

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 12, 2002**

8:30 a.m. – 9:30 a.m.	Work Session – County Administrator
9:30 a.m. – 9:45 a.m.	Bid Opening – One New Latest Model Motor Grader
9:45 a.m. – 10:00 a.m.	Bid Opening – One New Latest Model Excavator
10:00 a.m. – 10:45 a.m.	Department Head Meeting
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.	Work Session – County Commissioners’ Staff
2:00 p.m. – 4:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition
*T 4:00 p.m. – 4:30 p.m.	Discussion/Possible Action – Resolution Authorizing a Petition to be Filed, on Behalf of Skagit County, to Amend the Washington State Department of Ecology’s WAC Chapter 173-503, Instream Resource Protection Program – Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4)

The Skagit County Board of Commissioners met in regular session on Monday, August 12, 2002, with Commissioner Don Munks, Commissioner Kenneth A. Dahlstedt and Commissioner Ted W. Anderson present.

DEPARTMENT HEAD MEETING.

Patrick Dylan, Project Manager for the Parks, Recreation & Fair Department, reported that they have received a lot of positive feedback on the Skagit County Fair, which ended on Saturday. The attendance was very high, however, it won’t be known for a while what the actual numbers are.

The Commissioners said they enjoyed the Fair and thought it was very organized.

Norma Brummett, Auditor, reminded everyone that budgets are due today.

Tim Holloran, Senior Services, mentioned that a charity bike ride was held on Saturday and Sunday. Approximately \$54,000 was raised for ALS (Lou Gerig’s Disease).

Roy Atwood, County Administrator, suggested canceling the next department head meeting on August 26, 2002, due to busy schedules and vacations. The Board approved the request.

Chairman Munks stated that discussions have been held regarding an outside memorial service in honor of the victims of the September 11th terrorist attack. He would welcome suggestions that anyone may have, within the next week.

Brad Whaley, Budget Director, advised that after the budget requests are received from each department, he, Chris Stamey, and Michael Edwards will be meeting with each department manager to review those requests. A summary will then be compiled and brought forward to the Commissioners.

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BID OPENING – ONE NEW LATEST MODEL MOTOR GRADER.

Dub Queen and Greg Dennis, Public Works Department, were present to open bids for the above project. The following bids were received:

Pacific North Equipment
22431 83rd Avenue South
Kent, WA 98032
Bid Bond Enclosed
Bid Total: \$177,709.57

Pape Machinery
420 East Hickox Road
Mount Vernon, WA 98273
Bid Bond Enclosed
Bid Total: \$151,958.29

NC Machinery Company
P. O. Box 130
Mount Vernon, WA 98273
Bid Bond Enclosed
Bid Total: \$211,769.87

Clyde West
9615 West Marginal Way South
Seattle, WA 98108
Bid Bond Enclosed
Bid Total: \$129,874.54

Mr. Queen and Mr. Dennis will analyze the bids and return to the Commissioners for a recommendation.

BID OPENING – ONE NEW LATEST MODEL EXCAVATOR.

Dub Queen and Greg Dennis, Public Works Department, opened the following bids for the above project:

Pacific North Equipment
22431 83rd Avenue South
Kent, WA 98032
Bid Bond Enclosed
Bid Total: \$128,407.94

Pape Machinery
420 East Hickox Road
Mount Vernon, WA 98273
Bid Bond Enclosed
Bid Total: \$109,488.38

NC Machinery Company
P. O. Box 130
Mount Vernon, WA 98273
Bid Bond Enclosed
Bid Total: \$111,831.72

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Clyde West
9615 West Marginal Way South
Seattle, WA 98108
Bid Bond Enclosed
Bid Total: \$101,158.96

Western Power & Equipment
2702 West Valley Highway North
Auburn, WA 98001
Bid Bond Enclosed
Bid Total: \$105,446.79

Mr. Queen and Mr. Dennis will review the bids and return to the Commissioners with a resolution of recommendation.

CONSENT AGENDA.

Commissioner Dahlstedt motioned to approve items 1 through 22 of the Consent Agenda. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, August 5, 2002.
2. Record of the Proceedings for Tuesday, August 6, 2002.

FACILITY MANAGEMENT:

3. Standard Form of Agreement between Skagit County and Mills General Contractors to commence alterations to the Assessor's Office reception area, District Court Probation office; third floor courthouse, Public Defender's office and wall repair in the Court Reporter's office; west end of the second floor courthouse. The contract shall commence upon signing and continue until December 31, 2003. Compensation shall be \$94,123. **(Contract No. C20020292)**

HEALTH DEPARTMENT:

4. Health Care Provider or Local Health Jurisdiction Information Sharing Agreement between the Washington State Department of Health and the Skagit County Health Department to share computerized medical information for the Statewide Immunization Registry System. The contract shall commence upon signing and may be terminated by giving written notification 30 days prior to the end of the quarter. There is no compensation being paid for this agreement. **(Contract No. C20020293)**

HUMAN RESOURCES:

5. Resolution for Request for Proposals for completion of a classification/salary survey. **(Resolution No. R20020294)**

PLANNING & PERMIT CENTER:

6. Amendment No. 1 to Personal Services Agreement **No. C20020054** with Earth Tech for timeline revisions for the Growth Management Indicators Program. In addition, the expiration date has been amended from September 1, 2002 to December 30, 2002. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20020093)**

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7. Amendment No. 1 to Personal Services Agreement **No. C20020053** with Berryman and Henigar for timeline revisions for the Population and Employment Allocations Project. In addition, the expiration date has been amended from September 1, 2002 to September 1, 2003. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20020094)**

PROSECUTING ATTORNEY:

8. Amendment No. 1 to Lease Agreement **No. C20020217** with Fred and Arlene Miller to change the monthly payments for various time periods. The payments shall be as follows: \$2,355 through August 31, 2002; \$2,560 through August 31, 2003; \$2,378 through June 30, 2004. **(Amendment No. A20020095)**
9. County Program Agreement with the Department of Social and Health Services – Division of Child Support, to allow the Skagit County Prosecutor’s Office to handle IV-D Judicial Enforcement cases in Island County as agreed to by the Island County Prosecutor, the Skagit County Prosecutor, and the Division of Child Support Region 3 Administrator. The agreement shall commence on July 1, 2002 and continue until June 30, 2005. No compensation is being paid for this agreement. **(Contract No. C20020294)**
10. Personal Services Agreement with Eugene Knapp to provide legal counsel, representation and services regarding the provision of emergency medical services in Skagit County, as requested. The contract shall commence on July 2, 2002 and continue until December 31, 2002. Compensation shall be paid at the rate of \$160 per hour. **(Contract No. C20020295)**

SENIOR SERVICES:

11. Out-of-State Travel Request for Donna Sitts to attend the Environmental Alliance for Senior Involvement Conference 2002 in Northeast, Maryland October 28-30, 2002 for a total cost of \$940. The conference will help explore ways to involve more senior volunteers in environmental issues. **(Approved)**
12. Amendment No. 2 to Contract **No. 05562** with Northwest Regional Council for the Senior Farmer’s Market Nutrition Program. The program purchases goods from local farmers and delivers them to low income seniors. The purpose of the amendment is to add \$4,416, which is produce and administrative money, to the original grant money of \$231,708 for a new total of \$236,124. The effective start date of the amendment shall be January 1, 2002 through December 31, 2002. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20020096)**

PUBLIC WORKS:

13. Resolution calling for a Public Hearing for the vacation of an unopened County Right-of-Way along Channel Drive #43830. The public hearing will be held on Tuesday, September 3, 2002 at 9:00 a.m. **(Resolution No. R20020095)**
14. Resolution calling for bids for one new 2002 tractor with interchangeable mower/brushcutter attachments. The bid opening will take place on Monday, August 26, 2002 at 9:40 a.m. **(Resolution No. R20020296)**
15. Letters to local Cities and Towns requesting participation in the Skagit River Flood Protection/Salmon Restoration Project. **(Approved)**

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16. Coastal Zone Management 310 Grant Agreement with the State of Washington Department of Ecology for the Northwest Straits Project: Skagit County Marine Resource Committee Administration. This grant will be used to fund tasks such as meeting organization, agenda preparation, taking and distribution of meeting minutes, preparation of progress and final reports, and grant administration. Also included under this grant is the development of a work plan for Year 2003, attendance of a MRC representative and alternate at the Northwest Straits Commission (NWSC) meetings, and MRC attendance at NWSC and MRC sponsored training events. The agreement shall commence on July 1, 2002 and continue until June 30, 2003. The Department of Ecology is funding this project in the amount of \$10,000. **(Contract No. C20020296)**
17. Supplemental No. 2 to Local Agency Standard Consultant Agreement **No. 05145** with KPFF, which provides additional time for veneer wall analysis and design and to also modify drawings and specifications for the retaining wall for the Guemes Ferry/Anacortes Parking Lot Improvement Project. The completion date of December 30, 2001 would be revised to December 31, 2003. The contract would increase by \$20,422 for a new total of \$78,387. **(Amendment No. A20020097)**
18. Temporary Right-of-Entry Construction Easement Agreement with the Skagit County Pioneers Association. The agreement will give Skagit County and its assigns the right to enter upon Parcel No. P22985 for the purpose of performing road and utility improvements at the intersection of La Conner-Whitney Road with Chilberg Road. This work will be completed in conjunction with La Conner's Morris Street Improvement Project. **(Contract No. C20020297 **Also reference Contract No. C20020270)**
19. Temporary Right-of-Entry Construction Easement Agreement with Ron C. Herzog. The agreement will give Skagit County and its assigns the right to enter upon Parcel No. P74132 for the purpose of performing road construction improvements for Morris Street in La Conner. **(Contract No. C20020298)**
20. Temporary Right-of-Entry Construction Easement Agreement with Gary E. Heidinger. The agreement will give Skagit County and its assigns the right to enter upon Parcel No. P74137 for the purpose of performing road construction improvements for Morris Street in La Conner. **(Contract No. C20020299)**
21. Temporary Right-of-Entry Construction Agreement with San and Ourania Contoravdis. The agreement will give Skagit County and its assigns the right to enter Parcel No. P74130 for the purpose of performing road construction improvements for Morris Street in La Conner. **(Contract No. C20020300)**
22. Temporary Right-of-Entry Construction Agreement with Lawrence Owen and Turine Yvonne Higgins. The agreement will give Skagit County and its assigns the right to enter upon Parcel No. P74179 for the purpose of performing road construction improvements for Morris Street in La Conner. **(Contract No. C20020301)**

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, August 12, 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 126106 through 126572 from Clearing Fund 696 in the total dollar amount of \$4,907,947.40 (Transmittal No. C-69-02); and

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Payroll warrants numbered 105460 through 106641 in the total dollar amount of \$1,188,612.09 (Transmittal No. P-29-02); and

Payroll warrants numbered 957643 through 957716 in the total dollar amount of \$86,291.91 (Transmittal No. P-30-02).

2. Brandon Black, Associate Planner, came before the Board to request a date and time be set for the final signature by the Chairman of the Board of County Commissioners on the final plat for Carl Wibblemen (PLO2-0139). The plat of Avanti Acres is a six-lot subdivision on a 32.44 acre parcel for the creation of lots that are five acres or greater in size each. Preliminary Plat approval was granted on July 9, 1997, under preliminary plat #PL96-0345.

Commissioner Dahlstedt made a motion to approve Monday, August 19, 2002 at 11:45 a.m. as the date for the final signature on the final plat of Avanti Acres. Commissioner Anderson seconded the motion, which was carried.

PUBLIC COMMENT PERIOD.

There were no citizens present for the public comment period.

DISCUSSION/POSSIBLE ACTION – RESOLUTION AUTHORIZING A PETITION TO BE FILED, ON BEHALF OF SKAGIT COUNTY, TO AMEND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY’S WAC CHAPTER 173-503, INSTREAM RESOURCE PROTECTION PROGRAM – LOWER AND UPPER SKAGIT WATER RESOURCES INVENTORY AREA (WRIA 3 AND 4).

Chal Martin, Public Works Director, stated that a letter had been received from Department of Ecology Director, Tom Fitzsimmons. The letter indicated that his department would promise to review any petition filed by the County within thirty days after it is filed, rather than the customary sixty days. The end date of the Ecology department’s process is important due to the fact that if the County’s water allocation request isn’t granted, then there would be a limited amount of time to file a lawsuit.

The Skagit County Instream Flow Rule was established in 2001 after four years of negotiation. It is designed to keep enough water in the Skagit River for fish passage, while still allowing holders of current water rights to draw from the river. The river is considered to have a water right of its own, dated April of 2001. Since water rights are allocated by date, the holder of any water right established after April 2001 would not be able to draw water when the river is below a certain level. That level depends on the time of year. The rule also applies to wells in the Skagit River Basin, because they draw from ground water that would otherwise flow to the Skagit River.

Currently, there is no amount of water reserved for rural use in Skagit County. That means undeveloped land outside the service area of a big water system could not be developed because there is no reliable water source. It is felt that the Instream Flow Rule should consider the fact that rural residents return about 90 percent of used water to the ground through their septic systems.

Commissioner Dahlstedt said it is important to protect rural citizens and it is essential to get these items addressed.

Chairman Munks stated that the County is committed to protecting rural water users and that they need to be assured of an uninterrupted water flow.

Commissioner Anderson motioned to delay approval of filing a petition for amendment of the Department of Ecology’s Skagit River Instream Flow Administrative Rule, WAC Chapter 173-503. Commissioner Dahlstedt seconded the motion, which passed unanimously.

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The Board agreed that the County would begin negotiating with Public Utility District No. 1 of Skagit County, the City of Anacortes, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, and the Sauk-Suiattle Indian Tribe, as each of them receives Skagit River water allocations.

ADJOURNMENT.

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

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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