

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, February 26, 2001**

9:00 a.m. – 9:30 a.m.	Work Session – County Administrator.
9:30 a.m. – 10:00 a.m.	Work Session – Commissioners' Staff Meeting.
10:00 a.m. – 11:00 a.m.	Department Head Meeting.
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items.
*T 11:30 a.m. – 11:45 a.m.	Public Comment Period.
1:30 p.m. – 3:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, February 26, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

DEPARTMENT HEAD MEETING.

Stephanie Wood, Personnel Director, advised those assembled that David Fair, Parks Director, had resigned from the County to return to Post Falls, Idaho as their Parks Director. The Board has appointed Bob Vaux to act as Interim Director until the search for a new Parks & Recreation Director is completed.

Ms. Wood next discussed the negotiations with the Medical Bureau and the resultant contract for the remainder of 2001. She explained the percentages that the County had agreed to pay, noting that there would be no changes in coverage to employees, other than the possibility that the Federal government make institute new rules concerning payment for birth control pills.

Chal Martin, Public Works Director, discussed the implementation and challenges of the Critical Areas Ordinance (CAO). He reviewed the meetings of the Science Advisory Panel (SAP) in this regard, and the need for County Staff support to the SAP. He commented on the lack of funding to fully implement the CAO. Mr. Martin stated that the Western Washington Growth Management Hearings Board (WWGMHB) did not issue a final decision in this regard until February 9. Immediately thereafter, the Board and Staff met with many of our Legislators in Olympia, checking for possible funding to supplement the \$1.5 million previously received for CAO implementation. It was discovered that the State budget is very tight and that the possibility of obtaining additional State monies is virtually nil. Consequently, the Board's direction was to keep the program moving ahead, utilizing existing resources and Staff. He reviewed some of the particulars of the proposed implementation and the need to press on with the baseline monitoring program to start pulling samples and prioritizing the program. He discussed that there is pressure on the SAP to assist in the area of "science" that is not well developed and needs the judgment and expertise of those on the SAP. Mr. Martin stated that the program is very complicated, but that there are small blocks that can be pulled out and worked on.

Mr. Martin next discussed the Conservation Reserve Enhancement Program (CREP), a Federal program that is available and pays more to landowners for the lease of their property. He stated that he has asked Ric Boge of Surface Water Management to head up this program and report to Dave Brookings, Public Works Administrator. Rich Doenges of the Farmland Legacy Program will help facilitate the SAP to keep things moving for future decision-making.

Mr. Martin reported that the SAP has discussed the appropriate level of public input. They have agreed to meet twice per month. He reviewed that the matter of compensation for those SAP members who are

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not otherwise compensated for their time through agencies or companies had been proposed. This, however, may set a precedent for other boards and commissions who have devoted a large amount of time to the County's benefit without compensation. This is an administrative item that has not yet been approved and is in the discussion stage only. He briefly reviewed the composition of the SAP.

A discussion ensued on the involvement of County Staff on the SAP, and the need for an administrative component to assist them.

The concept of pay for such panel members was discussed. Chairman Anderson commented that one of the complications in trying to keep a balance on these types of committees is that representatives of agencies are being paid, while private citizens are taking time away from their regular jobs and are not being compensated. He stated that there is the need to keep such committees in perspective and not be totally agency driven.

Chairman Anderson commented that the Commissioners would be gone March 1-9 to Washington, D.C., and hope to have an audience with the Secretary of Agriculture regarding the CREP Program, together with the Department of Labor regarding Job Corps., among other issues. He stated that the message they would be carrying is that local jurisdictions cannot bear the financial burden of State imposed rulings without adequate funding. He spoke to the need to broaden the scale of the CREP Program to fit our buffering requirements.

Mr. Martin discussed the manning for the agricultural buffering program, stating that the idea is being proposed to implement this program utilizing existing staff, consequently reducing what is done in other areas.

Tom Sheahan, Emergency Management Director, asked about rumored funding set aside for salmon recovery beyond the \$1.5 million Skagit County has already received. He stated that he believed this money was to be distributed to counties in Eastern Washington, and that West Coast counties had not tried to access this funding.

Chairman Anderson responded that the Board had only heard of the monies available through the CREP Program. He stated that CREP would be attractive to farmers in Eastern Washington as there is a 125-foot buffer requirement, and the program pays 200%.

Commissioner Munks added that there was talk that there might be Federal money available, but that the State had not received any conformation of how much or when the funds might be available.

A discussion ensued on the lack of adequate funding, and the long-range economic impacts to the County, together with the affect to State Highway projects and County road maintenance projects.

Mark Leander, County Assessor, advised that I-722 was found to be unconstitutional. He reviewed some of the particulars of this ruling.

CONSENT AGENDA.

Commissioner Munks moved to approve the Consent Agenda for Monday, February 26, 2001, items 1-21. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, February 20, 2001.
2. Call for Bids for County Legal Printing for the period July 1, 2001 to June 30, 2002. Bids will be opened on Tuesday, March 27, 2001, at the hour of 1:30 p.m. **(Resolution No. 18179)**

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PROSECUTING ATTORNEY:

3. Quit Claim Deed to S&H Properties transferring ownership of a small parcel, which underlies the building housing Skagit Paint in Sedro Woolley. **(Deed No. 0468)**
4. Resolution Amending the Personal Services Agreement Procedure and Resolution No. 15946 and Adopting Forms. **(Resolution No. 18180)**

HEALTH DEPARTMENT:

5. Amendment No. 5 to the Consolidated Contract with the State Department of Health adding \$520 to the WIC Program federal revenue for the October-December 2000 time period. Total maximum consideration is increased to \$408,202. **(Contract No. 04724)**
6. Out-of-State Travel Request for Andy Ross to attend the Biocycle West Coast Conference 2001 in Portland, Oregon, March 5, 6 & 7, 2001 at no cost to the County. **(Approved)**

YOUTH & FAMILY SERVICES:

7. Personal Services Agreement with Norfolk Studio c/o Chris Wardenberg-Skinner to provide a youth art program for the period January 1, 2001 through December 31, 2002. Compensation is set at \$15 per hour for up to 20 hours for the initial program planning and development, \$50 per hour per art instructor, \$15 per hour for administrative support for the exhibition and/or performance of student art, and \$15 per hour for additional project planning time. **(Contract No. 05210)**

FACILITIES:

8. Vendor Services Agreement with Bill Winter for janitorial services at the Department of Emergency Management at the E911 Center. The agreement commences on the date of signing and terminates on December 31, 2001. Compensation shall be at a monthly rate of \$150 with total charges for the term of this agreement not-to-exceed \$2,000. **(Contract No. 05211)**
9. Bid Award for the Skagit County Administration Building Second Floor North Remodel to Paragon Construction Company, Inc. for a base bid of \$62,000. **(Resolution No. 18181)**
10. Rental Agreement with the Saturday Community Market Association for the Concrete Senior Center parking lot for the period May 12, 2001 through September 1, 2001. Total rental for this period is \$255. **(Contract No. 05212)**

INFORMATION SERVICES:

11. Out-of-State Travel Request for Karen Radcliffe to attend the Cayenta 2000 User Conference in Las Vegas, Nevada, April 16-21, 2001, for a total cost of \$1,200. **(Approved)**

PUBLIC DEFENDER:

12. Addendum to Contract with Darren Acoba changing the compensation rate to \$1,500 from \$1,200 per month effective February 1, 2001. **(Contract No. 04497)**

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SHERIFF'S OFFICE:

13. Personal Services Agreement with Cutting Edge Training to conduct "Use of Force" Training sponsored by the Skagit County Sheriff's Office and attended by other interested local law enforcement agencies. Compensation is not-to-exceed \$1,850, most of which will be compensated by local agencies. The contract begins February 1, 2001 and expires February 10, 2001. **(Contract No. 05213)**

SENIOR SERVICES:

14. Out-of-State Travel Request for Donna Sitts to attend the Senior Service Corps. Pacific Cluster Conference in Los Angeles, California, April 10-12, 2001 for a total cost of \$804. **(Approved)**

PLANNING & PERMIT CENTER:

15. Resolution increasing the revolving cash fund for the Skagit County Permit Center from \$200 to \$400. **(Resolution No. 18182)**

PUBLIC WORKS:

16. Out-of-State Travel Request for Vicki Griffiths to attend the 2001 Northwest Paving Management Association Spring Conference in Coeur d'Alene, Idaho, April 10-12, 2001 for a total cost of \$386. **(Approved)**
17. Out-of-State Travel Request for Gail Logsdon to attend the 52nd Annual Road Builder's Clinic in Coeur d'Alene, Idaho, March 6-8, 2001 for a total cost of \$844. **(Approved)**
18. Consultant Agreement with Shearer Design for preliminary engineering for the seismic retrofit of the superstructure of the Skagit County South Fork Bridge with the maximum amount payable set at \$42,647. **(Contract No. 05214)**
19. Supplement No. 1 to the Interlocal Agreement with the City of Burlington regarding the Downtown Street Lighting Project (from Fairhaven Avenue – Burlington Boulevard to Anacortes Street), which simply clarifies language in Section II of the Agreement. New language says "The County shall be responsible to pay the City \$272,348 in County dollars after the City project is completed." **(Contract No. 04488)**
20. Resolution Authorizing and Interlocal Agreement with Skagit Council of Governments (SCOG) that will allow work by both parties for one another (reimbursable work), effective for a five year calendar period December 4, 2000 through December 4, 2005. **(Resolution No. 18183, Contract No. 05215)**
21. Consultant Agreement with Parametrix, Inc. for the environmental permitting for the Town of Concrete Main Street Project. The budget is less than \$9,500, with a June 1, 2001 estimated completion date. **(Contract No. 05216)**

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, February 26, 2001, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

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Warrants numbered 90108 through 90108 from Clearing fund 696 in the total dollar amount of \$2,300.00 (Transmittal No. C-13-01);

Warrants numbered 90109 through 90714 from Clearing fund 696 in the total dollar amount of \$1,014,383.85 (Transmittal No. C-14-01).

Payroll warrants numbered 954605 through 954688 in the total dollar amount of \$76,954.29 (Transmittal No. P-7-01); and

Payroll warrants numbered 69315 through 70226 in the total dollar amount of \$863,136.31 (Transmittal No. P-8-01).

2. On behalf of the Prosecuting Attorney's Office, Staff presented a Settlement Agreement and Release of All Claims with 4 H Enterprises in a condemnation matter for property along Cook Road. The Board was advised that the Agreement had been signed by Cornell Jay Hibma, Manager, on behalf of 4 H Enterprises LLC. Commissioner Munks moved to approve the Settlement Agreement as presented by Staff and Commissioner Dahlstedt seconded the motion. The motion was approved with a unanimous vote. **(Contract No. 05217)**
3. On behalf of the Prosecuting Attorney's office, Staff presented a Quit Claim Deed to Joseph W. Engberg and Khirstie A. Engberg, husband and wife, for the Board's consideration regarding an unopened right-of-way adjacent to property in Montborne and Reserve Addition to Montborne. Commissioner Munks moved to approve the Quit Claim Deed, and Commissioner Dahlstedt seconded the motion. The motion passed unanimously. **(Deed No. 0469)**

PUBLIC COMMENT PERIOD.

Howard Gulley, 15815 Yokeko Drive, Anacortes, reviewed the particulars of the drainage problems on his property and the requirement for a Fish & Wildlife Habitat Study to obtain a building permit on his property. He reviewed photographs of a new dock that had been constructed in his neighborhood that went through the complete shoreline management process which did not require a Fish & Wildlife Habitat Study. He discussed the work that was done during the construction of the dock, suggesting that individuals are not treated equally in this regard. He commented that more and more individuals will be proceeding with projects without obtaining permits due to encountered difficulties.

Commissioner Anderson stated that he could not speak to the fair application of the building permit process requirements. He did, however, advise Mr. Gulley that the County had recently signed on with other counties to challenge the new shorelines rules. He commented that the County always takes the blame for State regulations. He said that he would check and make sure that the regulations are applied equally, noting that there may be differences in the permitting of docks and garages.

A discussion ensued on the difficulties of obtaining permits from the State, the involvement of outside parties and the Tribes, and the applicable County regulations.

Mr. Eacrit, address unknown, asked about the weekend's activities along Highway 9 involving an unpermitted motorcycle racetrack.

Chairman Anderson responded that the matter was under review after he and the other Commissioners had received numerous complaints over the weekend. He stated that the event was unsanctioned and not permitted, and had been issued a stop work order. There was also no fill and grade permit.

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Tom Solberg, 19019 Minnie Road, Alger, commented that it appears that private property is being over-regulated, and that individuals are proceeding with projects with the thinking that it is easier to ask for forgiveness than permission.

Chairman Anderson spoke to the balance necessary protect private property rights, while also maintaining the rights of neighboring properties in the respect of health, safety, and property values.

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**

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

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