

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 28, 2003**

8:00 a.m. – 8:45 a.m.	Work Session – Commissioners
8:45 a.m. – 9:30 a.m.	Work Session – County Administrator
9:45 a.m. – 10:00 a.m.	Bid Opening – Baker River Bridge Rehabilitation Project
*T 10:00 a.m. – 11:00 a.m.	Public Hearing – Proposed Amendment to Skagit County Code 7.04.060(8), Which Sets Forth Requirements Regarding Liability Insurance for Exotic and Wild Animals
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous
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, April 28, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

BID OPENING – BAKER RIVER BRIDGE REHABILITATION PROJECT.

Keith Elefson and Kelly Kendrick of the Public Works Department proceeded to open bids for the Baker River Bridge Rehabilitation Project. Bids were received as follows:

Mowat Construction
PO Box 1330
Woodinville WA 98072
Addendums No. 1, 2 & 3 Enclosed
Bid Bond Enclosed
Total Bid Price: \$1,593,620.50

One-Way Construction
215 N Reed Street
Sedro-Woolley WA 98284
Addendums No. 1, 2 & 3 Enclosed
Bid Bond Enclosed
Total Bid Price: \$1,289,330.05

Mr. Elefson indicated that a bid award recommendation would be forthcoming within the next few weeks.

PUBLIC HEARING – PROPOSED AMENDMENT TO SKAGIT COUNTY CODE 7.04.060(8), WHICH SETS FORTH REQUIREMENTS REGARDING LIABILITY INSURANCE FOR EXOTIC AND WILD ANIMALS.

Hilary Thomas, Skagit Prosecuting Attorney's Office, gave background information on the last work session on liability insurance for exotic and wild animals and the amended language, which was sent to those who attended the work session. The proposed amendment would require proof of liability insurance in the amount of \$1 million; or, if the owner can show proof of obtaining United States Department of Agriculture (USDA) or American Zoo and Aquarium Association (AZA) certification, the required liability insurance amount would be \$250,000.

Dave Coleburn, 6128 Parkside Drive, Anacortes, Predators of the Heart and Ethics Officer for Phoenix, spoke about HB 115 – Wild and Dangerous Animal Bill. Mr. Coleburn has attended several state

RECORD OF THE PROCEEDINGS
MONDAY, APRIL 28, 2003
PAGE NO. 2

legislative sessions, and the bill is almost dead. He stated that the injuries caused by these animals are a fraction of those associated with dogs and other domestic animals. He provided several pictures of his animals and his facility. Mr. Coleburn reported that he had a \$2 million liability policy up until last year, and the policy is now unavailable. Mr. Coleburn stated he would like to serve on a committee with government entities and other exotic animal owners.

Commissioner Anderson asked if \$250,000 liability insurance is available. Mr. Coleburn said that only one company offers insurance, but it is just "scripted" insurance that has a history of not paying claims.

Roger Pederson 12354 Bayview Cemetery Road, Mount Vernon, had two concerns. He thought the definition of exotic animals was too broad. Mr. Pederson raises Highland cattle, and he had concerns that llamas, alpacas, and Highland cattle could be considered exotic animals. He also wondered if this was more of a private issue and possibly outside the jurisdiction of the Commissioners.

Mike Jones, 2304 Prairie Road, Sedro-Woolley, read a letter that he received stating that there was no liability insurance available in the State of Washington for exotic animals. He suggested the possibility of having animal owners sign a waiver or maybe the County could underwrite the insurance. Mr. Jones provided a petition signed by his neighbors in support of his animals.

Commissioner Anderson asked Mr. Jones if the \$250,000 lower rate was available. He also indicated the only option was with the company that offers "scripted" insurance.

David Hoag, 24482 Hathaway Road, Sedro-Woolley, stated that he lives near Mr. Jones. He was originally fearful of having tigers in his neighborhood, but after seeing the animals he has absolutely no fear of them.

Commissioner Anderson moved and Commissioner Munks seconded the motion to close the public hearing. The motion carried unanimously.

Commissioner Anderson stated this is a confusing issue. He has visited Nostalgia Farms, and realizes the investment Lloyd Bray has made. He stated that he understands that the County's job is to limit risk to citizens. He suggested handling the issue through a special use permit. Neighbors would have to be involved and the Hearing Examiner could stipulate the conditions. He said it was a pointless exercise to require insurance if it is not attainable, and he is not prepared to sign the resolution.

Commissioner Munks had three primary questions: Do we want to allow exotic animals in the County? How can we require insurance that is not attainable? What requirements are needed? He stated he has seen the measures that Mr. Coleburn has gone through to make his facility secure. He feels people have a right to have exotic and wild animals, and with that a responsibility to have the proper fencing, facility, and knowledge to care for the animals. Commissioner Munks thought the special use permit might be a good area because it includes the neighborhood.

Chairman Dahlstedt thanked the County staff for their work. He stated that ultimately when someone gets hurt there is always the risk of liability. He has a background in insurance and was disappointed to hear about the insurance problems and felt that the Insurance Commission should be notified as the laws are strict. Commissioner Dahlstedt would like to delay the matter as he had some concerns about the ordinance, but feels the requirements are reasonable other than the insurance.

Commissioner Anderson commented that sometimes having an ordinance puts the County at even more risk. The Dangerous Dog ordinance is a prime example. He said that even if the County has an ordinance and the insurance, it would not eliminate them from being named in a lawsuit if there was an incident.

Ms. Thomas stated that she had never seen the requirements for exotic animals handled by a special use permit, but that doesn't mean that it could not be done. The County might have to expand the Hearing Examiner's authority. Ms. Thomas added that the Board has the ability to waive the insurance if the

RECORD OF THE PROCEEDINGS
MONDAY, APRIL 28, 2003
PAGE NO. 3

owner is USDA and AZA approved, but wondered if they wanted to get into the business of deciding those issues.

Commissioner Anderson moved to rescind his earlier motion to close the public hearing. Commissioner Munks seconded the motion, which carried unanimously. Commissioner Anderson moved and Commissioner Munks seconded the motion to continue the public hearing to May 20, 2003, at 10:00 a.m. The motion carried unanimously.

CONSENT AGENDA.

Commissioner Anderson motioned to approve items 1-6 and items 8-28 of the Consent Agenda for Monday, April 28, 2003. Commissioner Munks seconded the motion, which passed unanimously. The Commissioners pulled item #7 for clarification of funding.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, April 21, 2003.

AUDITOR'S OFFICE:

2. Resolution authorizing a call for a public hearing to review new and amended voting precinct boundaries. The public hearing will be held on Monday, May 12, 2003, at 10:30 a.m. **(Resolution No. R20030141)**
3. Resolution to authorize the creation of an On-Line Voters' Guide. **(Resolution No. R20030142)**

BEST PLACE:

4. Out-of-State Travel Requests for Karen Rose, Shirley Chu, and Tisha Goodman to attend the National Institute for Early Childhood Professional Development Conference in Portland, Oregon, June 15-18, 2003. The approximate costs will be Karen Rose \$623, Shirley Chu \$344, and Tisha Goodman \$344. **(Approved)**

BUDGET AND FINANCE:

5. Agreement for the USDA to assist Skagit County in wildlife control of European starlings, blackbirds, cowbirds, and pigeons. The effective date of the agreement shall be May 4, 2003 and shall continue through May 4, 2004. Compensation shall be a total of \$19,500. **(Contract No. C20030186)**
6. Resolution to appoint the Budget and Finance Director for the purpose of approving certain expenditures for reimbursement from bonds that may be authorized in the future. **(Resolution No. R20030143)**

CONSERVATION FUTURES:

7. Personal Services Agreement with Timmers Appraisal Services to provide land appraisals for conservation easements required under certain grant agreements and to review Farmland Legacy Program's pricing formula. The effective date of the agreement shall be March 1, 2003 and shall continue through December 31, 2003. Compensation shall not exceed \$30,000.

RECORD OF THE PROCEEDINGS
MONDAY, APRIL 28, 2003
PAGE NO. 4

COOPERATIVE EXTENSION:

8. Interlocal Cooperative Agreement, per Resolution No 17439, between Skagit County and Washington State University Cooperative Extension (WSU) to provide education services to Skagit County. The agreement is effective January 1, 2003 and shall continue through December 31, 2003. Compensation shall be \$80,760. **(Contract No. C20030187)**

HEALTH DEPARTMENT:

9. Agreement to utilize financial support by the Puget Sound Water Quality Action Team to purchase airtime for an on-site septic system campaign. The agreement shall be valid from the date of execution and shall continue through May 31, 2003. Compensation shall not exceed \$3,000. **(Contract No. C20030188)**
10. Resolution amending Resolution **No. 16292** allowing use of an alternative private water system for a subdivision for Rory Swedelius on Barrel Springs Road near Alger. The amendment will extend the timeline for the water system to September 17, 2003. **(Resolution No. R20030144)**

HUMAN SERVICES:

11. Resolution authorizing an Interlocal Agreement between Skagit County and Western Washington University (W.W.U). **(Resolution No. R20030145)**
12. Interlocal Cooperative Agreement between Skagit County and the W.W.U. Recreation Program to provide a camping experience for up to 20 Skagit County teens and adults with development disabilities. The agreement shall be effective January 1, 2003 and continue through December 31, 2003. The maximum compensation amount is \$1,000. **(Contract No. C20030189)**

PROSECUTING ATTORNEY:

13. Quit Claim Deed and Excise Tax Affidavit between Skagit County and Edward Patrick Wardell and Gail Ann Lewis-Wardell, whereby the County releases any interest in property located in the Plat in the Town of Montborne to Mr. and Mrs. Wardell for the purpose of a boundary adjustment. There is no monetary consideration, and the Assessor's Office and Public Works Department concur with the transfer. **(Approved)**
14. Resolution to amend the Skagit County Purchasing and Contracting Guidelines and Resolution **R20020106** to implement a purchase credit card program; delegate authority to the County Administrator to sign contracts on behalf of the Board for less than \$5,000; and accepting revised Personal Services Agreement and Vendor Service Agreement forms. **(Resolution No. R20030146)**

SENIOR SERVICES:

15. Rental Agreement between Skagit County and the Saturday Community Market Association allowing the Market to utilize the perimeter of the Concrete Senior Center building and restrooms on Saturdays. The agreement is effective May-August of 2003, 2004, and 2005. Compensation to the County will be \$240 per year. **(Contract No. C20030190)**

PUBLIC WORKS:

16. Resolution to award the bid for the Nookachamps Bridge Repair Project, No. ES 4001-1 to KLM Construction, Inc. The contractor selected was the lowest bidder to meet the specifications. The total bid amount was \$44,657. **(Resolution No. R20030147)**

RECORD OF THE PROCEEDINGS
MONDAY, APRIL 28, 2003
PAGE NO. 5

17. Final Order of Vacation of Unopened County Right-of-Way on Guemes Island off West Shore Road as petitioned by Mr. Cary Halpin. **(Contract No. C20030148)**
18. Resolution to call for bids for the purchase of diesel fuel for the Guemes Ferry during the period of July 1, 2003 through June 30, 2005. The bid opening will be held on Monday, May 19, 2003, at 9:30 a.m. **(Resolution No. R20030149)**
19. Resolution to award the bid for the Haul Out and Dry Docking of the M/V Guemes Project to Foss Maritime. Foss Maritime was the lowest bidder to meet the specifications for a total bid of \$158,233. **(Resolution No. R20030150)**
20. Vendor Services Agreement with United Rentals to provide equipment rental for various projects. The agreement shall commence on April 1, 2003 and continue until March 31, 2004. Compensation shall vary depending on the equipment. **(Resolution No. R20030191)**
21. Amendment No. 2 to Vendor Services Agreement **No. 05303** with Land Title Company. The amendment will extend the expiration date to May 1, 2004. All other terms and conditions of the original contract shall remain the same. **(Amendment No. A20030046)**
22. Vendor Services Agreement with 3DH Aggregates for road maintenance materials consisting of gravel products. The agreement shall commence on April 1, 2003, and continue through March 31, 2004. Material purchases are expected to exceed \$25,000. **(Contract No. C20030192)**
23. Supplement No. 1 to Personal Services Agreement **No. C20020443** with OTAK. The contract date will be extended until December 31, 2003, and the compensation amount will be increased by \$4,784 for a new total amount of \$15,424. **(Amendment No. A20030047)**
24. Temporary Right-of-Entry Construction Easement Agreement between Skagit County and George and Linda Pransky, owner of Parcel No. P117302. This will give the County and its assigns the right to enter upon the land for the purpose of performing road construction and improvements for Morris Street in La Conner. **(Contract No. C20030193)**
25. Temporary Right-of-Entry Construction Easement Agreement between Skagit County and Timothy and Danielle Kress, owners of Parcel No. P 4164. This will give the County and its assigns the right to enter upon the land for the purpose of performing road construction and improvements for Morris Street in La Conner. **(Contract No. C20030194)**
26. Temporary Right-of-Entry Construction Easement Agreement between Skagit County and Ntinos G. Trapalis, owner of Parcel No. P74144. This will give the County and its assigns the right to enter upon the land for the purpose of performing road construction and improvements for Morris Street in La Conner. **(Contract No. C20030195)**
27. Temporary Right-of-Entry Construction Easement Agreement between Skagit County and John K. Fischer, owner of Parcel No. P113208. This will give the County and its assigns the right to enter upon the land for the purpose of performing road construction and improvements for Morris Street in La Conner. **(Contract No. C20030196)**
28. Ferry Deficit Reimbursement Agreement with the State Department of Transportation (WSDOT). The agreement was revised to clarify allowable expenditures, adjust due dates, and format the agreement to current WSDOT standards. The three-year agreement shall commence on the date of signature. Compensation is based on a reimbursement formula. **(Contract No. C20030197)**

MISCELLANEOUS.

1. (Item #7 of Consent Agenda) Personal Services Agreement with Timmers Appraisal Services to provide land appraisals for conservation easements required under certain grant agreements and

RECORD OF THE PROCEEDINGS
MONDAY, APRIL 28, 2003
PAGE NO. 6

to review Farmland Legacy Program's pricing formula. The effective date of the agreement shall be March 1, 2003 and shall continue through December 31, 2003. Compensation shall not exceed \$30,000.

Brad Whaley, Director of Budget and Finance, confirmed that the Personal Services Agreement was being paid by Conservation Futures funds. Commissioner Anderson then motioned to approve item #7 of the Consent Agenda for Monday, April 28, 2003. Commissioner Munks seconded the motion, which passed unanimously. **(Contract No. C20030198)**

2. 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, April 28, 2003, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant number 142747 from Clearing Fund 696 in the total dollar amount of \$11,438.48 (Transmittal No. C-48-03); and

Warrants numbered 142750 through 143207 from Clearing Fund 696 in the total amount of \$1,467,442.32 (Transmittal No. C-49-03); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$61,722.09 (Transmittal No. C-50-03); and

Payroll warrants numbered 959138 through 959287 in the total dollar amount of \$160,275.94 (Transmittal No. P-15-03); and

Payroll warrants numbered 121692 through 122566 in the total dollar amount of \$958,865.75 (Transmittal No. P-16-03).

3. Staff presented an Agreement for EMS Ambulance Services between Aero-Skagit Emergency Services, Inc. and Skagit County to provide Advanced Life Support ambulance services. The agreement shall commence on April 1, 2003 and continue through December 31, 2003. Total compensation for the duration of the agreement shall be \$244,410.02.

Commissioner motioned to approve the agreement as outlined. Commissioner seconded the motion, which passed unanimously. **(Contract No. C20030199)**

PUBLIC COMMENT PERIOD.

Jim Vogelsang, 1404 S 2nd Mount Vernon, shared a letter and expressed his concerns that a public hearing scheduled for April 30, regarding the proposed gun range, was canceled.

As there were no others present to comment, Commissioner Anderson moved, and Commissioner Munks seconded the motion to close the public comment period. The motion carried unanimously.

**RECORD OF THE PROCEEDINGS
MONDAY, APRIL 28, 2003
PAGE NO. 7**

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:

Shirley Knapp, acting Clerk of the Board for JoAnne Giesbrecht
Skagit County Board of Commissioners