

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 8, 2002**

8:30 a.m. – 9:30 a.m.	Work Session – County Administrator
9:30 a.m. – 10:00 a.m.	Deliberation – Adoption of the “2002 Framework Agreement” Regarding Coordinated Planning, Urban Services, and Countywide Planning Policies
10:00 a.m. – 11:00 a.m.	Work Session – Helmick Road Project Update
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items
11:30 a.m. – 11:45 a.m.	Public Comment Period
1:30 p.m. – 2:00 p.m.	Deliberation– Adoption of an Amended Interlocal Agreement Between Skagit County and the City of Anacortes Setting Forth Administrative and Development Standards within the City of Anacortes Urban Growth Area
2:15 p.m. – 4:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition
4:00 p.m. – 4:30 p.m.	Decision – Lake Cavanaugh Unopened Right-of-Way Vacation Request
4:30 p.m. – 4:45 p.m.	Deliberation- Renewal of Skagit County Interim Ordinance No. R20020113 Establishing Interim Controls on RMI-Designated Properties, Imposing Interim Controls on Certain Properties within the Big Lake Rural Village, Restricting Application for the Open Space Reserve CaRD Designation Pursuant to SCC 14.18.310, Restoring the Lot Aggregation Provision of Former SCC 14.04.190(5) and Restricting County Action on Comprehensive Plan Amendments

The Skagit County Board of Commissioners met in regular session on Monday, July 8, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

DELIBERATION – ADOPTION OF THE “2002 FRAMEWORK AGREEMENT” REGARDING COORDINATED PLANNING, URBAN SERVICES, AND COUNTYWIDE PLANNING POLICIES.

Gary Christensen, Assistant Planning Director, provided a brief overview of the proposed “2002 Framework Agreement”. This agreement revises the existing 1992 Framework Agreement between Skagit County, the City of Burlington, the City of Mount Vernon, the City of Anacortes, the City of Burlington, the City of Sedro Woolley, and the Town of La Conner. It is an Interlocal Agreement, which establishes voting and decision making protocol to change the Countywide Planning Policies. The proposed revision results from court ordered settlement negotiations between the aforementioned parties with the goal of unanimous approval.

Mr. Christensen indicated that when a public hearing was held on June 4, 2002, only the County and the Town of La Conner had not yet approved the proposed revision. Since then, the Town of La Conner has approved the agreement with certain amendments and is requesting that the other jurisdictions consider approving the La Conner version as well.

There are two methods of voting in the event that mediation does not result in an acceptable settlement within 90 days. They are by the population base and a jurisdictional base. Mr. Christensen stated that he had contacted Brad Furlong, who represents the Town of La Conner, regarding the supermajority mechanism of voting. Mr. Furlong then put together a revision to the revision.

**RECORD OF THE PROCEEDINGS
MONDAY, JULY 8, 2002
PAGE NO. 2**

Commissioner Anderson said he would like to have all of the cities satisfied with the agreement before any decision is made by the Board of County Commissioners. He suggested that today's meeting be for informational purposes only to see how the cities and the town respond to the proposed revision. He liked the idea that each County representative receives an individual vote.

Mr. Furlong stated that since this new allocation otherwise would have diminished the number of city votes needed to approve a recommendation, the necessary percentage of jurisdictions voting to approve has been changed from 60% to 70%. He also said the reason for the late proposal is due to the fact that the Town of La Conner had not been invited to the negotiations until last week.

Chairman Munks asked for clarification of the language being proposed. As he understands it, if two Skagit County Commissioners vote and each vote differently, then it would be judged a negative vote.

Mr. Furlong said if that was the case, then a third Commissioner would vote.

Mr. Christensen advised that he will be discussing this matter with John Moffat and will inform the Board as to what decision is made.

CONSENT AGENDA.

Commissioner Anderson was absent for this agenda item.

Commissioner Dahlstedt motioned to approve the Consent Agenda for Monday, July 8, 2002, items 1 through 20. Chairman Munks seconded the motion, which was carried.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, July 1, 2002.
2. Record of the Proceedings for Tuesday, July 2, 2002.

HEALTH DEPARTMENT:

3. Amendment No. 3 to **Interagency Work Order No. 04993** with the Washington State Department of Social and Health Services (DSHS) to extend the end date of the Alternative Response System (ARS) contract to September 30, 2002. The effective start of the amendment is July 1, 2002 and will continue until September 30, 2002. This amendment increases the amount by \$4,446 for total compensation of \$40,865. **(Amendment No. A20020080)**

HEARING EXAMINER:

4. Personal Services Agreement with Judith Bendor to act as Hearing Examiner Pro Tem for Shoreline Substantial Development Permit Application. The term of this agreement shall commence on April 3, 2002 and continue until December 31, 2002. Compensation shall be \$75.00 per hour plus mileage at \$.365 per mile. **(Contract No. C20020236)**

INFORMATION SERVICES:

5. The State of Washington contracted with Microsoft to give Washington State Counties and Cities the ability to purchase off the State Contract in order to procure Microsoft products. DIS Select and enterprise agreement afford deep discounts based on volume purchase commitment. We currently have 710 workstations in the County supported by Microsoft Office suite. DIS manages the enrollment process, order process, and billing and contract terms and conditions with Microsoft and Software Spectrum. **(Contract No. C20020237)**

RECORD OF THE PROCEEDINGS
MONDAY, JULY 8, 2002
PAGE NO. 3

PUBLIC DEFENDER:

6. Personal Services Agreement with Robert S. Jones to handle 20 misdemeanor or felony juvenile cases in Skagit County Superior Court for the Public Defender's Office. The term of this agreement shall commence on June 10, 2002 and continue until December 31, 2002. Compensation shall range between \$220 to \$550 per case, depending upon services being rendered. **(Contract No. C20020238)**

RISK MANAGEMENT:

7. Personal Services Agreement with McHaney and Associates, Inc. to provide mandated Mine Safety and Health Administration (MSHS) training for Public Works Employees. The term of this agreement shall commence on June 15, 2002 and continue until June 15, 2003. Compensation shall not exceed \$2500. **(Contract No. C20020239)**

SHERIFF:

8. Personal Services Agreement with Northwest Care Advocates to provide required mental illness training for jail corrections officers. The term of this agreement shall commence on July 1, 2002 and continue until July 1, 2003. Compensation shall not exceed \$2000.00. **(Contract No. C20020240)**

YOUTH & FAMILY SERVICES:

9. Personal Services Agreement with Judith Bosworth to provide specialized child, adolescent, adult and family assessment, evaluation and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, and training. The term of this agreement shall commence on July 1, 2002 and continue until June 30, 2004. Compensation shall range between \$20-\$70 per hour, depending on the services being rendered, with annual compensation not to exceed \$10,000. **(Contract No. C20020241)**

PUBLIC WORKS DEPARTMENT:

10. Resolution identifying expectations for outcome in the Samish Basin Watershed In-Stream Flow Planning Process. **(Resolution No. R20020234)**
11. Resolution Awarding SRV the Bay Ridge Business Bark Street and Utility Improvement Project No. ES9700-2, for a total bid price of \$579,409.36. **(Resolution No. R20020235)**
12. Right-of-Entry Agreement with Frank and Alice Vervaart Parcel No. P23882 allowing the Public Works Department to conduct Wetland grading and planting for the City of Burlington. The Public Works Department has agreed to manage this project on behalf of the City of Burlington through Interlocal Agreement No. 005021 signed in November 2000. Through this agreement, the County agreed to be the certifying agent and manage the project. There is no compensation being paid for the right-of-entry. **(Contract No. C20020242)**
13. Right-of-Entry Agreement with James H. and Judith C. Reeves Parcel No. 74141 for the purpose of performing road construction improvements for Morris Street in La Conner. The sidewalks to the front entryway will be replaced and matched to the front entryway steps at no cost to the property owners. The Public Works Department has agreed to manage this project on behalf of the Town of La Conner through Interlocal Agreement No. 005052 signed in September 2000. Through this agreement, the County agreed to be the certifying agent and manage the project. There is no compensation being paid for the right-of-entry. **(Contract No. C20020243)**

RECORD OF THE PROCEEDINGS
MONDAY, JULY 8, 2002
PAGE NO. 4

14. Right-of-Entry Agreement with Washington Federal Savings & Loan Parcel No. 74183 for the purpose of performing road construction improvements for Morris Street in La Conner at no cost to the property owners. The Public Works Department has agreed to manage this project on behalf of the Town of La Conner through Interlocal Agreement No. 005052 signed in September 2000. Through this agreement, the County agreed to be the certifying agent and manage the project. There is no compensation being paid for the right-of-entry. **(Contract No. C20020244)**
15. Standard Consultant Agreement with Certified Land Services Corporation to provide right-of-way acquisition for the Main Street Road Improvement Project, Town of Concrete. The term of this agreement shall commence on July 1, 2002 and continue until December 31, 2003. Compensation shall not exceed \$20,000. The Public Works Department has agreed to manage this project on behalf of the Town of Concrete through Interlocal Agreement No. 005094 signed in October 2000. Through this agreement, the County agreed to be the certifying agent and manage the project. **(Contract No. C20020245)**
16. Vendor Services Agreement with Dale Geffe Construction to provide installation of new front door to the ferry terminal building. The term of the agreement shall commence on June 1, 2002 and continue until May 31, 2003. Compensation shall not exceed \$1,114.65. **(Contract No. C20020246)**
17. Supplemental Agreement No. 2 to Local Agency Standard Consultant Agreement **No. 005522** with David Evans and Associates, Inc to provide for additional right-of-way acquisition in connection with the Morris Street Improvement Project. The effective amendment date is July 8, 2002 to continue until December 31, 2002. The new maximum amount payable is \$45,518.20. **(Amendment No. A20020083)**
18. Vendor Services Agreement with Handy's Heating, Inc. for repairing the wiring in the mobile office at the Sauk Transfer station. The term of this agreement commenced on May 3, 2002 and will continue until August 15, 2002. Compensation shall not to exceed \$140.14. **(Contract No. C20020247)**
19. Vendor Services Agreement with Likkel and Associates to provide transcription services for public meetings or committee meetings on an as needed basis. The term of the agreement shall commence on June 1, 2002 and continue until May 31, 2003. Compensation shall not exceed \$15,000. **(Contract No. C20020248)**
20. Personal Services Agreement with Wide Screen T.V. for filming the DUI Awareness Sign unveiling and providing copies of that video. The agreement also includes editing the material so it can be used as part of the presentation at the regularly scheduled DUI Victims Impact Panels. The term of the agreement shall commence on April 25, 2002 and continue until December 31, 2002. Compensation shall not exceed \$5,000. **(Contract No. C20020250)**

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 8, 2002, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 123925 through 124283 from Clearing Fund 696 in the total dollar amount of \$1,034,448.79 (Transmittal No. C-56-02); and

**RECORD OF THE PROCEEDINGS
MONDAY, JULY 8, 2002
PAGE NO. 5**

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$10,976.94 (Transmittal No. C-57-02).

2. On behalf of the Planning and Permit Center, Staff presented a Personal Services Agreement with Henderson, Young & Company to provide consulting services for the Skagit County 2003-2008 Capital Facilities Plan. The term of the agreement shall commence on July 1, 2002 and continue until July 31, 2003, or until completion of all phases of work as indicated in Exhibit "B" of the agreement, but not to exceed two years from the commencement date. Compensation shall not exceed the estimated total project budget of \$59,638. Commissioner Dahlstedt moved to approve the Personal Services Agreement as presented, and Chairman Munks seconded the motion. The motion was carried. **(Contract No. C20020251)**

PUBLIC COMMENT PERIOD.

No one was present for the public comment period.

DELIBERATIONS – ADOPTION OF AN AMENDED INTERLOCAL AGREEMENT BETWEEN SKAGIT COUNTY AND THE CITY OF ANACORTES SETTING FORTH ADMINISTRATIVE AND DEVELOPMENT STANDARDS WITHIN THE CITY OF ANACORTES UBRAN GROWTH AREA.

Commissioner Anderson was absent for this agenda item.

Gary Christensen, Assistant Planning Director, gave a brief review of the proposed amended Interlocal Agreement with the City of Anacortes, setting forth administrative and development standards within the City's Urban Growth Area. He stated that in 1992, negotiations with the cities and the Town of La Conner were held to institute a framework agreement, which would establish how decisions are made for the purpose of adopting Countywide Planning Policies (CPPs). The CPPs were amended in 1996. In 1998, it was realized that the agreement needed to be redone. The agreement is operating under a Growth Management Act requirement, which encourages all to coordinate their long-range planning and development in addition to making sure all comprehensive plans and unified codes are consistent.

Mr. Christensen advised that the Board of County Commissioners may want to make the adoption of the amended Interlocal Agreement contingent upon the rest of the cities and the Town of La Conner approving their agreements as well.

John Moffat, Prosecutor, suggested the Board make sure all of the pieces are in place before voting on this agreement.

Commissioner Dahlstedt motioned to approve a Resolution setting forth the Interlocal Agreement between Skagit County and the City of Anacortes on adoption and implementation of the City of Anacortes Urban Growth Area, upon receiving the other agreements so that they may be signed by the Board concurrently. Chairman Munks seconded the motion, which was carried.

DECISION – LAKE CAVANAUGH UNOPENED RIGHT-OF-WAY VACATION REQUEST.

Commissioner Anderson was absent for this agenda item.

Steve Flude, Assistant County Engineer, stated that most of the testimony received at the June 25, 2002 Public Hearing revolved around the proposed Lakey development and its possible negative effect on storm drainage quantity, runoff, and lake water quality.

The Public Works Department believe that current Skagit County Code related to building and stormwater runoff is adequate to ensure the development proposed by Mr. Lakey does not adversely affect the lake or other residents. As the drainage issue is looked at, it may be possible to access the Drainage

**RECORD OF THE PROCEEDINGS
MONDAY, JULY 8, 2002
PAGE NO. 6**

Utility to help with an area-wide solution. All of the residents along Lake Cavanaugh pay into the Drainage Utility.

Mr. Flude said the proposed development itself appears to be a fairly straight forward drainage issue that should have no bearing on the proposed vacation. The biggest stormwater concern around the lake will be from the upcoming logging operations. Those operations have the potential to generate a much larger amount of stormwater, and the stormwater plan will be permitted through the Department of Natural Resources.

Commissioner Dahlstedt motioned to approve the request to vacate the unopened right-of-way lying north of North Shore Drive and that land costs to the property owners not be charged because the County did not purchase the right-of-way. Chairman Munks seconded the motion, which was carried. **(A Resolution will be provided at a later date.)**

DELIBERATION – RENEWAL OF SKAGIT COUNTY INTERIM ORDINANCE NO. R20020113, ESTABLISHING INTERIM CONTROLS ON RMI-DESIGNATED PROPERTIES, IMPOSING INTERIM CONTROLS ON CERTAIN PROPERTIES WITHIN THE BIG LAKE RURAL VILLAGE, RESTRICTING APPLICATION FOR THE OPEN SPACE RESERVE CaRD DESIGNATION PURSUANT TO SCC 14.18.310, RESTORING THE LOT AGGREGATION PROVISION OF FORMER SCC 14.04.190(5) AND RESTRICTING COUNTY ACTION ON COMPREHENSIVE PLAN AMENDMENTS.

Commissioner Anderson was absent for this agenda item.

Gary Christensen, Assistant Planning Director, stated that Interim Ordinance No. R20020113 was originally adopted on January 28, 2002 to provide greater clarity on what interim rules should apply to those situations that are the subject of Skagit County Superior Court Case Nos. 01-2-00423-1 and 01-2-00424-0. On January 18, 2002, Judge James H. Allendorfer signed orders in each of the Superior Court cases continuing the trial to allow the parties the opportunity to pursue settlement. Those continuance orders included certain interim ordinance provisions to address Rural Marine Industrial-designated properties, portions of the Big Lake Rural Village, Open Space Reserve CaRD, lot aggregation, and County action on comprehensive plan amendments.

Chairman Munks and Commissioner Dahlstedt asked that language in Section 4 be added that would not preclude the County from consideration of amendments to the comprehensive plan that are to address statutory requirements or outstanding Growth Management Act compliance issues, which are before the Western Washington Growth Management Hearings Board.

The Board decided to postpone deliberations until Monday, July 22, 2002 at 9:45 a.m.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

RECORD OF THE PROCEEDINGS
MONDAY, JULY 8, 2002
PAGE NO. 7

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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