

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 18, 2002**

8:30 a.m. – 9:30 a.m.	Work Session – County Administrator
9:30 a.m. – 10:00 a.m.	Public Hearing – To Consider Testimony on Amending Sections of the Critical Areas Ordinance Regarding On-Going Agriculture, Specifically SCC 14.24.120(3)(g) and (4)(e), to Extend the Deadline to Select a Buffer Option to May 20, 2003
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
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, November 18, 2002, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson's absence was excused as he was on vacation.

PUBLIC HEARING – TO CONSIDER TESTIMONY ON AMENDING SECTIONS OF THE CRITICAL AREAS ORDINANCE REGARDING ON-GOING AGRICULTURE, SPECIFICALLY SCC 14.24.120(3)(g) AND (4)(e), TO EXTEND THE DEADLINE TO SELECT A BUFFER OPTION TO MAY 20, 2003.

Tom Karsh, Planning & Permit Center Director, stated that on November 27, 2000, the Skagit County Board of Commissioners adopted Ordinance No. 18069, relating to buffers on agricultural lands. The Ordinance provided four buffer options for any qualifying lands. Since that time there have been a number of Interim Ordinances approving the extension of the deadline for selecting a buffer option. The current Interim Ordinance No. R20020168 is due to expire on November 20, 2002.

Commissioner Munks opened the public hearing.

Glen Johnson, Fir Island, said he has studied the issue for a significant amount of time and believes there are many more options available that haven't been looked at to date. His recommendation is for the Board to grant an additional extension until other solutions can be examined.

As there was no further public testimony forthcoming, Commissioner Dahlstedt motioned to close the public hearing. Commissioner Munks seconded the motion and the public hearing was closed.

Commissioner Dahlstedt said he feels the County needs to continue to address the needs of the agricultural community and extending the buffer deadline certainly makes sense. The numbers on returning salmon have been the highest the County has seen in many years.

Commissioner Munks agreed and said the extension would provide for more time to make a decision based on the best available science without trying to destroy agriculture.

Commissioner Dahlstedt motioned to approve an Interim Ordinance, which would amend Skagit County Code 14.24.120(4)(e) to read as follows:

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If one of the options in subsections (4)(a)-(c) above is not chosen by May 20, 2003, then those parcels adjacent to salmonid bearing waters shall be subject to all provisions of the table SCC 14.24.530(2).

Commissioner Munks seconded the motion, which shall take effect on November 20, 2002. The motion was carried. **(Ordinance No. O20020009)**

DEPARTMENT HEAD MEETING.

Chairman Munks welcomed everyone to the Department Head meeting.

District Court Judge, David Svaren, spoke about the Collection Amnesty program. From October 1 through October 31, 2002, nearly 100 district and municipal courts throughout the State of Washington voluntarily participated in the program to help those with outstanding traffic tickets and fines. The State closed more than 10,000 cases and raised \$1,850,000 in revenue. Skagit County District and Municipal Courts collected \$106,000 and closed over 500 cases. Courts and their collection agencies agreed to waive interest and a significant portion of collection costs on tickets currently in collection.

While the program was unique to each individual court, the program allowed citizens an opportunity to pay fines at a reduced rate. In instances where licenses were revoked, many participating courts assisted citizens in the process to regain their license through established re-licensing programs.

Skagit County District Court held a similar amnesty program in 2001, and Pam Springer, District Court Administrator, worked to coordinate the effort for other courts throughout the state.

Judge Svaren said everyone has financial problems at some time or another. The purpose of the program is to allow defendants an opportunity to pay their fines and to be relicensed.

Maggie Thompson, Best PLACE Director, spoke about a meeting which took place last week regarding unemployment costs. Several County departments were represented as well as Human Resources Director Roy Atwood and Risk Management Director Billie Kadrmas. A specialist was present to answer questions and concerns relating tax laws and unemployment issues. She said he offered many suggestions and provided a lot of worthwhile information.

Brad Whaley, Budget/Finance Director, handed out copies of the financial report for October, 2002. He reviewed the figures and indicated the County is showing positive activity throughout the year.

Gary Rowe, County Administrator, said Staff will be meeting on Thursday, November 21, 2002 at 2:00 p.m. to finalize the 2003 preliminary budget. The adoption of the final 2003 budget is scheduled to take place after a public hearing on Tuesday, December 9, 2002 at 10:00 a.m. He invited any of those who wish to speak to the Board prior to the budget adoption, to appear at Thursday's meeting.

CONSENT AGENDA.

Commissioner Dahlstedt motioned to approve items 1 through 24 on the Consent Agenda for Monday, November 18, 2002. Commissioner Munks seconded the motion, which passed unanimously.

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COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, November 12, 2002.
2. Appointment of Christopher Tobey to the Mental Health Advisory Board for the term December 1, 2002 through November 30, 2005. **(Resolution No. R20020391)**
3. Appointment of Steve Hayes to the Mental Health Advisory Board of the term December 1, 2002 through November 30, 2005. **(Resolution No. R20020392)**

BUDGET & FINANCE DEPARTMENT:

4. Resolution to establish a grievance procedure for the use of CDBG funds. **(Resolution No. R20020393)**

HEALTH DEPARTMENT:

5. Amendment No. 9 to Consolidated Contract **No. 05194** with the Washington State Department of Health to add an additional sum of \$9,000, which will be used to fund a project to expand existing hepatitis prevention activities for high-risk populations. The effective date of this Amendment shall be January 1, 2002. All other terms and conditions of the original contract and any subsequent amendments hereto remain in full force and effect. **(Amendment No. A20020147)**

INFORMATION SERVICES:

6. Signature on a letter to Jerry Krivanek from Data Associates, granting permission to use screen shots from the Skagit County website for demonstration purposes. **(Approved)**

PLANNING & PERMIT CENTER:

7. Resolution correcting the number of the Open Space Open Space Application of Tom H. Foulds from PL01-0506 to PL00-0506. **(Resolution No. R20020394)**
8. Resolution correcting the number of the Open Space Open Space Application of Todd Wood and Judith Gamble from PL00-0506 to PL01-0402. **(Resolution No. R20020395)**

PROSECUTING ATTORNEY'S OFFICE:

9. Personal Services Agreement with Visser, Zender & Thurston to provide legal advice to the Board on the Frailey Mountain Gun Range appeal, scheduled for Wednesday, November 20, 2002. The Agreement shall commence on November 15, 2002 and continue until January 30, 2003. Compensation shall be paid at the hourly rate of \$170 for an attorney and \$65 per hour for a paralegal. **(Contract No. C20020410)**
10. Personal Services Agreement with Lynn Miner to supervise and review work performed by Law Library staff in response to requests by unrepresented inmates incarcerated in the Skagit County Jail for research materials. The Agreement shall commence on October 1, 2002 and continue until December 31, 2003. Compensation will be paid at \$1,000 for the initial 10 hours worked in each six-month time period. From October 1, 2002 through December 31, 2002, compensation shall be paid at \$500. Any work performed beyond 10 hours per six-month time period shall be compensated at the rate of \$65 per hour. **(Contract No. C20020411)**

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SENIOR SERVICES:

11. Vendor Services Agreement with JB Carpets and Flooring to install new flooring in the craft room at the Mount Vernon Senior Center. The Agreement shall commence on November 14, 2002 and end on December 31, 2002. Compensation is not to exceed \$3,400.72. **(Contract No. C20020412)**

PUBLIC WORKS DEPARTMENT:

12. Resolution approving the transfer of sick leave to Public Works employee Joni Howard, due to the effects of an on-the-job injury that has exhausted her leave bank. **(Resolution No. R20020396)**
13. Signature on a letter to the Emergency Management Division of the Washington Military Department requesting that Skagit County transfer to the City of Sedro-Woolley, property located next to River Front Park. The property was purchased with grant funds from the Washington Emergency Management Division and has deed restrictions that the property remains undeveloped in perpetuity. The property can, however, be used as a park. Another restriction on the property is that it may only be transferred to an entity like Sedro-Woolley. **(Approved)**
14. Resolution approving the 2003 Annual Construction Program. This program is consistent with the Six-Year Transportation Program that was approved by the Board on August 6, 2002. **(Resolution No. R20020397)**
15. Resolution authorizing application for funding assistance to the Salmon Recovery Funding Board for two salmon recovery grants. The first grant, in the amount of \$1,000,000, is the Telegraph Slough Complex Property Acquisition grant that will enable Skagit County to pursue the acquisition of properties located within the Telegraph Slough Complex. The second grant, in the amount of \$290,900, is the Inner Hart Island Habitat Enhancement Design and Construction that will enable Skagit County to pursue restoration of Inner Hart Island. Each grant has a 15% match requirement. **(Resolution No. R2002398)**
16. Signature on a Letter of Appreciation to Delores McLeod for her dedicated work in coordinating Flood Awareness Week for 2002. **(Approved)**
17. Vendor Services Agreement with Northwest Tank and Environmental Services, Inc. to provide leak detection and line testing for County owned underground fuel tanks and tank monitor certification to satisfy the requirements of the Department of Ecology. The Agreement shall become effective on September 1, 2002 and continue until August 31, 2003. Compensation shall be paid at \$1,080 with a not-to-exceed total of \$2,000. **(Contract No. C20020413)**
18. Vendor Services Agreement with Industrial Mowing and Spraying for mowing throughout Skagit County as needed. The Agreement shall commence on November 18, 2002 and continue through November 18, 2003. Compensation is not to exceed \$10,000. **(Contract No. C20020414)**
19. Amendment No. 1 to Intergovernmental Agreement **No. 05250** with the Washington State Department of Community, Trade and Economic Development for a \$1.5 million Shoreline Block Grant for the implementation of Skagit County's pilot program to protect important salmon habitat on agricultural lands in Skagit County, according to SCC 14.24.120, Ongoing Agriculture on Agricultural Lands. Conditions under which the implementation began have subsequently changed dramatically. Revisions to the scope of work plan describe how the remaining funds available, in the approximate amount of

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- \$600,000, for the Shoreline Block Grant shall be applied to continue the pilot program. The termination date of the amendment shall be extended from November 30, 2002 until June 30, 2003. **(Amendment No. A20020148)**
20. Amendment No. 1 to Standard Consultant Agreement **No. C20020016** with Entranco, Inc. to provide additional tasks for Environmental Planning, Documentation & Permitting, Bridge Inspection Report for the Baker River Bridge Rehabilitation Project. The contract amount shall be increased by \$20,926 for a new contract total of \$187,839.16. This amendment is to be funded by 20% Transportation Improvement Board funds and 80% Bridge Replacement Advisory Committee funds. The Public Works Department has agreed to manage this project on behalf of the Town of Concrete. **(Amendment No. A20020149)**
21. Personal Services Agreement with Cedarock Consultants, Inc. to prepare a preliminary Biological Assessment Draft Report for project team reviews of the Hansen Creek Dredging Project. The report will be prepared for submittal to the National Marine Fisheries Service and the U.S. Fish & Wildlife Service. It is anticipated that additional Biological Assessments will be needed for other projects within the timeframe of the contract. The Agreement shall commence on November 15, 2002 and continue until December 15, 2004. Compensation shall not exceed \$20,000. **(Contract No. C20020415)**
22. Personal Services Agreement with Geo Engineers to provide geotechnical engineering services for the evaluation of South Shore Drive (south side of Lake Cavanaugh) and provide conclusions and recommendation for stabilizing the section of roadway and repair. The Agreement shall commence on November 18, 2002 and continue until December 31, 2003. Compensation shall be set at \$7,700. **(Contract No. C20020416)**
23. Amendment No. 1 to Local Agency Standard Consultant Agreement **No. C20020189** with GeoTest Services to expand the scope of work to include compact testing, associated laboratory testing and geotechnical engineering for the proposed storm water pump station and associated force main for the Morris Street Improvement Project. Compensation shall be an additional \$7,725 for a new maximum amount payable of \$13,525. The Public Works Department has agreed to manage this project on behalf of the Town of La Conner. **(Amendment No. A20020150)**
24. Amendment No. 1 to Personal Services Agreement **No. C20020264** with Shearer Design, LLC to revise the original scope of work for the Nookachamps Bridge to include the design time for a cap beam cover plate strengthening, external shear clamps, deck repair or overlay details, and preparation of bid documents to have a contractor implement this repair. Compensation shall be reduced by \$39,902 to a new contract balance of \$19,435. **(Amendment No. A20020151)**

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, November 18, 2002, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant number 132117 from Clearing Fund 696 in the total dollar amount of \$90,000 (Transmittal No. C-98-02); and

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Warrants numbered 132118 through 132595 from Clearing Fund 696 in the total dollar amount of \$927,483.97 (Transmittal No. C-99-02).

2. On behalf of the Risk Management Department, Staff presented a Memorandum of Understanding, which constitutes an agreement of membership in the Washington State Association of Counties Retrospective Rating Program for the period of one year, commencing on April 1, 2003 and ending on March 31, 2004.

Commissioner Dahlstedt motioned to approve the Memorandum of Understanding as outlined. Commissioner Munks seconded the motion, which was carried. **(Approved)**

3. Hilary Thomas, Civil Prosecutor, provided a Settlement Agreement and Release between Skagit County, Tami Schackman and Daniel Weinberg. Commissioner Dahlstedt motioned to approve the agreement as outlined by Ms. Thomas. Commissioner Munks seconded the motion, which was carried. **(Approved)**

PUBLIC COMMENT PERIOD.

Carol Ehlers, 3998 Windcrest Lane, Fidalgo Island, stated that during the last four hearings before the Planning Commission, all have been items that have come before the Board of County Commissioners first. In some cases she felt it was absolutely necessary that they come before the Commissioners first and in one case it wasn't necessary to do so. She suggested that the Board give serious consideration as to what comes before them for a hearing, prior to having it bounced back to the Planning Commission. It is very difficult to have any kind of a sensible hearing after the Board has already conducted a hearing themselves. It is at that time that the Board needs to decide what they want the Planning Commission to do.

Ms. Ehlers also indicated that the Planning Commission is never given any information prior to their hearings. The Board receives all the information they need prior to their hearings, so why should it be any different for the Planning Commission. It makes it difficult for the Planning Commission to reach their findings when necessary information is not made available.

Ms. Ehlers cited the Drainage Ordinance, which in her opinion came before the Board for unknown reasons. She said Kendra Smith only gave out the Staff Report 24 hours before comments were due. The law itself is well known. The disturbing factor is the background materials given to the Planning Commission did not include a full replication of the concerns of Public Works. When Ms. Ehlers questioned Ms. Smith as to why the Staff Report and other information was not given out sooner, her reply was that there had been plenty of discussion before the County Commissioners.

Ms. Ehlers explained that as long as there is an assumption of that which comes before the Board does not need to go to the Planning Commission, they are left hanging because many times the most important information is given to the Board. She encouraged the Board to pay very close attention to it.

Ms. Ehlers also mentioned that when a County Commissioner is unable to attend a session for whatever reason, she feels it would be wise to explain the absence in the Skagit Valley Herald under the Synopsis as well as reflecting it in the minutes of the hearing.

Mike Jones, 23404 Prairie Road, Sedro-Woolley, said the reason he is back today is in regard to the exotic animal ordinance. He received a letter from the Prosecuting Attorney's office telling them they are in violation Skagit County Code sections 7.04.040 and/or 70.04.070. It states that they must immediately remove their Siberian Tiger from Skagit County and comply with the provisions of Chapter 7.04 SCC before bringing the animal back. Failure to do so may subject them to criminal and civil liability under the Code, and may result in your animal being abated as a public nuisance.

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Commissioner Munks asked Mr. Jones if the Prosecutor's Office had given them a timeline for removal of the animal. He replied that there is no timeframe mentioned in the letter. They have done all they can as far as insurance goes. The maximum they can get is \$100,000, not \$1 million as the ordinance requires.

Mr. Jones then presented a request to the Skagit County Board of Commissioners from he and his wife, Dave Colburn and Lloyd Bray. They, as owners of exotic felines and those being affected by the ordinance, would like to have a hearing before the Board as well as a representative from the Prosecutor's Office, preferably the person responsible for writing the ordinance, and find out why Whatcom County has an ordinance with no insurance requirements and why Island County has requirements but no insurance. There are only four counties in the United States that require insurance.

Mr. Jones said he has contacted the Prosecuting Attorney's office several times and hasn't received any responses. He has made it perfectly clear that the insurance amount is not available and is out of line with what the rest of the country has.

Commissioner Munks said he spoke with the Prosecuting Attorney's office about lowering the standard that we have in the County. He said he will check to see why it has not been brought back before the Board as a discussion item. He wasn't aware that any action had been taken on this matter. Commissioner Munks promised to contact Mr. Jones as soon as he has received a reply from the Prosecutor. He assured Mr. Jones that he would also find out why they received the notice in the first place.

Ms. Ehlers mentioned there was no public input on the drafting of the ordinance and the individual that did the drafting did not know that the 2 1/2 acre zone was superimposed over the former 1/4 acre zone. Therefore, it was written as 2 1/2 acre zone requirements as if there were really 2 1/2 acre lots. It was then applied to 1/4 acre lots because they didn't know they were there. Ms. Ehlers feels there are several difficulties as much with the procedure as how the law was drafted as well as the law itself. If more people are involved in the beginning of an ordinance, you get a better job at the end.

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

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

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ATTEST:

JoAnne Giesbrecht, Clerk of the Board
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