

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, July 29, 2002**

8:30 a.m. – 9:30 a.m.	Work Session – County Administrator
10:00 a.m. – 11:00 a.m.	Department Head Meeting
11:00 a.m. – 11:30 a.m.	<b>Consent Agenda and Miscellaneous Items</b>
11:30 a.m. – 11:45 a.m.	Public Comment Period
11:45 a.m. – 12:00 p.m.	Deliberations and Possible Action – An Interim Ordinance Complying with RCW 36.70A.390 and Reaffirming Interim Ordinance No. R20020168, Which Amended Ordinance No. R20020135 Relating to Sections of the Critical Areas Ordinance, Specifically SCC 14.24.120(3)(g) and (4)(e), to Extend the Deadline for Choosing a Buffer Option and Extend the Timeline for Compliance for Implementation of Site-Specific Plans and Referring the Matter to the Planning Commission For a Public Hearing
2:00 p.m. – 4:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Monday, July 29, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

**DEPARTMENT HEAD MEETING.**

Chairman Munks opened the meeting with the flag salute.

He reported that Skagit County has received a Certificate of Appreciation thanking public officials and staff for maintaining essential levels of service in spite of the cutbacks that have occurred in funding by the State.

He then announced that Mark Leander has been elected President of the Washington State Assessor's Association.

Auditor Norma Brummett announced that purchase card training will be held on August 6 at 10:00 a.m. in Hearing Room C and encouraged everyone to attend.

Bill Shuler, Executive Director, Community Action, said that Community Action will be doubling the energy assistance program with an increase in funds. Community Action's share of these funds will be almost \$300,000.

Mr. Shuler also announced that Ann Calman, Chairperson of the Community Action Board, passed away about three weeks ago. It is a great loss to Community Action as she was a person who was devoted to the community and those in need.

Brad Whaley, Budget and Finance Director, reported that there has been some confusion as to why the Budget and Finance Department is charging back unemployment costs to departments. He explained that one of the reasons for this is for the department to verify the situation. Over \$8,000 was saved on one claim that was appealed by the County. This has created some opportunities for better oversight of claims. He said that departments can request appeal forms from Kathy Brown in the Personnel Department.

**RECORD OF THE PROCEEDINGS**  
**MONDAY, JULY 29, 2002**  
**PAGE NO. 2**

Mr. Almvig suggested that these costs be assigned a GL code in order to allow monitoring and oversight of these expenses. Information Services has hired temporary employees for special projects and it would help to have this code in order to understand the real cost of the project.

There was some discussion about this matter with concern expressed by Nancy Brown and Roger Howard

Mr. Whaley asked if everyone had received their copy of the budget book and said he is anxious to receive input from department heads and elected officials relative to the kind of information that should be included.

Mr. Whaley also asked that any concerns about the budget be directed to him. He explained that he would determine whether or not to refer the matter to one of his staff. It will also be helpful in his desire to get to know everyone.

Tom Karsh asked if all reclassification requests would go through the review committee. Mr. Whaley responded that all reclassification requests as well as requests for 2003, should go through the review committee. The 2003 requests would then be referred on through the budget process. He also clarified that these requests can come to the committee regardless of whether the department head approves of the request or not.

Mr. Whaley passed out an evaluation form that is used by other counties relative to unfunded mandates.

Commissioner Munks explained that this matter came up at a meeting he recently attended in Yakima. The beginning of the process is "we have to send in bills to the Governor in order to make any changes". This is a base outline of what most counties have submitted regarding unfunded mandates.

Mr. Whaley indicated that the information is needed from the departments so that the County can submit a bill to Governor Locke. The process needs to begin right away.

Commissioner Munks said that most questions about this can be directed to Mr. Whaley. He also noted that some counties have been thoroughly amazed at how much they are paying in unfunded mandates. They have also been surprised at how much the State is paying in some cases

Mr. Whaley offered assistance to departments if they wish to meet with him about their budgets. He asked that they call and make an appointment.

Nancy Brown asked Brad to explain the role of Michael Edwards. Mr. Whaley said he is 1/2 budget analyst and 1/2 grants oversight. Relative to grants, he will be helping to manage grants and assist departments with their grants administration.

Tim Holloran, Senior Services Director, reported that there will be a fund raiser for Senior Services at 2:00 p.m. on Sunday, August 6 at the Lincoln Theater.

Bob Vaux, Parks, Recreation and Fair Director, reported that the annual Skagit County Fair will begin a week from this Wednesday for a four day run. He spoke briefly on some of the events that will be occurring this year and noted that nationwide, county fairs are struggling. He also indicated that they now have a fully staffed Fair Advisory Board.

Mike Hackett, Director of Cooperative Extension, said the County 4-H youth program is administered through Cooperative Extension and the Skagit County Fair is their showcase event. He also noted that 4-H is in its 100<sup>th</sup> year.

Pam Green apologized for being late indicating that they had a huge jury panel reporting this morning. She requested that department heads take a hard look before asking that employees be excused from jury duty. Employees should be an example for other citizens in the county.

**RECORD OF THE PROCEEDINGS**  
**MONDAY, JULY 29, 2002**  
**PAGE NO. 3**

**CONSENT AGENDA.**

Commissioner Dahlstedt moved to approve the Consent Agenda for Monday, July 29, 2002, and Commissioner Anderson seconded the motion. The Consent Agenda was unanimously approved.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, July 22, 2002.
2. Record of the Proceedings for Tuesday, July 23, 2002.
3. Record of the Proceedings for Wednesday, July 24, 2002.
4. Resolution Appointing Michael Broome to the Skagit County Ferry Advisory Committee effective July 29, 2002 through July 28, 2006. **(Resolution No. R20020266)**
5. Advertising Agreement with Skagit Valley Publishing Company for the Skagit Valley Herald for classified and display advertising for all Skagit County departments. The agreement shall commence on July 1, 2002 and continue until June 30, 2003 for a total dollar amount of \$40,000. **(Contract No. C20020258)**
6. Advertising Agreement with Skagit Valley Publishing Company for the Weekly Network, which includes the Argus, Courier Times and the Anacortes American, for classified and display advertising for all Skagit County departments. The agreement shall commence on August 1, 2002 and continue until July 31, 2003. Compensation shall range between \$4.45 to \$8.64 for 500 – 999 inches. **(Contract No. C20020259)**

**FACILITIES MANAGEMENT:**

7. Resolution approving a bid award to Mills – General Contractors, Inc. for Skagit County miscellaneous building alterations, in the amount of \$94,123. **(Resolution No. R20020267)**
8. Resolution approving a bid award to John Daniels Construction, Inc. for the Skagit County East County Community Resource Center, in the amount of \$622,132. **(Resolution No. R20020268)**
9. Personal Services Agreement with John D. Griffin Engineers, Inc. to demolish and do site restoration of the Masonic building located at 220 Myrtle Street, Mount Vernon. The term of this agreement shall commence on July 29, 2002 and continue until December 31, 2003. Compensation shall not exceed \$75,000. **(Contract No. C20020260)**

**GEOGRAPHICAL INFORMATION SERVICES:**

10. Out-of-State Travel Requests for Sean Carson and Geoffrey Almvig to attend the Street Smart and Address Savvy Conference, August 11-13, 2002 at the Doubletree Hotel at Jantzen Beach in Portland, Oregon for a total cost of \$609 per person. The conference will focus on addressing and location databases, tools and technologies, and emergency applications. **(Approved)**

**INFORMATION SERVICES:**

11. Addendum No. 1 to License Agreement **No. 04743** with Balanced Action, which would add an electronic warrant transfer to the SFG financial system module to the CASHTAX 2000/INVESTMENTGR2000 License. The addendum shall be in effect for the complete term of the original License Agreement and all the terms and conditions of the agreement shall remain in full force and effect and shall not be altered by this addendum. The cost of the module is \$5,000. **(Amendment No. A20020088)**

**RECORD OF THE PROCEEDINGS**  
**MONDAY, JULY 29, 2002**  
**PAGE NO. 4**

**PLANNING & PERMIT CENTER:**

12. Resolution establishing a permanent Capital Facilities Coordinating Committee and appointing its membership. **(Resolution No. R20020269)**
13. Ordinance amending Chapter 15.04 of the Skagit County Code relating to adding reference to the most current editions of the uniform Building and related codes and amending the sections as noted on Attachment No. 1. **(Resolution No. R20020270)**

**RISK MANAGEMENT:**

14. Resolution approving the purchase of the annual commercial insurance for Skagit County for the period of August 1, 2002 through July 31, 2003. **(Resolution No. R20020271)**

**SHERIFF'S DEPARTMENT:**

15. Out-of-State Travel Request for Duane Neufeld to attend "Desert Snow", an advanced highway drug interdiction, September 8-13, 2002 in Laughlin, Nevada for a total cost of \$1,385.50. **(Approved)**

**YOUTH & FAMILY SERVICES:**

16. Interlocal Cooperative Agreement with Western Washington University, Woodring College of Education, Applied Research and Development Center (ARDC) to utilize their expertise in program evaluation in formally assessing the effectiveness of the Swinomish After School Cultural Program. The term of the agreement shall commence on August 31, 2002 and continue through August 31, 2003. Compensation shall not exceed \$4,285 for the project period. **(Contract No. C20020261)**
17. Personal Services Agreement with Full Circle Self Defense and Empowerment to provide three instructors to facilitate a ten hour class to Youth and Family Services clients. The term of the agreement shall commence on July 1, 2002 and continue until July 31, 2002. Compensation shall be paid at \$1,200 for the two-day class. **(Contract No. C20020262)**

**PUBLIC WORKS DEPARTMENT:**

18. Resolution establishing equipment rental rates for 2003, as indicated in Attachment "A". **(Resolution No. R20020272)**
19. Resolution to call for a public hearing for the vacation of an unopened County right-of-way located west of State Route 11, 0.75 of a mile south of Bow Hill Road, as petitioned by Mr. Lloyd Remington. **(Resolution No. R20020273)**
20. Personal Services Agreement with Widener & Associates, Inc. to conduct a Biological Evaluation/Biological Assessment for repairs to the Guemes Ferry breakwater. The term of the agreement shall commence on July 22, 2002 and continue until December 31, 2002. Compensation shall not exceed \$11,150. **(Contract No. C20020263)**
21. Personal Services Agreement with Shearer Design LLC to provide geotechnical and foundation engineering services for the repair/strengthening and replacement design for the Nookachamps Bridge. The term of the agreement shall commence on July 1, 2002 and continue until December 31, 2003. Compensation shall not exceed \$59,337. **(Contract No. C20020264)**
22. Supplemental Agreement No. 1 to Local Agency Standard Consultant Agreement **No. 05443** with Shearer Design LLC to provide engineering services for the load rating of three Skagit County bridges: Burlington Northern Overpass No. 40111; Anacortes Ferry No. 40152; and Guemes Ferry

**RECORD OF THE PROCEEDINGS**  
**MONDAY, JULY 29, 2002**  
**PAGE NO. 5**

- No. 40153. The established completion time has been extended to December 3, 2003. Total compensation for this supplement is \$11,940 with a new maximum amount payable of \$23,435. **(Amendment No. A20020089)**
23. Resolution authorizing the execution of an Interlocal Agreement with the Skagit Conservation District to provide field staff assistance for the Samish Bay Watershed Water Quality Monitoring Project. **(Resolution No. R20020274)**
24. Interlocal Cooperative Agreement with the Skagit Conservation District, similar to the agreement that expired on June 30, 2002, to provide for continued field staff assistance from the District to the County for the Samish Bay Watershed Water Quality Monitoring Project, a Department of Ecology grant funded project recently extended to October 1, 2003. The agreement shall commence on July 1, 2002 and continue until December 31, 2003. Compensation shall not exceed \$10,000. **(Contract No. C20020265)**
25. Amendment No. 2 to Interlocal Cooperative Agreement **No. 05457** with the Skagit Conservation District to provide additional County support to the District for the purpose of servicing requests for voluntary participation in CREP to help achieve the requirements of SCC 14.24.120, as currently written. The financial support to the District from the County for this purpose expires next month. The proposed additional support is non-financial, in the form of riparian planting materials and a used vehicle from the County's fleet, to further assist the District to adequately deal with the demands placed on them resulting from the CREP promotion. **(Amendment No. A20020090)**
26. Vendor Services Agreement with Emerald Services, Inc. for emergency cleaning of a liquid asphalt tank located in the Skagit County Roads compound in Burlington. The tank was contaminated with an unknown asphaltic product supplied by McAsphalt Industries and the costs involved will be passed on to the vendor. The contract shall commence on July 1, 2002 and continue until June 1, 2003. The cost estimate for cleanup is approximately \$8,500-\$10,000. **(Contract No. C20020266)**
27. Local Agency Standard Consultant Agreement with CES, Inc. to provide underwater diving inspections of terminal marine structures: the Anacortes Terminal #40152; Guemes Island Terminal #40153; the North Fork Bridge #40037. The agreement shall commence on August 5, 2002 and continue until July 31, 2003. Compensation shall not exceed \$37,000. **(Contract No. C20020267)**
28. Amendment No. 1 to Personal Services Agreement **No. C20020191** with Semrau Engineering and Surveying to subcontract with Geo Engineers, Inc. and/or other geotechnical subconsultants approved by the County. The original agreement retained Semrau Engineering and Surveying to examine drainage problems at Emanuel Lane and advise the Public Works Department regarding correction options. The information will be used to select the best possible solution to alleviate problems that residents are currently experiencing. Compensation shall remain at \$19,350. **(Amendment No. A20020091)**
29. Resolution to award the contract of the Bay Ridge Business Park Street and Utility Improvements Project No. ES9700-2 to SRV Construction, Inc. in the amount of \$579,409.36. **(Resolution No. R20020275)**
30. Contract with SRV Construction, Inc. to accomplish the construction of approximately 0.4 of a mile of street and utility improvements in the Bay Ridge Business Park near M.P. 3.0 on Peterson Road. **(Contract No. C20020268)**

**RECORD OF THE PROCEEDINGS**  
**MONDAY, JULY 29, 2002**  
**PAGE NO. 6**

**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 29, 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 125022 through 125393 from Clearing Fund 696 in the total dollar amount of \$673,565.81 (Transmittal No. C-62-02); and

Warrant numbered 125394 from Clearing Fund 696 in the total dollar amount of \$1,044.64 (Transmittal No. C-63-02); and

Warrants numbered 125395 through 125740 from Clearing Fund 696 in the total dollar amount of \$1,027,118.56 (Transmittal No. C-64-02); and

Payroll warrants numbered 957543 through 957642 in the total dollar amount of \$93,628.85 (Transmittal No. P-27-02); and

Payroll warrants numbered 104283 through 105459 in the total dollar amount of \$1,117,608.60 (Transmittal No. P-28-02).

2. On behalf of Public Works, staff presented a License Agreement between Skagit County and Verizon Northwest, Inc. for the Morris Street Improvement Project. This agreement serves as a right-of-entry/construction easement for the work to be performed on or adjacent to this property. Verizon required that this type of agreement be used in place of the County's standard right-of-entry/construction easement. Commissioner Dahlstedt moved to approve the License Agreement as outlined, Commissioner Anderson seconded the motion, which passed. **(Contract No. C20020269)**
3. Public Works staff presented a temporary Right-of-Entry Construction Easement Agreement between Skagit County and Skagit County Pioneers Association. This will give the County and its assigns the right to enter upon the land for the purpose of performing road and utility improvements at the intersection of La Conner-Whitney Road and Chilberg Road. This work will be completed in conjunction with La Conner's Morris Street Improvement Project.

Commissioner Dahlstedt recused himself due to the fact that he is the current President of the Skagit County Pioneers Association.

Chairman Munks also recused himself because his is past President and a member of the Skagit County Pioneers Association.

Commissioner Anderson stated that because that would only leave him as an individual County Commissioner, County business could not be conducted and there is no other alternative process than to vote.

He also noted that the law says when there is an issue where more than one Commissioner may have a conflict, both may recuse themselves then come back and vote on the issue if it only leaves one Commissioner.

Commissioner Anderson motioned to approve the Right-of-Entry Construction Easement Agreement as outlined. Commissioner Dahlstedt seconded the motion, which was passed unanimously **(Contract No. C20020270)**

**PUBLIC COMMENT PERIOD.**

Carole Ehlers, West Fidalgo Island, complemented Steve Flude for coming before the Planning Commission to explain the Six-Year Transportation Improvement Program. She said he provided information as to how the budget is put together and greatly improved the understanding of the Planning Commission.

Ms. Ehlers asked about the qualms she has regarding the non-motorized transportation plan. The Transportation Systems Plan was rewritten a year ago by Steve Flude. He needed to change the level of service requirements and when he got into it he found there were also a lot of other items that needed to be updated. Ms. Ehlers says she has a draft of the document but has never seen the process of approving having a hearing and approving the transportation plan. She said the document includes information that is necessary for the non-motorized plan but does not agree with it. The most significant of which is that a transportation item must clearly identify its destination. The Transportation Systems Plan includes this in numerous places and is one of the crucial elements of transportation funding.

Ms. Ehlers asked if the Board could remember when the Transportation Systems Plan was stopped from moving through the process.

Tom Karsh, Planning Director, said when the County passed the interim ordinance in response to the settlement with the cities, tribes and environmental groups on January 28, 2000, there was an agreement not to process any comprehensive plan. Unstated was what to do with the functional plans, which has to do with transportation element. That was clarified last week during a six month interim ordinance. It stated that the County would move forward with functional plan updates either because it is required by state law or by growth hearings board order. The County is still in a potential appeal period for that particular action the Board took. All parties involved in the lawsuit have no problems with moving forward with it. This will go before the Planning Commission and ultimately the Board's approval.

Ms. Ehlers said a planning commission member has a fiduciary obligation to follow the rules. The Transportation Systems Plan should be done before the non-motorized plan. The non-motorized plan is supposed to conform to the Transportation Systems Plan but does not.

Ms. Ehlers also stated that if the stop light at Sharpe's Corner is eliminated, nobody will be able to turn left on State Route 20 to Fidalgo Island.

Jamie Lanning, 1309 Highway 9, Mount Vernon, said he talked to Jim Hedbloom from the Public Works Department. Progress is being made on the walkways in Clear Lake. Mr. Lanning would like to see several more improvements done in the area.

Jeff Thibeau, 12026 Bayhill Drive, Burlington, expressed concerns about the latest statements on the Commissioners' transportation. He thinks something needs to be done so that Commissioner Anderson doesn't have to travel as much. He has always found that volunteer groups work best and would like to offer his services to get a committee together to look at the transportation problems.

Commissioner Anderson said he would rather stay home. Most of his travel within the County doesn't affect his work. He has an office in Concrete that he goes to on Fridays. Because his district has a huge geographical area, he puts a lot of miles on his vehicle. Most of the meetings he attends are in addition to the time he spends at the office.

Mr. Thibeau asked if Commissioner Anderson would be able to utilize the motor pool.

Commissioner Anderson said it would be impracticable for him due to where he lives. He would certainly welcome any ideas to make the travel easier or better.

Mr. Thibeau also said he disagrees with the salary increases for the Commissioners and elected officials.

**DELIBERATIONS AND POSSIBLE ACTION – AN INTERIM ORDINANCE COMPLYING WITH RCW. 36.70A.390 AND REAFFIRMING INTERIM ORDINANCE NO. R20020168, WHICH AMENDED ORDINANCE NO. R20020135 RELATING TO SECTIONS OF THE CRITICAL AREAS ORDINANCE, SPECIFICALLY SCC 14.24.120(3)(g) AND (4)(e), TO EXTEND THE DEADLINE FOR CHOOSING A BUFFER OPTION AND EXTEND THE TIMELINE FOR COMPLIANCE FOR IMPLEMENTATION OF SITE SPECIFIC PLANS AND REFERRING THE MATTER TO THE PLANNING COMMISSION FOR A PUBLIC HEARING.**

Tom Karsh, Planning & Permit Center Director, presented an interim ordinance to reaffirm Interim Ordinance No. R20020168 and support its findings. A public hearing was held on July 22, 2002. Mr. Karsh indicated that for this action and in the future, interim ordinances will be brought forward as resolutions. It will become effective upon signing and continue through November 20, 2002.

Commissioner Anderson moved to approve a Resolution adopting findings in support of Interim Ordinance No. R20020168 and readopt findings one through ten, adopted through Interim Ordinance No. 18499. It is in the best interests of the people of Skagit County to extend the sign-up deadline for an additional period of time to preserve the ability of cropland property owners to be eligible for the CREP option at least until the County adopts a new ordinance in response to Judge Pomeroy's order. In the interest of encouraging sign-ups for the CREP program, the County isn't paying any further sign-up bonus beyond May 24, 2002. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020276)**

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Don Munks, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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