

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003**

8:00 a.m. – 8:45 a.m.	Work Session – Commissioners
8:45 a.m. – 9:30 a.m.	Work Session – County Administrator
9:30 a.m. – 10:00 a.m.	Decision – Appeal of the Scheffer Family Special Use Permit (PL00-0699) and the Shoreline Substantial Development Permit (PL01-0857) for the “Island Breeze” Bed and Breakfast
10:00 a.m. – 10:30 a.m.	Discussion and Possible Action – Assignment of Transfer of Franchise Agreement Nos. 9884, 11069, and 12896 to Wave Division Networks, LLC - d/b/a Cedar Communications, LLC
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items
11:30 a.m. – 11:45 a.m.	Public Comment Period
11:45 a.m. – 12:00 p.m.	Certification – 2002 Fixed Asset Inventory
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, March 10, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

DECISION – APPEAL OF THE SCHEFFER FAMILY SPECIAL USE PERMIT (p100-0699) AND THE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (PL01-0857) FOR THE “ISLAND BREEZE” BED AND BREAKFAST.

Commissioner Munks stated that in 1999, the Scheffers were issued a residential shoreline exemption for the remodel of this house into a six bedroom structure. This decision was appealed and then reversed by agreement. A Special Use Permit application sought concurrently for a bed and breakfast was withdrawn. The applicants subsequently applied for a revision to the original Shoreline Variance Permit. This revision was approved by the Hearing Examiner on June 6, 2000, after a public hearing. At the hearing, the Scheffers asserted that the new bedrooms were for the use of their extended family and they disclaimed any intention to try to open a bed and breakfast. The Examiner then found that the public testimony at the hearing on the current application expressed continuing doubts about the intentions of the applicants. The fear in the nearby residential community was that this remodel was just a step in an incremental campaign to get a bed and breakfast into operation. The structural improvements proposed closely approximate those submitted in conjunction with the earlier bed and breakfast proposal. The Examiner’s approval of the structural changes did not authorize commercial activity at the site.

Commissioner Munks said with that, he cannot rule in favor of the Hearing Examiner and is voting against his ruling.

Commissioners Anderson said he was in agreement with Commissioner Munks in a couple of areas. He stated that there is nothing in the law within the County’s zoning policy that outright prohibits a bed and breakfast from being established in the area on Marine Drive in Anacortes. In fact, a bed and breakfast is allowed to be put there. He said that as Commissioners, it is our responsibility to try and address each issue as it arises. In spite of the history of the project, the fact remains that it would be an allowable use in that type of zoning. The Hearing Examiner did a good job in placing conditions on his approval. Commissioner Anderson said he upholds the Hearing Examiner based on this singular issue and not on the past process.

**RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 2**

Commissioner Dahlstedt said he too is concerned about how this particular process has evolved. When dealing with neighbors, the most honest and upfront you can be in the process, is simply for the best. He is disturbed that this project had been presented as a being built as primarily a single family residence. However, he agrees with Commissioner Anderson and said that if the project is something that is allowed under the County's existing codes and laws, then he feels the Hearing Examiner's decision was correct.

Commissioner Anderson motioned to uphold the Hearing Examiner's decision as conditioned on January 2, 2003. Commissioner Dahlstedt seconded the motion, which was carried. Commissioner Munks voted against the decision.

DISCUSSION AND POSSIBLE ACTION – ASSIGNMENT OF TRANSFER OF FRANCHISE AGREEMENT NOS. 9884, 11069, AND 12896 TO WAVE DIVISION NETWORKS, LLC – D/B/A CEDAR COMMUNICATIONS, LLC.

Commissioner Anderson motioned to approve Resolutions regarding Assignment and Transfer of Franchise Agreement Nos. 9884, 11069, and 12896 to Wave Division, LLC. Commissioner Munks seconded the motion, which passed unanimously. **(Franchise Agreement No. 11069 – Contract No. C20030086; Franchise Agreement No. 12896 – Contract No. C20030087; Franchise Agreement No. 9884 – Contract No. C20030088)**

CONSENT AGENDA.

Commissioner Anderson motioned to approve Items 1 through 47 of the Consent Agenda for Monday, March 10, 2003. Commissioner Munks seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, February 24, 2003.
2. Record of the Proceedings for Tuesday, February 25, 2003.
3. Record of the Proceedings for Wednesday, February 26, 2003.

BUDGET & FINANCE:

4. Interlocal Cooperative Agreement, per Resolution No. R20030036, between Skagit County and Skagit Public Utility District, which would allocate \$77,000 in Distressed County Facility monies to the "Dodge Valley Road Water Extension Project. **(Contract No. C20030089)**
5. Memorandum of Agreement with the La Conner Chamber of Commerce to assist with the costs associated with developing a new website promoting the La Conner area, merchants, events, and advertising the La Conner Arts Alive Festival in the AAA Journey Magazine. The agreement is for calendar year 2003, and the County will provide \$3,000 in funding. **(Contract No. C20030090)**
6. Amendment No. 1 to Interlocal Cooperative Agreement No. C20020207 between Skagit County and the City of Burlington, which will change the scope and lower the compensation from \$500,000 to \$103,315 for the TTM Water Treatment Project funded through Distressed County Facility Grant funds. **(Amendment No. A20030023)**
7. Memorandum of Agreement with the Sedro-Woolley Museum to direct funds towards costs associated with advertising and promoting tourism in Sedro-Woolley. The agreement term is for calendar year 2003, and the County will provide \$2,000 in funding. **Contract No. C20030091)**

**RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 3**

8. Personal Services Agreement with Susan D. Musselman, Inc. to provide advice to the County on services required to develop and execute a financing plan, which will include refunding of outstanding bonds and funding for two new facilities. The County may also request that the advisor provide other services unrelated to a specific financing project. The agreement shall commence on January 1, 2003 and continue through December 31, 2003. Compensation shall be paid at a fee of \$1.25 per \$1,000 of financing for any bond issue. Hourly rates vary from \$75 to \$150, depending upon the services being provided. **(Contract No. C20030092)**
9. Resolution to modify Skagit County's Cost Assessment Policy, which reflects a "Two Tier" that more accurately reflects Indirect Department Costs and allocates them to previously established recipient Direct Service Departments. **(Resolution No. R20030058)**
10. Resolution to modify 2002 Cost Allocations to County Funds, which will replace Resolution No. R20030024 that inadvertently billed County Road Fund 117 twice for Insurance Cost Recovery. This will correct that over-billing as well as include refinements to the previous allocation tables. **(Resolution No. R20030059)**

EMERGENCY MANAGEMENT:

11. Right-of-Entry Agreement with Floyd Squires and John D. Squires to allow Skagit County entry onto their private property. This will allow the County to make an emergency repair to the private saltwater dike on Samish Island. This repair is necessary to protect the County-owned Samish Island Road and to protect those citizens who live within a 2.8 mile radius of the dike that could be affected if there was a dike failure. No compensation is being paid. **(Contract No. C20030093)**

HEALTH DEPARTMENT:

12. Out-of-State Travel Request for Cathy Smith to attend the 2003 Reproductive Health Conference in Portland, Oregon on March 31 to April 2, 2003 for an approximate cost of \$474. **(Approved)**

HUMAN SERVICES:

13. Resolution appointing Rebecca Clark to the Skagit County Mental Health Advisory Board for a three-year term beginning February 20, 2003 through February 19, 2006. **(Resolution No. R20030060)**
14. Resolution appointing Ed Gegen to the Skagit County Developmental Disabilities Advisory Board for a three-year term beginning February 21, 2003 through February 20, 2006. **(Resolution No. R20030061)**

INFORMATION SERVICES:

15. Resolution requesting proposals for Oracle Database Software and support to upgrade the County's financial system. **(Resolution No. R20030062)**
16. Resolution requesting proposals for a District Court Probation Case Management System. **(Resolution No. R20030063)**

PARKS AND RECREATION:

17. Vendor Services Agreement with Washington Fence Company to provide installation of galvanized fencing at the Swinomish Boat Launch. The agreement shall commence on December 1, 2002 and continue until June 1, 2003. Compensation shall not exceed a total of \$4,000. **(Contract No. C20030094)**

**RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 4**

RISK MANAGEMENT:

18. Personal Services Agreement with Listen Audiology Services, Inc. to perform mandated hearing tests, reports, and letters for Skagit County employees with State and Federal regulations. The agreement shall commence on December 1, 2002 and continue through December 31, 2003. Compensation shall not exceed a total of \$5,000. **(Contract No. C20030095)**
19. Personal Services Agreement with HR Answers to provide various Human Resource trainings. The agreement shall commence on February 1, 2003 and continue until December 31, 2003. Compensation shall not exceed a total of \$6,000. **(Contract No. C20030096)**
20. Personal Services Agreement with Turner Human Resources to perform various Human Resource investigations as requested by the Skagit County Human Resource Director. The agreement shall commence on February 1, 2003 and continue through June 1, 2003. Compensation shall not exceed a total of \$2,000. **(Contract No. C20030097)**

SENIOR SERVICES:

21. Resolution authorizing a call for a Public Hearing regarding the lease of the Concrete Senior Center by the Saturday Community Market Association. The hearing will take place on Monday, March 24, 2003 at 10:45 a.m. **(Resolution No. R20030064)**

SHERIFF'S DEPARTMENT:

22. Out-of-State Travel Request for Rick Grimstead to attend the 2003 Oregon/Washington Sheriff's Conference in Hood River, Oregon from March 17-19, 2003 for an approximate cost of \$320. **(Approved)**
23. Basic Law Enforcement Shooting Range Contract with Arlington Recreational Shooting and Training Center to provide use of the range to Sheriff's Department Patrol and Correctional staff. The contract shall commence on January 1, 2003. Compensation shall be paid at an hourly rate of \$50. **(Contract No. C20030098)**

YOUTH & FAMILY SERVICES:

24. Interlocal Cooperative Agreement, per Resolution No. 17300, between Skagit County and Concrete School District to provide Mental Health Services such as counseling, mentoring, and recreational activities. The County and the District will share financial support to provide these services. The agreement shall commence on January 1, 2003 and continue through December 31, 2003. The District will contribute \$1,500 during the term of the contract. **(Contract No. C20030099)**
25. Personal Services Agreement with Family Resources Northwest to offer programs that provide parents with specific and practical skills to promote the optimal development of children and foster close parent-child relationships as well as open and honest communication. The agreement shall commence on January 1, 2003 and continue until December 31, 2004. Compensation shall not exceed a total of \$10,000. **(Contract No. C20030100)**
26. Vendor Services Agreement with HOBART to provide maintenance for a dishwasher located at Juvenile Detention. The agreement shall commence on March 10, 2003 and continue until March 10, 2004. Compensation shall not exceed a total of \$574.33. **(Contract No. C20030101)**
27. Resolution authorizing the execution of an Interlocal Cooperative Agreement with the Swinomish Tribal Community to continue collaboration on the Swinomish After-School Cultural Program. **(Resolution No. R20030065)**

**RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 5**

28. Interlocal Cooperative Agreement with the Swinomish Indian Tribal Community to allow The Tribe, as a sub-grantee of the Juvenile Justice grant, to provide juvenile justice services to youth who face a multitude of difficulties, such as delinquency, substance abuse, school dropout, and violence. The agreement shall commence on July 1, 2001 and continue through June 30, 2002. Skagit County will reimburse the Tribe \$10,000 per fiscal year for those services. **(Contract No. C20030102)**
29. Interlocal Cooperative Agreement, per Resolution No. 17300, between Skagit County and the La Conner School District to provide academic support to the youth of the Kulshan Creek neighborhood through an after-school bilingual tutoring program. The agreement shall commence on March 1, 2003 and continue until May 31, 2003. The District will reimburse Skagit County a maximum of \$10,000 for the contract period. **(Contract No. C20030103)**

PUBLIC WORKS:

30. Resolution amending Resolution No. R20020402, which modifies the custodians and increases the amounts of the Imprest Cash Fund for Solid Waste Fund No. 401. **(Resolution No. R20030066)**
31. Resolution amending Resolution No. R20030030, which amends the 2003 Solid Waste Advisory Committee membership. Casey Conrad will be appointed to fill the Industry/Business position that is currently vacant. His term will expire on December 31 2003. **(Resolution No. R20030067)**
32. Out-of-State Travel Request for Lorna Ellestad to attend a conference titled "Saving our Coastal Heritage" on April 13-16, 2003 in Baltimore, Maryland. The seminar will focus on the goals and practices of coastal and estuarine habitat restoration. **(Approved)**
33. Letters of support to Senators Mary Margaret Haugen, Val Stevens, Paull Shin, and Dave Schmidt for their sponsorship of Senate Bill 5344, designating State Highway 9 as a Highway of Statewide Significance. **(Approved)**
34. Real Estate Summary of Offer for acquisition of the Mueller Revocable Living Trust property located at I Avenue and 6th Street in Anacortes. Total compensation for the property is \$388,000. **(Contract No. C20030104)**
35. Resolution amending Resolution No. R20020454, authorizing a date extension on repayment of an Interfund Loan to Lake Management District No. 2. Reference was made in paragraph three of Resolution No. 17730 incorrectly, rather than to Resolution No. 17989. **(Resolution No. R20030068)**
36. Letters to various Congressional offices and agencies for meetings held during the Board's recent attendance at the NACo Legislative Conference in Washington, D.C. including: Senators Cantwell and Murray; Congressmen Brian Baird, George Nethercutt, Doc Hastings, Norm Dicks; Congresswoman Jennifer Dunn; U. S. Army Corps of Engineers; Federal Energy Regulatory Commission; National Oceanic Atmospheric Administration; U. S. Department of the Interior; and the U. S. Department of Transportation Federal Highway Administration. **(Approved)**
37. Resolution awarding the bid for two or more, latest model tractors with mower/brushcutter attachments to Coastline Ford Tractor of Everett in the amount of \$142,241.22. **(Resolution No. R20030069)**
38. Resolution approving the bid award for the procurement of maintenance materials with purchases expected to exceed \$25,000 annually to multiple vendors. Purchases will be based on quality, availability, and cost of product for the period of April 1, 2003 to March 31, 2004. The contracts will be in effect from April 1, 2003 to March 31, 2004. **(Resolution No. R20030070)**

RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 6

39. Resolution awarding the bid for rental equipment to five vendors that Public Works anticipates spending over \$25,000 annually with. The vendors were chosen based on price and the availability of equipment that will be utilized the most. **(Resolution No. R20030071)**
40. Resolution calling for an update of vendor lists for maintenance material and rental equipment. The list will be updated twice a year per RCW 39.04.190. **(Resolution No. R20030072)**
41. Resolution calling for a Public Hearing for the vacation of an unopened County right-of-way north of Eden's Road and east off of West Shore Road on Guemes Island. The hearing will take place on Tuesday, April 15, 2003 at 9:00 a.m. **(Resolution No. R20030073)**
42. Supplement No. 2 to Local Agency Standard Consultant Agreement No. 05197 between Skagit County and Sheldon & Associates, Inc. for the Goldenrod Bridge and Road Improvement Project (City of Burlington) # ES9700-4. The completion date will be extended from December 31, 2002 to December 31, 2003. All other provisions shall remain in effect. **(Amendment No. A20030024)**
43. Supplemental No. 2 to Local Agency Standard Consultant Agreement No. 05476 between Skagit County and Widener & Associates, Inc. for the Morris Street Improvement Project (Town of La Conner) # ES9700-3. The completion date will be extended from December 31, 2002 to December 31, 2003. All other provisions shall remain in effect. **(Amendment No. A20030025)**
44. Ordinance amending Skagit County Code 10.04.030 to revise the speed limit on a portion of Colony Road #24000, from milepost 0.00 (Chuckanut Drive) to milepost 2.810 (Ershig Road), from 50 mph to 40 mph. **(Ordinance No. O20030007)**
45. Vendor Services Agreement with Commercial Plumbing, Inc. to replace two existing wall hung toilets with new pressure assisted toilets and reinforce carriers in the wall. Other work will be provided on an as needed basis. The agreement shall commence on March 1, 2003 and continue until December 31, 2003. Compensation shall not exceed a total of \$2,400. **(Contract No. C20030105)**
46. Personal Services Agreement with AquaTechnex to provide lake treatment services for Big Lake Management District No. 1 for 2003-2004. Total compensation is not to exceed \$241,650. **(Contract No. C20030106)**
47. Vendor Services Agreement with Guyline Construction Company, Inc. to provide emergency work consisting of repairing the security fence which was blown down around the Burlington Public Works complex. The agreement shall begin and end on January 10, 2003. Compensation shall be a total of \$1,832.60. **(Contract No. C20030107)**

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, March 10, 2003, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$81,531.30 (Transmittal No. C-19-03); and

Warrants numbered 139146 through 139617 from Clearing Fund 696 in the total dollar amount of \$1,113,160.08 (Transmittal No. C-20-03); and

RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 7

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$39,951.70 (Transmittal No. C-21-03); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$20,876.20 (Transmittal No. C-22-03); and

Warrants numbered 139618 through 139983 from Clearing Fund 696 in the total dollar amount of \$3,701,052.00 (Transmittal No. C-23-03); and

Payroll warrants numbered 958876 through 958952 in the total dollar amount of \$84,882.64 (Transmittal No. P-09-03); and

Payroll warrants numbered 119078 through 119943 in the total dollar amount of \$915,411.96 (Transmittal No. P-10-03); and

ACH Transfer and Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$34,720.76 (Transmittal No. C-24-03).

PUBLIC COMMENT PERIOD.

Jamie Lanning of Clear Lake expressed his dissatisfaction with the Board regarding the junk cars and other items that are cluttering portions of Clear Lake. He indicated that he has asked Public Works repeatedly to clean up the eyesores, to no avail. Mr. Lanning said he's given up on the Board and plans to never come forward for any requests in the future.

Louie Requa, Skagit Surveyors and Engineers, spoke about his concerns with the CaRD development procedure. He doesn't feel that negotiating behind closed doors is the correct way to handle the issue. Mr. Requa feels a public hearing would serve as the best venue for expressing public opinion on this matter.

CERTIFICATION – 2002 FIXED ASSET INVENTORY

Chris Stamey, Finance Department, provided the Board with a complete physical inventory of all personal property owned by Skagit County. He stated that most all of the property has been accounted for during the twelve month period ending December 31, 2002. There were a few items that were reported either lost or stolen and the County has police reports and proper documentation for those. The report includes a complete listing of all assets of Skagit County, together with a report listing assets acquired during 2002 and disposed of during 2002.

Commissioner Anderson motioned to approve the 2002 Fixed Asset Inventory Report, as outlined by Mr. Stamey. Commissioner Munks seconded the motion, which passed with a unanimous vote.

**RECORD OF THE PROCEEDINGS
MONDAY, MARCH 10, 2003
PAGE NO. 8**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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