

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, July 2, 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**
- 11:30 a.m. – 11:35 a.m. Formal Action to Coordinate with Pacific Legal Foundation Regarding
Common Sense Salmon Recovery Suit
- 11:35 a.m. – 12:00 p.m. Consideration of Hearing Examiner’s Recommendation for Approval for
the following Timber Open Space Applications:
- 1) Richard Wailes for property located on Sinclair Island, Tract 8 of
Survey of Sinclair (OT-01-0201);
 - 2) Rex and Betty Houser for property located on the south side of
Samish Heights Road, approximately 1,600 feet east of the
intersection with Ershig Road (OT-00-0338);
 - 3) Mary Mureau for property located on the east side of Wood
Road, at 16453 Wood Road, Bow WA (OT-01-0213);
 - 4) Mary Mureau for property located on the east side of Wood
Road, at 16453 Wood Road, Bow, WA (OT-01-0214);
 - 5) Joseph Haines for property located on the east side of Wood
Road, at 16595 Wood Road, Bow, WA (OT-01-0211);
 - 6) Joseph Haines for property located on the east side of Wood
Road, at 16595 Wood Road, Bow, WA (OT-01-0212);
 - 7) Peter Poeschel for property located north of Highway 20, off of
Elk Run Drive, Bacus Hill Tract 62 (OTY-00-0018).
- Consideration of Hearing Examiner’s Recommendation for Approval of
Open Space Applications for:
- 1) Roy and Bernice Hensler for property located east of State
Route 9, just south of the Whatcom/Skagit County line (OS-00-
0862).
- 1:15 p.m. – 1:30 p.m. Bid Opening – Senior Citizens Catered Meals
- 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, July 2, 2001, with Commissioners Ted W. Anderson, Kenneth A. Dahlstedt, and Don Munks all present.

DEPARTMENT HEAD MEETING

Mike Almvig, Director, Information Services, said 2002 budget preparation materials are ready and can be obtained from the Skagit County website. Departments should submit their requests as soon as possible, with requests for computers and printers being received by August 3. Automated system requests are due by July 13. In explaining the importance of receiving requests as early as possible, he described the fact that about 39 projects are being tracked right now, with 40 to 50 in the queue. One request can tie up five engineers.

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Roger Howard, Director, Facilities Management, reported that he is working on bid specifications to repair and resurface the parking lot behind the courthouse. The contractor will install temporary fencing around the sidewalks. Some work will occur at night because of the court schedule and the need for heavy equipment to remove the asphalt.

Commissioner Anderson asked Mr. Howard to explain why this repair is so extensive.

Mr. Howard said the biggest issue is drainage, as the lot does not drain well, with a lot of ponding occurring. All of the drainage systems, catch basins and pipe will be replaced, with utility lines to deal with as well. The electrical power that serves courthouse and annex is fed through this building through conduits under that parking lot.

He added that it is unlikely the project can occur without breaking something. i.e. power, water, etc. He said they would do the best they can.

Peter Browning, Director, Health Department, made a suggestion about copy machines. Since the County is buying copy machines for all of the different departments, it might be feasible down the road to have an area for large copying projects. Projects could be dropped off to be completed on a larger copier, with the idea of keeping more manageable copy machines in each department. Another disadvantage of the present system, at least in the Health Department, is the fact that public health nurses can be tied up doing copying projects, which is not a cost savings.

Mike Almvig added that they have seen a lot of people use equipment wrongly. He wondered how much outsourcing the County is doing now.

Commissioner Anderson suggested that Cori Russell, Tom, and Mike take a look at this. It sounds like it may be a very good idea.

The difficulty for employees to use county restroom facilities was brought up for discussion. Currently, Records Management employs a disabled employee. Cori Russell said the present facilities are very difficult for disabled employees to use. Joanne Angevine agreed, stating that she thought there could be a possibility that the County could be out of compliance with ADA requirements if something isn't done about it.

Commissioner Anderson requested that Roger Howard look into finding a door opener for restrooms. He said a friend told him that the placement of door handles could very well correct some of these problems.

Ms. Angevine expressed appreciation for the fact that this employee was hired. She said she thought the museum and the library could very well use employees with disabilities.

Mr. Browning talked about a success story with a previous employee. Commissioner Anderson was very supportive of this and said he was appreciative of department heads that are willing to participate in hiring disabled employees.

Karen Marshall, Director of the Skagit County Historical Museum in La Conner, introduced herself to everyone. She said that recently about 18 volunteers made up a work party at the Rosario School on Fidalgo Island. She then thanked the Parks and Recreation Department for their help in allowing the Museum to use their truck. She stated that they plan to raise about \$4,000 more dollars to put a roof on the school. She invited everyone to come to the latest exhibit of Darius Kinsey photographs. She added that the WWII exhibit has been postponed until March 2002.

Commissioner Anderson mentioned that a friend of his has the original flag Hitler flew at the Eagles Nest. He thought it would be nice to borrow the flag for that exhibit.

Ms. Marshall said that people in all areas of the county would be working on this exhibit with herself and museum staff.

Lastly, Ms. Marshall mentioned that they are presently working on developing a major fund raising event.

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Joanne Angevine, Director, Human Services, asked for clarification of the flood control policy, especially as it is linked to salmon conservation.

Commissioner Munks said that their complaint about making the Chinook an endangered species is the fact that they took only wild salmon. It was reported in the news yesterday that the season has been extended because of record levels of Chinook. He said he thought a lot of this is more political than scientific.

Commissioner Anderson added that for almost every dollar out there now, there would likely be a salmon component. He agreed with Commissioner Munks that this is probably a lot more political than scientific. Skagit County really needs a flood control project and they are looking for a way for that to happen, with the salmon component part of it.

Commissioner Dahlstedt said there are a lot of facets to this project. It is a huge benefit for transportation and if fish is a component, there will be some fish recovery as part of the project. He said the goal of the Commissioners is to make this a success. That is why the hiking and biking trails are important, as the land may be used for hiking and biking. People who don't have an interest in flooding may have an interest in hiking and biking. They are trying to look at creative ways to get the public needs met.

Ms. Angevine was concerned about a possible flooding event.

Commissioner Dahlstedt agreed that at some point the talking has to stop and something needs to get done. He said he is thankful that the three Commissioners are committed to working together.

Tom Karsh talked about moving ammonium nitrate through the County last month. The movers of the material worked out a deal with Dan Cain, Skagit County Fire Marshall, to do smaller portions at a time. It is now on a barge on its way to Alaska.

Commissioner Anderson referred to some articles in the newspaper about the real estate excise tax money. He explained that there are hurdles that have to be overcome with state agencies and others to get some of these projects going. The committee that reviews the applications for sales tax money is broad based and, although their decisions are subjective, they do know that the projects they approve will bring jobs and economic development to Skagit County.

Another recent article had to do with the Northern State Recreation Area. The REET Committee made a unanimous recommendation to support the project. There is no other facility in the State or the County as unique as this property.

He then reviewed some of the projects that have occurred with the help of real estate excise tax funds. For example, the weight room at Concrete High School was expanded and their track was relocated. They partnered for \$150,000 for a new track at Sedro Woolley High School, and \$100,000 for Burlington High School, with a commitment to Mount Vernon to do the same thing. He also mentioned the skateboard parks in Anacortes and Mount Vernon, adding that La Conner will also be getting a skateboard park.

In terms of ball fields, every single one in the County is booked. The playfield they are trying to get for Northern State will benefit every community in the County.

He said that he wanted to talk about this so department heads would understand the perspective of the Commissioners. Things can start in a positive mode, but often end up focusing on the negative, which tends to diminish the value of the programs. He mentioned that Best Self and Best Place have been very beneficial to the County and have brought many things to the community that would not have been affordable.

Commissioner Munks agreed, talking about where the REET funding has been allocated to date. He said that only about 1/8 of that funding has come back to the County.

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Commissioner Dahlstedt said he thought the County has done a good job in setting up this process. Only a few counties have actually done this.

Commissioner Anderson said that everyone does a great job representing the County in the communities, as 99% of the comments he receives are positive. The only problem is that the negative ones are louder. He said that customer service pays dividends.

Mike Almvig said they are seeing a lot of positive comments on the website about Skagit County and where the County is going.

Nancy Brown, Director, Youth & Family Services, suggested that a way for the County to counter some of the press is to come back with accurate information. She asked about a public information officer.

Commissioner Anderson said they are going to talk about this for the budget for 2002, as there does need to be a way to get the County's side of the story out to the public. Televising more meetings would help also.

The meeting adjourned, with the Commissioners thanking everyone for attending.

CONSENT AGENDA

Commissioner Munks made a motion to approve the Consent Agenda for signature. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE

1. Record of the Proceedings for Monday, June 25, 2001.
2. Record of the Proceedings for Tuesday, June 26, 2001.

ADMINISTRATIVE SERVICES

3. Contract with Washington Dental Service to provide employee dental services. There are a few amendments, which include increased coverage in some areas and a rate change. The 2001 rate is \$80.93 and the 2000 rate was \$77.94. The effective date of this Contract is January 1, 2001 and shall run for a period of one year. **(Contract #005349)**
4. Interlocal Cooperative Agreement between the Office of the Administrator for the Courts and Skagit County for reimbursement for FY2002 and FY2003 Expanded Jury Source List project. June 30, 2001 marks the end of the state's fiscal biennium and is the final date to reimburse counties for expenses incurred related to the Expanded Jury Source List between July 1, 2000 and June 30, 2001. The contract term is July 1, 2001 through June 30, 2003. **(Contract #005350)**

BEST PLACE

5. Personal Services Agreement between Skagit County Best Place and Our Kids Press to serve as a consultant for all Best Place Child Care sites for the design of classrooms and outdoor environments. The term of this Agreement shall commence on May 1, 2001 and continue until May 1, 2002. The fee will be \$600 per day for services within the scope of the contract not to exceed \$5,000. **(Contract #5351)**

HEALTH DEPARTMENT

6. Contract between Washington State Migrant Council and the Skagit County Health Department to provide Registered Nurse health and safety consultations to the Washington State Migrant Council childcare sites. This is an annual, seasonal contract. Performance shall commence on

April 16, 2001 and shall be completed no later than September 30, 2001. Compensation shall not exceed \$6319.60. **(Contract #5352)**

7. Resolution to Call for Public Hearing to adopt revisions to Skagit County Code 12.36, Food Service Establishments. **(Resolution #18292)**
8. Personal Services Agreement with KAPS Radio to air commercials addressing the issue of illegal dumping in Skagit County. The contract begins June 1, 2001 and ends on September 30, 2001. Maximum consideration shall not exceed \$2,730. **(Contract #005353)**
9. Personal Services Agreement with KBRC to air commercials addressing the issue of illegal dumping in Skagit County. The contract begins June 1, 2001 and shall terminate on September 30, 2001. Maximum consideration shall not exceed \$3,270. **(Contract #00354)**

NOXIOUS WEEDS

10. Project Grant Agreement between Skagit Fisheries Enhancement Group and the Skagit County Noxious Weed Control Board to provide a grant award to Skagit County for the control of Spartina. The total grant award provided by SFEG shall not exceed \$20,000. Skagit County is required to provide matching funds in the same amount. The Project reimbursement period shall begin on March 28, 2001 and end on July 1, 2003. **(Contract #005355)**

PLANNING AND PERMIT CENTER

11. Ordinance amending the Skagit County Code 14.02.040 to adopt City Concurrency Ordinances for the Cities of Anacortes, Burlington and Sedro Woolley and the Town of Concrete in response to findings of noncompliance in Western Washington Growth Management Hearings Board Case No. 00-2-0050c. **(Ordinance #18293)**

TREASURER

12. Resolution to increase the Treasurer's Change Fund from \$600 to \$700 due to a separate cash drawer for collection of excise tax revenues. **(Resolution #18294)**

PUBLIC WORKS DEPARTMENT

13. Resolution approving Interlocal Cooperative Agreement between Skagit County and the Town of Concrete which would allow the Skagit County Public Works Department to perform work, provide materials and equipment rental for the Town of Concrete's facilities as requested. **(Resolution #18295)**
14. Interlocal Cooperative Agreement between Skagit County and the Town of Concrete to allow Skagit County Public Works Department to perform reimbursable work for them. The term of this Agreement shall begin June 10, 2001 and continue through June 10 2006. Compensation shall be for the actual cost incurred by the County for said work, materials, and equipment rentals, in addition to a 9% fee added for overhead costs. **(Contract #005356)**
15. Personal Services Agreement with Industrial Mowing and Spraying to control grass and brush along waterways in the Sub-Flood Control Zones. The term of this Agreement shall commence on June 1, 2001 and continue until March 31, 2002. Total compensation shall not exceed \$10,000. **Contract #005357)**
16. Resolution Calling for Public Hearing to establish an Ordinance to revise the existing posted speed limit on Lake Cavanaugh Road #0020 from milepost 3.599 (Granstrom Road) to the end of the road (North Shore Drive), from 35 miles per hour to 45 miles per hour. **(Resolution #18296)**
17. Resolution Calling for Public Hearing to establish an Ordinance is to revise the existing posted speed limit on Ershig Road #23210 from milepost 0.00 (SR11) to milepost 1.52 (Allen Road),

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from 35 & 50 miles per hour to 45 miles per hour. **(Resolution #18297)**

18. Addendum for the recent Franchise Agreement No. 052960 with the Samish Farms Water Association. The purpose of this Resolution is to add Wharf Street and G. Loop Road to Appendix "A" of the Agreement. **(Resolution #18298)**
19. Summary of Offer for the Snee-oosh Road Drainage Improvement Project. The project will replace an existing 12-inch storm drainage system from Snee-oosh Road to Skagit Bay. The new system is a 36-inch diameter concrete storm sewer and includes a new gravity outlet to the bay. Currently, the only outlet is through a pump that is jointly operated and maintained by the Public Works Department and the Snee-oosh Land Company. This project is scheduled to begin construction in Summer 2001. This summary covers six easement parcels required for the project with initial offers being made totaling \$25,712. **(Contract #005358)**
20. Resolution regarding the sale of excess property to the Town of La Conner. This Resolution would allow the Town of La Conner to purchase one 1991 Chevrolet S-10 pickup truck from Skagit County for a price of \$1,050. **(Resolution #18299)**

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, July 25, 2001, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants 99679 through 100281 in the amount of \$ 2,128,855.65. **(C-44-01)**

ADMINISTRATIVE SERVICES

- 2) Commissioner Munks motioned to approve a Personal Services Agreement with Cynthia Weed, Preston Gates & Ellis, LLC to advise and counsel Skagit County with respect to the proposed formation of a Public Facilities District by the County and the legal requirements related to such formation. The term of this Agreement shall commence on March 1, 2001 and continue until terminated. Compensation shall be \$290 per hour. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005359)**

HEALTH DEPARTMENT

- 3) Commissioner Munks motioned to approve a contract for Personal Services No. C120-1108 with the Superintendent of Public Instruction, State of Washington and the Skagit County Health Department to conduct health and sanitation evaluations of ten school kitchens being used by the Best SELF summer staff. The Contract shall begin June 15, 2001 and end September 8, 2001. Total compensation shall not exceed \$800. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005360)**

HUMAN SERVICES

- 4) Commissioner Munks motioned to approve a County Program Agreement with the Department of Social & Health Services (DSHS) to cover substance abuse treatment services offered in the community. The Agreement shall take effect July 1, 2001 and end on June 30, 2003. Total amount shall be \$1,444,724.00. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #5361)**
- 5) Commissioner Munks motioned to approve Amendment No. 2 with Skagit Recovery Center, which amends the client hours. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 04532)**

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- 6) Commissioner Munks motioned to approve Amendment No. 2 with Rehabco Skagit, Inc. to extend the term of the original Agreement. The term of this Amendment shall commence July 1, 2002 and shall be effective through October 31, 2001. Maximum consideration of this Amendment shall not exceed \$70,000. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 05011)**

PUBLIC WORKS

- 7) Commissioner Munks motioned to approve Amendment No. 1 to Interlocal Agreement with Skagit Conservation District to extend the end date for the Public Works Department to utilize SCD water quality monitoring and planting services through June 30, 2002. It also clarifies that the planting crew rate is \$200 per 8-hour day, or \$25 per hour for days worked in excess of 8 hours. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 04870)**
- 8) Commissioner Munks motioned to approve a construction contract with Knutson & Sons, Inc. to provide various materials and labor in conjunction with the Concrete Sauk Valley Road No. 08000 Project #ES8000-5 at Aldon Creek. The Contract shall commence in July and continue through the summer of 2001. The bid amount for this project was \$236,846.76. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005363)**
- 9) Commissioner Munks motioned to approve a Vendor Services Agreement with Refrigeration & Heating, Inc. to provide cleaning all the supply/return air ductwork, replace filters and clean the HVAC UNITS LOCATED AT THE Cleveland Building. This Contract shall commence on July 1, 2001 and continue until either party terminates. The compensation shall not exceed \$5,000. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005364)**

SHERIFF

- 10) Commissioner Munks motioned to approve a Memorandum of Agreement with the City of Anacortes for the purpose of improving boating safety within the waters of Skagit County. This Agreement shall take effect January 1, 2001 and shall remain in effect until December 31, 2003. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005365)**
- 11) Commissioner Munks motioned to approve Addendum No. 1 to the Personal Services Agreement with John P. Berberich, Ph. D. to provide psychological examinations for potential and existing employees of the Skagit County Sheriff's Office. Total compensation ranges from \$200 to \$275, depending on the service. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #04966)**

CONSERVATION FUTURES

- 12) Commissioner Munks motioned to approve a Grant Deed of Conservation Easement with Earl and Janette Dralle to protect 16.47 acres of farmland along Memorial Highway and across from the Washington State University Experimental Station. The landowner is receiving \$45,565.38 for the easement, with approximately one-quarter of this amount to be reimbursed to the County from the NRCS Farmland Protection Program grant. **(Contract #005366)**

There was some discussion about the importance of departments getting their information in on time for the Consent Agenda. The Commissioners agreed that the deadline for the Clerk of the Board to receive contracts and resolutions should be firm.

FORMAL ACTION TO COORDINATE WITH PACIFIC LEGAL FOUNDATION

John Moffat reported. A couple of months ago the Commissioners requested information about pending litigation regarding the Endangered Species Act listing of the Chinook salmon. He stated that he

contacted Russell Brooks of the Pacific Legal Foundation about this and found other counties are involved in trying to overturn the Endangered Species Act listing of Chinook salmon. The Commissioners have before them for signature a Memorandum of Understanding for Legal Representation by Pacific Legal Foundation staff attorneys. He explained that there would be no attorney's fees paid by Skagit County and the County would be limited to paying a proportionate share of costs, up to \$500.00, and another \$500.00 if appealed.

Commissioner Munks motioned to approve for signature a Memorandum of Understanding on Legal Representation by Pacific Legal Foundation Staff Attorneys to provide representation in connection with challenging the National Marine Fisheries Service's listing of the Chinook salmon as a protected species under the Endangered Species Act (ESA). **(Contract #005367)**

CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATIONS FOR APPROVAL OF TIMBER OPEN SPACE APPLICATIONS

The Commissioners met to consider a number of Hearing Examiner Recommendations. Grace Roeder and Carly Ruacho of the Planning and Permit Center were present to answer questions.

- 1) Commissioner Munks motioned to approve for signature a Resolution Concerning a Timber Open Space Application of Richard Wailes. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18300)**
- 2) Commissioner Munks motioned to approve for signature a Resolution Concerning a Timber Open Space Application of Rex and Betty Houser. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18301)**
- 3) Commissioner Munks motioned to approve for signature a Timber Open Space Application of Mary Mureau (OT 01 0213). Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18302)**
- 4) Commissioner Munks motioned to approve for signature a Resolution Concerning a Timber Open Space Application of Mary Mureau (OT 01 0214). Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18303)**
- 5) Commissioner Munks motioned to approve for signature A Resolution Concerning a Timber Open Space Application of Joseph Haines (OT 01 0211). Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18304)**
- 6) Commissioner Munks motioned to approve for signature A Resolution Concerning a Timber Open Space Application of Joseph Haines (OT-01-0212). Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18305);**
- 7) Commissioner Munks motioned to approve for signature A Resolution Concerning a Timber Open Space Application of Peter Poeschel (OTY-00-0018). Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18306)**

HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF OPEN SPACE APPLICATION

- 1) Commissioner Munks motioned to approve A Resolution Concerning an Open Space Application of Roy and Bernice Hensler. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18307)**

BID OPENING – SENIOR SERVICES CATERED MEALS

Christine Carlson, Project Coordinator, Senior Services Nutrition, was present to open bids for Senior Services catered meals. The following bids were received:

First Choice Foods	
P.O. Box 1959	
Airway Heights, WA 99001-1959	
Frozen Home Delivered Meals	\$1.72
Individually wrapped rolls – each	.07

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G.A. Food Services, Inc.
12200 32nd Court North
St. Petersburg, Florida 33716

Frozen Home-Delivered Meals	\$1.93
Individually wrapped rolls – each	.15

There were two bids received. In each case the caterer chose not to submit a bid for Option No. 1 Congregate and Hot Home-Delivered Meals.

Ms. Carlson will review the bids and return to the Commissioners with a recommendation.

ADJOURNMENT

Commissioner Munks motioned to adjourn the proceedings. Commissioner Dahlstedt seconded the motion, which passed unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

Jean Terry for JoAnne Giesbrecht
Clerk of the Board