

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
MONDAY, DECEMBER 17, 2001**

8:30 a.m. – 9:30 a.m. Work Session – County Administrator

9:30 a.m. – 10:00 a.m. Planning & Permit Center – Tom Karsh, Director

1. Discussion and Possible Action -
 - A. Amendment to Contract with Buck & Gordon for legal services in 2001
 - B. Contract with Buck & Gordon for legal services in 2002.
2. Miscellaneous

*T 10:00 a.m. – 10:45 a.m. Public Works Department – Chal Martin, Director

1. Public Hearing – To consider revising the Skagit County Code to reflect the currently posted speed limit on a portion of Bow Hill Road, No. 21200
2. Signature – Call for Public Hearing to consider revisions to the 2002-2007 Six-Year Transportation Improvement Program
3. Miscellaneous.

10:45 a.m. – 11:00 a.m. Commissioners' Work Break

11:00 a.m. – 11:30 a.m. **Consent Agenda and Miscellaneous Items**

*T 11:30 a.m. – 12:00 p.m. Public Hearing – To Consider Adoption of 2002 Budget

1:30 p.m. – 2:30 p.m. Commissioners' Work Break

2:30 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, December 17, 2001, with Commissioners Ted W. Anderson, Kenneth A. Dahlstedt and Don Munks present.

PLANNING & PERMIT CENTER – Tom Karsh, Director

1. Discussion & Possible Action – A) Amendment to Contract with Buck & Gordon for Legal Services in 2001 B) Contract with Buck & Gordon for Legal Services in 2002.

Tom Karsh, Planning & Permit Center Director, presented the Board with Amendment No. 3 to the Personal Services Agreement with Buck & Gordon to increase the total contract amount for the year 2001 an additional \$20,000 for the period December 15, 2000 through December 31, 2001.

Commissioner Munks moved to approve the amendment and Commissioner Dahlstedt sectioned the motion, which passed unanimously. **(Contract No. 05195)**

Mr. Karsh also presented a Personal Services Agreement with Buck & Gordon to provide consultation, legal services, and litigation support on selected legal issues relating to the Growth Management Act, and other land use matters, as requested by the Skagit County Prosecuting Attorney's Office and/or the Planning & Permit Center. The Agreement shall commence on January 1, 2002 and continue through December 31, 2002. Compensation shall not exceed \$150,000.

Commissioner Munks motioned to approve the agreement with Buck & Gordon for the year 2002 and Commissioner Dahlstedt seconded. The motion passed unanimously. **(Contract No. 05551)**

2. Miscellaneous.

A. Mr. Karsh introduced Al Jongsma to the Board. He will be the Skagit County Assistant Building Official. Prior to this assignment he was a commercial plans examiner.

B. Mr. Karsh said he has been working with Corinne Story, Environmental Health Supervisor, as well as the Similk Beach Advisory Committee regarding transfer development rights. The concept that is being explored is one that would allow a small lot owner to purchase a lot or a portion of a lot from a neighboring land owner. This would allow the owner to combine the property so that there would be enough square footage to build a single family resident. If that were the case then the development rights would be extinguished.

Chairman Anderson asked what the projected consultant costs would be for the project. Mr. Karsh said they would range from \$15,000 to \$25,000.

Commissioner Munks said the County needs to move ahead with development transfer rights. He suggested using qualified consultants that live in Skagit County as their charges would most likely be less costly than Buck & Gordon's.

Mr. Karsh asked the Board if they feel that accessory units should be allowed at Similk Beach when there are known water quality issues. He said the Citizen's Advisory Committee is leaning towards not allowing the units. Chairman Anderson said they will see what decision the CAC reaches before making a decision.

Mr. Karsh then spoke about the proposed building moratorium at Similk Beach. He said Staff is not recommending the moratorium. Chairman Anderson said that if the County is certain that a sewer system is going to be built in a timely manner then the home owner needs to be made aware of the impending system. They will then have the option of delaying their decision to hook-up to the new sewer line or fund their own system.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1. Public Hearing – To Consider Revising the Skagit County Code to Reflect the Currently Posted Speed Limit on a Portion of Bow Hill Road, No. 21200.

Chal Martin, Public Works Director, gave a review of the Engineer's report recommending a revision of Skagit County Code 10.04.030 to reflect the currently posted 35-mph speed limit on Bow Hill Road, #21200 from MP 0.00 (Old Highway 99 North) to MP 0.95 (Bow Hill Frontage Road).

Mr. Martin said that as a result of a citizen inquiry and a subsequent review of the above referenced roadway, it was noted that it was posted with a speed limit that differed from that in Skagit County Code 10.04.030. In accordance with Skagit County Code, the road should have been signed with a 50- mph speed limit since 1987. However, Bow Hill Road, from Old Highway 99 North to Interstate 5, is signed at 35-mph. Additionally, the current configuration of the signing for eastbound and westbound traffic causes an inconsistency of speed limits crossing the I-5 overpass.

Chairman Anderson opened the Public Hearing.

Dean Hayes, 5696 Ershig Road, Bow, asked for clarification on the speed limit revision.

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As there was not further testimony, Commissioner Munks moved to close the Public Hearing. Commissioner Dahlstedt seconded the motion, which passed unanimously. The Public Hearing was closed.

Commissioner Munks motioned to approve the recommendation of Traffic Engineering and revise Skagit County Code 10.04.030 to reflect the currently posted speed limit on Bow Hill Road #21200 from milepost 0.00 to 0.95 to 35 miles per hour. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(An Ordinance will be brought forward at a later date).**

2. Signature – Call for Public Hearing to Consider Revisions to the 2002-2007 Six-Year Transportation Improvement Program.

Mr. Martin presented a Resolution to call for a Public Hearing on proposed revisions to the 2002-2007 Six-Year Transportation Improvement Program (Six-Year TIP). The hearing will be held on January 8, 2002. Adoption of the TIP revisions is scheduled to take place immediately following the Public Hearing. Specific changes proposed are as follows:

- Guemes Ferry/Anacortes Parking Lot: Item #24 – Recommendation: Change funding status to reflect project status. Reason: Awaiting 4F document approval from the Federal Highway Administration.
- State Route/Collins Signal: Item #23 – Recommendation: Add State Route 20/Collins signal project. Reason: Project was not completed in 2001 as planned.
- Guemes Ferry Fare Collection System: Item #23 – Recommendation: Delete from Six-Year Transportation Improvement Plan. Reason: Project dropped.

Commissioner Munks motioned to approve the Notice of Public Hearing for the purpose of considering revisions to the adopted comprehensive Six-Year Transportation Improvement Program for 2002 – 2007. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. 18519)**

3. Miscellaneous.

A. Mr. Martin informed the Board that Public Works had a crew out at Lake McMurray this weekend to deal with rising water levels. Dave Brookings of the Public Works Department met with local fish and wildlife officials. The outlet for the lake is turning into a peat bog and needs to be cleaned out. Mr. Martin discussed several options that are available to them.

B. Mr. Martin said there was a road fatality the previous evening where South Skagit Highway and Walberg Road meet. A tree fell on the vehicle and the driver was killed, however, the passenger was unharmed. He said the road crews are presently cleaning up debris left behind during last night's storm.

C. Mr. Martin then discussed a problem on the Cascade River, which Jim Shue brought to his attention. A bridge across the river washed out some time ago and the steel that is now protruding out of the river presents quite a hazard. He said it is a wild and scenic river and folks raft down it a lot all year long. The bridge debris is not easy to access, but the department realizes that something needs to be done about it.

Chairman Anderson said the best alternative would be to contract with a helicopter service to rope the debris and lift it out.

Mr. Martin said he would check on that possibility next summer when the river is at its lowest point.

CONSENT AGENDA:

Commissioner Munks moved to approve the Consent Agenda for Monday, December 17, 2001, items 1 through 16. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, November 26, 2001.
2. Record of the Proceedings for Monday, December 10, 2001.
3. Record of the Proceedings for Tuesday, December 11, 2001.
4. Resolution to Establish Legal Holidays for 2002. **(Resolution No. 18512)**
5. Resolution Adopting the Findings and Recommendation of the Hearing Examiner and Approving a Timber Open Space Application of Noretap, CU/TMB #4-2001. **(Resolution No. 18513)**
6. Resolution Adopting the Findings and Recommendation of the Hearing Examiner and Approving a Timber Open Space Application of Ray Maichen and S. Aubre Adams, CU/TMB #5-2001. **(Resolution No. 18514)**

BEST SELF:

7. Resolution to Request Approval to write-off non-collectible accounts. **(Resolution No. 18515)**

FACILITIES MANAGEMENT:

8. Vendor Services Agreement with Riverside Millwork Inc., to provide four oak benches similar in design to the benches located in the Superior Courtroom, second floor west. The Agreement shall commence on the date of execution and continue until either party terminates. Compensation shall be \$6,916, not including sales tax, with a not-to-exceed amount of \$10,000. **(Contract No. 05549)**

HEALTH DEPARTMENT:

9. Interlocal Agreement between Skagit County, Whatcom County, and Snohomish Health District for shared Health Officers to serve as *Acting* Health Officers for other local health jurisdictions during periods of absence or unavailability. The Agreement shall become effective upon execution and shall continue until otherwise modified or terminated. No compensation is requested for the Agreement. **(Contract No. 05550)**
10. Amendment No. 3 to the Interagency Work Order for Foster Care Passport Services. The Agreement shall be extended to June 30, 2002 with additional compensation of to be paid in the amount of \$23,207, for a total amount of \$90,342. **(Contract No. 04483)**

PLANNING & PERMIT CENTER:

11. Resolution Upholding the Hearing Examiner's Findings of Fact, Conclusions of Law and Decision Regarding the Application by Mike Beverick/Dave Hudson, d/b/a/ Washington Land Recycling, LLC, File Nos. SPU #P00-0392 and APPEAL 3P01-0802. **(Resolution No. 18516)**

PROSECUTING ATTORNEY'S OFFICE:

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12. Partial Satisfaction of Judgment and Release of Judgment in the Halverson, et al. v. Skagit County case as it relates to Leo and Cornelia Boer, which will pay \$842.99 for said Release. **(Approved)**
13. Settlement Agreement and Release of All Claims by Keith H. Wyman, Jr. and Catherine L. Wyman as it relates to the Cook Road Condemnation Case, Skagit County Superior Court Cause No. 99-2-01482-3. The County shall pay the sum of \$30,000 to the Wyman's as just compensation for the property. **(Approved)**

SHERIFF'S OFFICE:

14. Amendment No. 1 to Interlocal Agreement between Skagit County and the Town of La Conner relating to law enforcement services. The term of the Agreement shall be extended until December 31, 2007. In consideration for the base level of service provided by the County, the Town promises to pay a yearly contract rate of \$381,500 for the calendar year 2004 in a quarterly sum equal to one quarter of the yearly cost from January 1, 2004. **(Contract No. 05245)**

PUBLIC WORKS DEPARTMENT:

15. Ordinance Amending Skagit County Code 10.04.030 to establish a maximum speed limit on West Shore Drive #02500, the entire road, to 25 miles per hour. **(Ordinance No. 18517)**
16. Resolution Revising Resolution No. 1701 regarding clarification of mileposts of West Shore Drive #02500 and Cliff Road #03000. **(Resolution No. 18518)**

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, December 17, 2001, the Board, by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant numbered 110708 from Clearing fund 696 in the total dollar amount of \$400.00 (Transmittal No. C-85-01)

Warrants numbered 110709 through 111138 from Clearing Fund 696 in the total dollar amount of \$1,342,206.02 (Transmittal No. C-86-01)

2. A Resolution was presented by Staff accepting recommendations of the Economic Development Public Facilities Project Advisory Committee for projects submitted in June 2001.

Commissioner Munks motioned to approve funding the following projects from the Rural Distressed County sales tax as authorized by the State of Washington and Skagit County Ordinances and Resolutions, with the exception of Skagit County Fire Protection District No. 6 in the amount of \$250,000:

1. City of Sedro-Woolley: Curtis Street/Northwest Hardwoods Extension	\$ 75,000
2. Town of La Conner: Fiber Optic Infrastructure	\$ 109,000
3. City of Burlington: Wastewater Treatment	\$ 500,000
4. Buller/The Skagit River Resort: Water System Improvements	\$ 350,000
TOTAL GRANT AWARD:	\$1,034,000

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Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. 18520)**

PUBLIC HEARING – TO CONSIDER ADOPTION OF 2002 BUDGET:

Brad Whaley, Finance Director, gave a brief overview of the proposed 2002 budget. He said expenditures from the County's General Fund total \$37.6 million. With only \$37.4 million in revenues, the County will draw \$187,418 from reserves, leaving \$5.2 million. Mr. Whaley said there are still unknown expenditures that will result from unresolved contract negotiations with seven unions and higher health insurance costs for County employees.

Chairman Anderson opened the Public Hearing.

Many members in the audience expressed their concerns about losing access to the Mount Vernon Library. Library trustees and officials earlier asked the County to help offset the expense of serving people who live out-side the city limits. The Mount Vernon Library charges non-residents \$80 per year for a library card. Mount Vernon Library Director Ann Grimm said that without the restoration of County money, they would have to bar non-resident access to the library.

Chairman Anderson said he didn't believe the threat to cut services was credible, as it would cut off a source of revenue for the library without creating a savings.

Ms. Grimm said she didn't know how much money would be saved by preventing non-residents from using the library. Non-residents currently use 28% of the library's services.

Ginny Darvill, 20175 E. Hickock Road, Mount Vernon, said she has used the Mount Vernon Library for years. She said if a countywide library district is the only way rural residents could have library services, they would support it. A countywide library district was rejected by voters in 1997 and 1998.

Skagit County used to provide \$100,000 for libraries countywide. That money stopped flowing in 1999 after tax-cutting Initiative 695 reduced the County's income.

Jack Gubrud, 910 S. 38th Place, Mount Vernon, came before the Board to request money to help support the Boys and Girls Clubs in Skagit County. He said the clubs are starving for funds and unless they receive additional money, some of the clubs will have to close.

Sandy Nelson, 18911 Kelleher Road, Burlington, urged the Board to reconsider their decision to slash the funding for the Humane Society. She said that without the minimal funding request, the County could possibly lose an economical animal shelter.

Commissioner Munks motioned to close the Public Hearing and Commissioner Dahlstedt seconded. The motion passed unanimously.

Commissioner Dahlstedt told the audience that they are committed to help fund the libraries. He said the County's tax base is dwindling due in large part to the annexations being done by the cities. He challenged the cities to take that increased revenue and commit it to the libraries to make sure the funding source is there. Commissioner Dahlstedt feels that the County has been blackmailed and it has been a harmful process.

Commissioner Munks concurred and added that in order to make qualified decisions, there must be accurate figures to look at.

Chairman Anderson said Skagit County will distribute \$100,000 to six city libraries. It will restore the funding, but only for a year. How much each library receives is yet to be determined. He went on to say that the Humane Society of Skagit County will receive an additional \$17,000.

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Commissioner Munks motioned to approve the Resolution established Skagit County's 2002 budget and policy regarding management of certain budget categories, as amended and outlined by Mr. Whaley. Commissioner Dahlstedt seconded the motion, which passed unanimously.
(Resolution No. 18521)

ADJOURNMENT:

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners