Multi-Modal Station – He stated that he met with the City Engineer's office to review their proposal for the purchase of the County's parking lot at the proposed site. They would like to offer the County the "assessed value" rather than the market value of the lot and no relocation of parking spaces. The County will lose 136 parking spaces. Mr. Howard suggested that the County counter-offer for a trade of land for City parking lots near the County campus.

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Chairman Anderson indicated that the City's position is in violation of their own ordinance requiring parking spaces, and that there is a need to have a joint meeting with the City and the Commissioners to discuss why the County cannot afford to give up 136 parking spaces. He stated that the City is not being a good neighbor in this regard.

Commissioner Dahlstedt concurred that the County should not give up the parking spaces without some sort of negotiated exchange.

- 2) Air Quality Issues in Administration Building – Mr. Howard reported that most of the Administration Building was designed without mechanical ventilation, with the design concept that fresh air was to be brought into the building by occasionally opening the windows. In practice, however, this design concept has not been “user friendly,” especially in the winter when employees do not want to open the windows because of cold air. However, in order to reduce the levels of carbon dioxide created by people breathing and ozone and other gases from office equipment like copy machines, fresh air needs to be brought into the building by opening the windows. Mr. Howard stated that the Assessor's Office has requested their office to be tested for air quality, and he planned to contract with an industrial hygiene service consultant to verify no other harmful gases are present.
- 3) Parks Maintenance Shop – Mr. Howard advised that the project had been awarded to structures West Construction, Inc. from Spokane. A contract has been forwarded to them for signature. Pre-construction conference is scheduled for the week of February 26, with the project to be complete by September.
- 4) Jail Laundry Room/Kitchen Alterations – He stated that he had begun design meetings with Sheriff Goodman and staff for moving the laundry facilities to the Trustee pod outdoor recreation area, and dishwashing services to the existing laundry room. He stated that Sheriff Goodman is applying for a grant for funding this capacity increase and to partially pay for the laundry project.
- 5) Treasurer's Office – Mr. Howard advised that the bid opening is scheduled for February 20, 2001, for this project.
- 6) Third Superior Courtroom – Mr. Howard reported that the design for the Third Superior Courtroom has been completed, and construction documents are being prepared. Chairman Anderson expressed his disappointment with the cost of this project. Commissioner Dahlstedt stated that the ADA accessibility was a significant portion of the cost.
- 7) East County Community Resource Center – He stated that he had completed negotiating a contract with Leonard, Boudinot & Skodje, Inc. Engineers & Land Surveyors for preparation of a boundary survey of the project property, which would include a detailed topography survey of all characteristics of the site, including all utilities and other information as required for an Environmental Assessment Report.
- 8) Road Oil Tank Program – Mr. Howard reported that this project is going well, and that the contract had to be extended due to inclement weather, design changes and PUD service changes to the site. He stated that the project is on schedule with these extensions with completion scheduled for mid-March.
- 9) Humane Society Property Lease – Mr. Howard indicated that a public hearing would be held in two weeks regarding this proposed property lease.
- 10) Courtyard Parking Lot – Mr. Howard stated that an engineer is preparing design and bid documents for the resurfacing of this lot. The design is to include a new drainage plan and will require a variance from the City regarding parking space and aisle dimensions.

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- 11) Voicemail System – He advised that the voicemail system had crashed and that the necessary hardware replacement would cost approximately \$5,000.

### **PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING AN APPLICATION FOR LEASING REAL PROPERTY LOCATED AT 45821 RAILROAD AVENUE, CONCRETE.**

Tim Holloran, Director of Senior Services, explained that this public hearing is necessary to gather public testimony regarding the Saturday Community Market using the Concrete Senior Center as it has in prior years. He stated that this is a positive thing for the local community. He endorsed the continued use of the facility by the Saturday Community Market. He reported that a fee of \$15 is charged every Saturday to offset the cost of paper products utilized in the restrooms. .

Athena Hornsbury, 7713 Dillard Avenue, Concrete, President of Concrete Community Market, stated that the market is a vital part of the community where local residents share crafts and home cottage industries. She indicated that the co-existence with the Concrete Senior Center has had no problems in the past 15 years.

Lyle McClure, 728 Cabin Creek Road, Concrete, stated that the Chamber of Commerce uses the one room for a Visitors/Tourist Information Center and the Museum uses a space for raising money. He supported the lease of the property to the Community Market.

There being no further public testimony forthcoming, Commissioner Dahlstedt moved to close the public hearing. Commissioner Munks seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Dahlstedt moved to allow the continued use of the Concrete Senior Center by the Concrete Community Market under the conditions presently implied. Commissioner Munks seconded the motion, which passed unanimously.

### **SALMON HABITAT ACQUISITION.**

Ric Boge, Surface Water Management stated that the purpose of this session is to answer questions pertaining to Board support for recently proposed grant amendments. He spoke to the financial incentives of the ALEA Grant, noting that \$187,000 would be necessary from the County's General Fund without utilization of the Grant, with that figure dropping to \$37,000 with the proposed amendments.

Commissioner Anderson expressed concern that the County is once again jumping out in front, acquiring 600 acres of land with no stoppage of expenses. He cited the difficulties in obtaining property at Cape Horn utilizing the Hazardous Mitigation Grant.

Mr. Boge reviewed the history of the ALEA funding, explaining that there was a great interest in moving forward to acquire some of these key salmon properties, knowing that there was outside money available to assist with acquisition. The County was successful in obtaining monies, and the scope of work was put together, identifying specific properties. He reviewed that the Board has asked about the impact of the loss of tax dollars due to the County's acquisition. In this regard, the Assessor's database shows that about \$2,500 of annual lost revenue would occur if the purchase of all of the properties identified in the grant is consummated. He stated that the properties have a fairly low value because they are located in the flood plain. There is not enough grant money available to purchase all of the properties.

Upon query from the Board regarding requirements for buffering these parcels, Mr. Boge responded that many of the parcels are already buffered and have good habitat. He stated that nothing in the grant requires buffering, just provisions to maintain as good of habitat as possible. He stated that it would be

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possible for volunteer groups to take on these activities. Mr. Boge explained that the grants are set up so that the County retains ownership of these properties.

Chairman Anderson asked why the County did not have a group like River Conservancy assume the lead agency role in acquiring and managing these properties. He stated that he was not interested in the County owning 600 acres of land.

Mr. Boge explained that there is no language restriction in the grant which requires maintenance, however, the grants do allow public access. The only responsibility of the County is to retain land for purpose of maintaining salmon habitat.

Commissioner Anderson expressed the hope that, if the County does purchase these parcels that the WWGMHB would at least give the County credit for this 600 acres of maintained salmon habitat.

Chal Martin, Public Works Director, reminded the Board that this property purchase was included in a section of the Critical Area Ordinance (CAO). He stated that it may be possible for the County to purchase these properties and then transfer ownership to some other organization. He explained that this is another task of the entire salmon recovery effort, and is something that the County can point to that shows we are protecting and accomplishing salmon recovery efforts.

Chairman Anderson stated that this is directed specifically at salmon habitat. However, the County has no obligation to protect salmon habitat under State law, but for some reason Skagit County has ended up spearheading this effort. He stated that Department heads are making policy decisions such as this, including this item in an appendix of documents, and never discussing the details with the Board.

Mr. Martin concurred this is frustrating because these issues are moving quickly, and documents are produced in volumes that cannot be entirely digested until it comes down to implementation. He stated that this property is something that the County can purchase at this point, and then divest itself later to an appropriate agency or group. This offers a chance to move forward on one component of protecting fish, which we should receive credit for.

Mr. Boge confirmed that this is somewhat time critical as the ALEA grant runs out on the 31st of May. He stated that one Purchase and Sale Agreement has already been circulated for review, but could be pulled should the Board decide they do not want to proceed with the purchase. He stated that this project has been in progress for some time, with appraisal work and other tasks being accomplished.

Commissioner Anderson stated that this is included in the appendices to the Wild Salmonid Policy and now the County is trapped, even though the policymakers did not have anything to do with this. He reiterated the need to discuss these kinds of decisions with the Board.

Commissioner Dahlstedt indicated that with the buffer situation hanging over the County's head and potentially 2,200 to 2,400 acres of land being forced to be buffered, with a possible lack of funds for purchase, this situation could be unpleasant. However, it looks like the boat has already left the dock. He stressed that these types of programs need to come before the Board, especially if there are financial obligations associated therewith, and it would be nice for the Board to have a synopsis prepared that clearly outlines the obligations of the Board and the County as a whole.

Mr. Martin indicated that if he had been more experienced two years ago, he probably would have noticed this attachment to the Wild Salmonid Policy.

Commissioner Dahlstedt asked if there would be any negative repercussions involved in this grant if the Board proceeds with the reallocations.

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Mr. Martin stated that there would be no money left to purchase the property involved in the Jackman Creek Project, but that additional funding could be requested when the County is ready to proceed on that project.

After a brief discussion of the ramifications of approving this reallocation, Commissioner Dahlstedt moved to approve the grant amendments reallocating the \$150,000 from the Jackman Creek Acquisition Grant to the Acquisition of Key Salmon Habitat Grant. Commissioner Munks seconded the motion, which passed unanimously. **(Contract Nos. 04581, 04515)**

### **BID OPENING – FLOOD DEBRIS REMOVAL FROM HIGHWAY 9 BRIDGE.**

Bob Vaux, Assistant Director of the Parks & Recreation Department, opened bids for Flood Debris Removal from the Highway 9 Bridge as follows:

Rohweder Crane Service  
PO Box 784  
Concrete, WA  
Base Bid \$30,000  
Storm Event \$2,340  
Total Bid - \$32,340  
Bid Bond Attached

Rick Tingley  
22285 Cully Road  
Sedro Woolley, WA  
Base Bid \$25,500  
Storm Event \$1,989  
Total Bid \$27,489  
Bid Bond Attached

Mr. Fair advised that the bids would be considered and a bid award recommendation made.

### **PUBLIC COMMENT PERIOD.**

Ian Munce, City of Anacortes Planning Department, spoke regarding his feelings on the Boundary Review Board (BRB), saying that the whole operation of the BRB is stacked against the cities. He stated that there are never any staff reports, and that testimony is never considered. Further there is no opportunity to review findings or to request reconsideration. He stated that there are hard feelings because there is no level playing field or sense of fairness.

Margaret Fleek, City of Burlington, stated that she has spent lots of time with the BRB and that she is concerned about some of their procedures. She stated that she is actively working to comply with the Growth Management Act so that the BRB can be sunsetted.

Tana Hamiter, 1202 Independence Avenue, SW, spoke regarding the continuing problem of hybrid wolves running in the area of the Sauk River, where she owns property. She stated that hybrid wolves are not allowed in King County. She indicated that the situation has gone beyond dangerous and is critical in that four weeks ago she was attacked by two wolves. She detailed additional attacks since that time, and the discovery of a den of eight pups which were referred to the Humane Society. This past week, her husband was attacked. She explained that she has contacted the police and animal control and their hands are tied because technically these are not "dogs." Conversely, Fish & Wildlife cannot do anything because they are not "wolves." The alleged owner of these animals has been contacted by both the police and animal control, and he has turned violent and threatened to burn Ms. Hamiter's house down. People in the neighborhood are living in fear and carrying guns, which poses a threat to children,

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adults, and pets in the area. She advised that Sandy Nelson of the Humane Society had prepared paperwork in this regard and would be meeting with the Prosecuting Attorney to discuss what can be done.

Commissioner Anderson indicated that he is trying to get a copy of Whatcom County's ordinance in this regard and to see if they have had any court challenges. He stressed the need to come up with an ordinance that would be acceptable, and suggested consultation with both Sheriff Goodman and the Humane Society to develop laws that would work for everyone. He indicated that, with the Prosecuting Attorney's workload, these cases have a way of getting regulated to the bottom of the pile. He indicated that he would try to see if there could be a short-term solution.

George Fisher, Chairman of the BRB, discussed the work of the BRB, saying that he has no vested interest in any of the outcomes. As far as making capricious decisions, everything the Board does, every decision made is made according to the law. This includes the eventual dissolution of the Board, which is dictated by the Growth Management Act. He stated that is has no motivation to be anti-city. He stated that every decision made is dictated by the objectives and factors the BRB must consider.

Chairman Anderson stated that the Board appreciates the job the BRB does and knows the Board members have no vested interest in the outcome of their decisions. He indicated that as long as he is Commissioner, the County would have the BRB.

Commissioner Dahlstedt indicated that it is the Board's job to represent all of the cities and citizens, and that the function of the BRB helps the Board accomplish that in a fair way.

Commissioner Munks stated that he is a strong supporter of the BRB as it is a source that the citizens can come to rather than go to Superior Court.

Chairman Anderson summarized that the general consensus is that the Board recognizes the value of the BRB, and wants the BRB to continue down their legislated path, recognizing the fact that growth management is much more political than scientific.

### **MISCELLANEOUS.**

Staff presented a Resolution that memorializes the County providing a defense to Phyllis Coole-McKeehen in a lawsuit brought by Patricia Hanson. Commissioner Dahlstedt moved to authorize payment, at a reasonable local rate, for such legal services, the legal costs of defense on behalf of Ms. Coole-McKeehen in such lawsuit. Commissioner Munks seconded the motion, which passed unanimously (**Resolution No. 18172**)

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS**  
**SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Don Munks, Commissioner

ATTEST:

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