

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 27, 2003**

8:30 a.m. – 9:00 a.m. Work Session – Operation Division Manager/ Road District Maintenance Supervisors

***T 9:00 a.m. – 10:00 a.m. Public Works Department, Chal Martin, Director**

1. Discussion – Baker River Dam Flood Control Operations
2. Discussion/Possible Action – Telegraph Slough Complex Grant
3. Update – Skagit/Samish Water Rights Negotiations
4. Miscellaneous

***T 10:00 a.m. – 11:00 a.m. Planning and Perm it Center, David Blane, Director**

1. Approval of the Final Plat of Skyview Dream Acres owned by Western Washington Corporation of Seventh Day Adventists.
2. Land Use Approval of Connection of Sewer Services to the Samish Water District for the following
 - A. William Fritsch, 18215 Marriott Lane, Parcel No. P111694
 - B. Daniel Lint & Cory Madeiras, 3395 Old Highway 99 North, Parcel No. P119463
 - C. Robert Jarvis no address has been assigned, south side of Lake Samish Road, P48990.
3. Discussion/Possible Action Transmittal of Draft Capital Facilities Plan
4. Discussion of Citizen Advisory Committee for Review of Forest-Natural Resources Lands
5. Discussion/Possible Action on Recorded Motion from Planning Commission Relating to Agriculture/Fish Protection Revision to Critical Areas Ordinance
6. Miscellaneous

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. Bid Opening – To Lease County -owned Land for Hay Cutting

1:30 p.m. – 2:00 p.m. Decision - Regarding Closed Record Appeal by Day Creek Sand & Gravel (PL03-0222) of the Hearing Examiner's Decision Issued on Appeal No. PL02-0720, Reversing an Administrative Official's Mapping Error Interpretation (PL02-0549)

2:00 p.m. – 2:30 p.m. Decision – Regarding Closed Record Appeal by Fidalgo Aggregation in Review (FAIR) (PL03-0320) of the Hearing Examiner's Decision Issued on Appeal Case No. PL02 -0777

2:30 p.m. – 4:00 p.m. Executive Session – Personnel, Litigation, and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Tuesday, May 27, 2003, with Commissioners Kenneth A. Dahlstedt, and Don Munks present. Commissioner Ted W. Anderson was excused due to illness.

PUBLIC WORKS DEPARTMENT , CHAL MARTIN, DIRECTOR.

1. Discussion – Baker River Dam Flood Control Operations Grant

Chal Martin, Public Works Director, provided an overview of the County's request for a study of additional flood storage. He showed several slides related to the Upper Baker Dam. Mr. Martin spoke about the 1995 flood when a large amount of water was released from the Upper Baker Dam, and it worked perfectly. The problem was that the Upper Baker Reservoir only holds 65% of the water, so 35% went into Lake Shannon, which was full, and ultimately into the Skagit River. After looking at this data, the Public Works Departments feels that the system could be managed so that the water going into Lake Shannon during the height of the flood could be reduced. The Lower Baker Dam may need to be modified, so that water can be released. This would be very costly. Mr. Martin stated that in the late 70's there was additional flood control provided above the Upper Baker Dam. There was an environmental impact study done at the time, and there were concerns about a negative effect on fish if more flood control was provided by the Upper Baker Dam. Mr. Martin added that this is a complicated issue, but well worth studying. A letter has been prepared for signature by elected officials to request that Puget Sound Energy look at the issue of additional flood storage.

2. Discussion/Possible Action – Telegraph Slough Complex

Lorna Ellestad, Public Works, showed a map of the parcels of property that are being considered to purchase and restore within the Telegraph Slough Complex. The County has pursued an Aquatic Lands Enhancement Account (ALEA) grant. The County would need to provide \$1 million in matching funds. Washington Department of Fish and Wildlife (WDFW) and Ducks Unlimited are willing to partner with the County on a Coastal Wetlands Conservation Grant proposal. This grant would provide the \$1 million matching funds needed by the County. The property would be restored to open up tidal passage and provide freshwater wetlands for tidal birds. If this area is restored, there may be concerns by WDFW since this is a place where floodwaters would go if there was a big flood. Ms. Ellestad stated that some of these channels were actually formed by flood overflow. She added that one of the restorations would be to create some high marsh, which would provide benefit if a flood were to occur.

Chairman Dahlstedt asked if the decision would be to allow Public Works staff to pursue the grant application. Ms. Ellestad also asked if the Board would be willing to sign a MOA with WDFW for joint-management for this area. Commissioner Munks stated that he was in favor of proceeding with this project. Mr. Martin stated that they would proceed with the grant application.

3. Update – Skagit/Samish Water Rights Negotiations

Mr. Martin provided an update of the Skagit/Samish water rights negotiations. There was a meeting last week on the Skagit process, which was well attended. There is an issue with the Skagit water rights negotiations about obtaining additional data on stream flow. The PUD and Anacortes have indicated a willingness to help with the costs of obtaining the data. Samish negotiations are also moving forward relatively well. The concept is to look at the Samish Basin and divide it into several sub-basins where a variety of actions could be taken, such as drilling deep wells. Currently, the main focus of the Samish negotiations is how to provide water for farming in the lower level. The Tribes' position is whatever water is being used now for irrigation should be retained, and if there are paper water rights that are not being used they would like those paper water rights taken off the table. Chairman Dahlstedt stated that they are trying to find a way to bring the landowners and the farmers together, and there may be a possibility of getting Western Washington Ag to act as a lead agency to bring those stakeholders together since the County cannot represent both sides of the issue. Commissioner Munks agreed that this would be helpful and felt comfortable with that idea. Mr. Martin will pursue that idea with Western Washington Ag. Chairman Dahlstedt stated that this is a costly and time-consuming process, but it may effect generations to come.

4. Miscellaneous

Mr. Martin brought to the Board's attention a Request for Bid Opening for the Morris Street Stormwater Vault Repair and a Personal Services Agreement with ASD to install fall protection lines on the Old Highway 99 trestle bridge. These items will be considered today as part of the Consent Agenda under Miscellaneous.

Mr. Martin gave an update on the meeting last week regarding the boat launch at the Howard Miller Steelhead Park. He stated that a breakwater that was installed had slowed down the water, but sucked in a large amount of gravel at the boat launch. It was decided to remove the breakwater and let the river remove the gravel naturally. Mr. Martin stated that there was some concern that this might result in some risk to a few campsites in the park. That will be watched carefully by the Forest Service. Landowners are not willing to sell property for the purpose of a boat launch on the other side of the river, but it may be possible for the Search and Rescue to acquire some land for additional parking.

Mr. Martin discussed the McElroy Slough Project. Public Works had put this project on hold because of possible effects to surrounding Ag land, the self regulating tidegate in Edison, and concerns about the installation of a self-regulating tidegate on Fir Island. He stated that the only concern of farmers in Blanchard is that their property is protected from saltwater. Don Dixon, Public Works, stated that one of the modifications to the project is to pursue a parallel project to install a larger pipe and an additional tidegate to make sure that the water does not back up and have adverse effects on farmland. Some additional hydrology studies are being proposed to make sure that those issues are addressed. The Skagit Fisheries Enhancement group has permits. There is money available for this project through grants and funds that Public Works has dedicated to the project. There is a proposal that will be discussed with US Fish regarding an adaptive management plan. One major issue is a section of the Tidegate Bill that was vetoed by the Governor. In the past, the Board had asked Public Works not to move forward with this project until the Edison project was resolved. Mr. Dixon stated that if we wait much longer the grant funding will not be available. Mr. Martin said that if the County moved forward with the McElroy project it may be an opportunity to demonstrate that a self-regulation tidegate can work.

Chairman Dahlstedt said that the Skagit Fisheries Enhancement group has tried to work with the neighbors. He stated that the group has put in four test wells to monitor the water quality. He would like to challenge the State to remove the floats on the Edison gate. Commissioner Dahlstedt will contact Director of Fish and Wildlife, if Commissioner Munks is in agreement, to see if all partners can be brought together.

Commissioner Munks stated that he is not against McElroy project, but with the stance the Department of Fish and Wildlife has taken, corrections cannot be made. Mr. Martin stated that it is important that the requested conditions be in place even if the grant money is lost.

PLANNING AND PERMIT CENTER, DAVID BLANE, DIRECTOR.

1. Approval of the Final Plat of Skyview Dream Acres owned by Western Washington Corporation of Seventh Day Adventists

Linda Kuller, Senior Planner, presented a resolution for final plat approval of Skyview Dream Acres submitted by Marge Swint. The request is for development of an approximately 51 acre parcel in Alger into 9 lots.

Commissioner Munks moved approval of a Resolution approving the final plat of Skyview Dream Acres PL02-0240. Commissioner Dahlstedt seconded the motion, which carried unanimously.

2. Land Use Approval of Connection of Sewer Services to the Samish Water District for the following

Ms. Kuller, presented the following applications for connection of sewer service to the Samish Water District:

A. William Fritsch, 18215 Marriott Lane, Parcel No. P111694

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion for approval of the request by Mr. Fritsch. The motion carried unanimously.

B. Daniel Lint & Cory Madeiras, 3395 Old Highway 99 North, Parcel No. P119463

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve the request by Daniel Lint and Cory Madeiras, which carried unanimously.

C. Robert Jarvis no address has been assigned, south side of Lake Samish Road, P48990.

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve the request by Robert Jarvis, which carried unanimously.

3. Discussion/Possible Action Transmittal of Draft Capital Facilities Plan

Guy McNally, Associate Planner, reported that the adoption of this plan was to be approved with the 2003 County budget, but this was delayed to allow other agencies to present their capital facilities planning information. The final draft of the 2003-2008 Capital Facilities Plan is now ready for adoption. Chapter 4 Non-County Capital Facilities was expanded to include maps of the dike and drainage, maps of county-owned facilities, and school district capital facilities plans. The County collects impact fees on behalf of school districts. Those districts are required to submit their capital facilities plans annually as a condition of collecting those fees. Burlington, Conway, LaConner, Sedro-Woolley, and Mount Vernon school districts have all submitted their plans. As a result, all the school impact fees will either stay the same or be reduced. The Commissioners have previously reviewed the Plan, which will be updated annually.

Chairman Dahlstedt asked what steps would need to be taken to plan for the proposed changes in the form of government. Mr. McNally stated that the process of updating the Capital Facilities Plan each year would be to look at needs, work closely with Budget and Finance and the Commissioners on the ability to pay for services and the growing demand in terms of population. The process takes several months to complete, and each year, the categories are revised based on assessments of future needs.

Gary Rowe, County Administrator, reported that he reviewed the Plan last November and recommended several changes, which have been incorporated into the document. He stated that since it is almost June, there is no point in working further on the 2003 plan, since the County will shortly be adopting a plan for 2004. Mr. Rowe said that in the current plan, there are not enough resources to keep up with the needs of current facilities, such as the County Jail or the County administration facilities. He advised the Board to consider adoption of the additional second quarter real estate taxes for the 2004 Plan, since the demands are not being met with the current funding system. Mr. Rowe recommended approval of the Capital Facilities Plan.

Chairman Dahlstedt commented that some of the dike and drainage maps do not show the existing tidgates and floodgates. He also commented that the State is looking at releasing prisoners early and changing the amount of time prisoners serve in county jails. This will impact criminal justice costs, which already make up a major portion of County expenditures.

Commissioner Munks mentioned that cuts in State funding have a definite impact on the essential mandated services, which make planning difficult for the future. He also commented on the possible increases in costs if the County moved to a Charter form of government.

Chairman Dahlstedt recognized Mr. McNally and the Planning Department staff for their work on this process.

Commissioner Munks moved to adopt the Skagit County Capital Facilities Plan for 2003-2008 as recommended and presented by staff. Commissioner Dahlstedt seconded the motion. The motion carried unanimously.

4. Discussion of Citizen Advisory Committee for Review of Forest-Natural Resources Lands

Mr. McNally stated that this item is related to the County's efforts to update policies and regulations for Forest-Natural Resource Lands. Earlier in the year, a consultant was brought under contract for this project, and it was recommended that an existing citizen's advisory committee be used. The committee had been formed to assist the County in rewriting its forest practice regulations. Mr. McNally said that after reviewing the County's public participation program that outlines how committees should be formed, it was discovered that the appointment of the committee should be done formally by a resolution. Mr. McNally stated that the options would be to formalize the existing committee; add additional members, such as a representative of small scale timber owners; or to re-start the process.

Commissioner Munks wanted to make sure that citizens on the committee have a variety of expertise. He is aware that Bill Schmidt would like to be on this committee, and there may be others who are interested in serving as well.

Commissioner Dahlstedt stated that since there are considerable timber lands in District 3 and that Commissioner Anderson is ill today, he felt they should wait to add names. Also, he would like to have an open process.

Director David Blane said that he would prefer to start fresh and give those individuals that are currently on the committee an opportunity to re-apply as part of the new process. A brief discussion followed and it was decided that the Planning Department will advertise for applications for a new committee.

5. Discussion/Possible Action on Recorded Motion From Planning Commission Relating to Agriculture/Fish Protection Revision to Critical Areas Ordinance

Tom Karsh, Natural Resources Policy Administrator, provided an updated copy of the Recorded Motion from the Skagit County Planning Commission regarding revisions to the County's Critical Areas Ordinance relating to the protection of ongoing agriculture and fish/wildlife habitat in Skagit County. The updated Recorded Motion included a regulatory map for public review. He read a summary of the Planning Commission's decision. On February 12, 2003, Skagit County released a draft environmental impact statement and draft regulations. The Planning Commission held a public hearing on February 27, and continued to receive public comment until March 31. Since then the Planning Commission has deliberated on the comments that were received. At the conclusion of the meeting on May 21, 2003, the Planning Commission voted 4-4 to recommend that the County Commissioners approve the Ordinance. One member was absent. There was a motion made to forward this proposal to the County Commissioners for final action, and the vote to forward was 4-4. Mr. Karsh stated that this means the proposal is being presented without any formal recommendation by the Planning Commission. The alternatives are for the Commissioner's to remand the Ordinance back to the Planning Commission, or to hold their own public hearing. Staff is recommending that Board of Commissioners hold their own public hearing, with final action to be taken by June 26. Mr. Karsh said if this matter was remanded back, that deadline would not be met. He added that because of substantive changes by the Planning Commission to the regulations, it would be inappropriate to take action without allowing public comment. Mr. Karsh recommended that the public hearing be held on Monday June 16, from 4-6 p.m.; with staff deliberations and a decision on Friday, June 20 from 8-11 a.m.; and a final decision to be presented for Board signature on June 23 at 9:15 a.m. A notice will be given to the Skagit Valley Herald to advertise the public hearing and to allow the public to submit written comments up until the close of the workday on June 13.

Chairman Dahlstedt stated that they could expedite the process by reviewing the information that has been provided to the Planning Commission over the next two weeks.

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Chairman Munks moved that the Board of Commissioners hold a public hearing on Monday, June 16, 4-6 p.m.; deliberation and action on Friday June 20, 8-11 a.m.; and a presentation of the decision on Monday, June 23 at 9:15 a.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

6. Miscellaneous

Mr. Blane presented three Resolutions to clarify the effective date of the following three Ordinances. The Ordinances will be effective once they are approved by the Hearing Board.

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve a Resolution Clarifying the Effective Date of Ordinance No. O20030016 Relating to Conservation and Reserve Development (CaRD). The motion carried unanimously. **(Resolution No. R20030181)**

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve a Resolution Clarifying the Effective Date of Ordinance No. O20030015 Relating to Rural Commercial and Industrial Acreage (Rural C/I). The motion carried unanimously. **(Resolution No. R20030182)**

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve a Resolution Clarifying the Effective Date of Ordinance No. O20030014 Relating to Rural Marine Industrial (RMI). The motion carried unanimously. **(Resolution No. R20030183)**

CONSENT AGENDA.

Commissioner Munks motioned to approve items 1 -31 of the Consent Agenda for Monday, May 27, 2003. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONER'S OFFICE:

1. Record of the Proceedings for Monday, May 19, 2003.
2. Record of the Proceedings for Tuesday, May 20, 2003.

BUDGET AND FINANCE:

3. Resolution authorizing budget line item changes to move \$50,000 of the budget within the Law Library Fund and \$79,939 within the Special Paths Fund for management purposes. **(Resolution No. R20030172)**

FACILITIES MANAGEMENT:

4. Lease Agreement with Upper Skagit Library District for a portion of the new East County Community Resource Center. The lease shall begin on May 1, 2003 and continue through April 30, 2005. The Library District will pay Skagit County \$450/month. **(Contract No. C20030243)**

HEALTH DEPARTMENT:

5. Contract with Department of Social and Health Services for Alternative Response System Services for families that are screened by Child Protective Services. The agreement is effective January 1, 2003 through June 30, 2003. The maximum amount payable to the County is \$8,892. **(Contract No. C20030244)**
6. Out-of-State Travel Request for Peter Browning to travel to Atlanta Georgia to attend a Public Health and law Conference. The dates of travel will be June 14-18, 2003. The approximate cost will be \$1,068.

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HUMAN SERVICES:

7. Contract with the Department of Social and Health Services Division of Developmental Disabilities to replace Contract **No. 05538**, which was completely revised due to requirements in the State fiscal year 2003 operating budget. The agreement is effective from July 1, 2001 continuing through June 30, 2003. Compensation will be \$1,587,817. **(Contract C20030245)**

INFORMATION SERVICES:

8. Out-of-State Travel Request for Ryan Johns to attend the Spillman 2003 Technical Users Conference in Logan, Utah. The dates of travel will be August 5 -8, 2003. The approximate cost will be \$814.

PROSECUTING ATTORNEY:

9. Quit Claim Deed and Excise Tax Affidavit between Skagit County and Frank H. Bennett and Anne Bennett whereby the County releases any interest in a property plat in the Town of Montborne to Mr. and Mrs. Bennett for the purpose of a boundary adjustment. There is no monetary consideration and the Assessor's Office and the Public Works Department concur with the transfer.

RISK MANAGEMENT:

10. Amendment to Contract **No. C20030096** with HR Answers to include compensation for travel expenses incurred when conducting training for Human Resources/Risk Management. Total compensation of \$5,000 will remain the same. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20030061)**

SHERIFF:

11. Out-of-State Travel Request for Corrections Deputy David Jones to attend the Spillman 2003 Technical User's Conference held in Logan, Utah, August 5 -9, 2003. The approximate cost will be \$1,052.

YOUTH AND FAMILY SERVICES:

12. Interlocal Cooperative Agreement between Skagit County and the Anacortes, Burlington-Edison, Concrete, LaConner, and Mount Vernon School Districts per Resolution **No. C20020039** for funding of the Youth and Family Services Truancy Specialist position. The agreement is effective September 1, 2002 and will continue through August 31, 2003. The school districts will provide reimbursement of \$19,545.07 with each district paying a percentage based on number of full-time equivalent (FTE) students. **(Contract No. C20030246)**
13. Interlocal Cooperative Agreement between Skagit County and the Anacortes, Burlington-Edison, Concrete, LaConner, and Mount Vernon School Districts per Resolution **No. C20020039** for funding of the Youth and Family Services Truancy Specialist position. The agreement is effective September 1, 2003 and will continue through August 31, 2004. The school districts will provide reimbursement of \$20,809.45 with each district paying a percentage based on number of full-time equivalent (FTE) students. **(Contract No. C20030247)**

PUBLIC WORKS:

14. Task Assignment No. 4 to Personal Services Agreement **No. C20030036** with Pacific International Engineering (PIE) to allow PIE to continue working on the development of a new Project Study Plan and working to obtain funding for this phase of the project. Compensation for this task will not exceed \$111,000 for a total project cost is \$393,000. **(Amendment No. A20030062)**

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15. Resolution to amend Resolution **No. R20030149** to call for bids for the purchase of diesel fuel for the Guemes Ferry during the period of July 1, 2003 through June 20, 2005. The bid opening date will be June 16, 2003, at 9:30 a.m. (No bids were received in the previous bid opening on Monday, May 19.) **(Resolution No. R20030173)**
16. Resolution establishing a County Road Project No. 40099-1 for the Government Bridge Painting Project. Compensation will be \$177,000. **(Resolution No. R20030174)**
17. Resolution establishing a County Road Project No. 40089-1 for the Lower Finney Creek Bridge Painting Project. Compensation will be \$47,000. **(Resolution No. R20030175)**
18. Contracts for County Road Administration Board (CRABoard) Arterial Trust Account (RATA) funding awarded for three new road projects on Helmick Road and two sections of Kelleher Road for a total compensation to the County of \$1,200,000.
19. Supplement No. 2 to Agreement **No. C20020016** with Entranco, Inc. to provide additional tasks for the Baker River Bridge Rehabilitation Project. The contract date will be extended until March 31, 2004, and the compensation amount will be increased by \$35,035.00 for a new total of \$222,874.16. **(Amendment No. A20030063)**
20. Amendment No. 2 to Personal Services Agreement **No. C20020138** with URS Corporation for geological services for the slide on Concrete-Sauk Valley Road. The amendment will extend the expiration date to June 30, 2003. All other terms and conditions of the original contract shall remain the same. **(Amendment No. A20030064)**
21. Personal Services Agreement with Montgomery Water Group, Inc. to conduct hydrologic studies in the McElroy Slough and monitoring of ground and surface water in the Towns of Blanchard and Edison. The agreement will commence on May 1, 2003, and continue through July 2, 2004. Compensation will be \$42,000. **(Contract No. C20030248)**
22. Resolution authorizing an Interlocal Agreement with the Samish Nation. **(Resolution No. R20030176)**
23. Interlocal Agreement between Skagit County and the Samish Nation to perform work on the 2003 Marine Resource Committee Olympia Oyster Study Project. The agreement will be effective March 1, 2003 through February 28, 2004. Compensation will not exceed \$4,000. **(Contract No. C20030249)**
24. Right-of-Entry Agreement with David A. Welts, owner of Parcel Nos. P 16598, P16595, P16576, P16597 and P16580. The agreement will allow the County to implement a mitigation plan and explore possible long-term solutions at Johnson Creek. **(Contract No. C20030250)**
25. Amendment to CZM310 Grant **No. C20020143** for Skagit Marine Resources Committee Projects initiated in 2002. The amendment revises the scope of work, extends the effective date until June 30, 2003, and redistributes the budget. The budget remains at \$45,000. **(Amendment No. A20030065)**
26. Agreement between Skagit County and Leonard Boudinot & Skodje, Inc. to provide surveying and engineering services for the Morris Street Improvement Project in the Town of LaConner. The agreement shall commence on April 18, 2003, and continue through June 30, 2004. Compensation shall not exceed \$71,200. **(Contract No. C20030251)**
27. Temporary Right-of-Entry Construction Easement Agreement between Skagit County and the LaConner Country Inn LLC owner of Parcel No. P 74136. 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 LaConner. **(Contract No. C20030252)**

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28. Resolution to award the contract to One-Way Construction for the Baker River Rehabilitation Project ES 9700-6. **(Resolution No. R20030177)**
29. Contract with One-Way Construction to accomplish the improvements to the Baker River Bridge. The contract shall commence on June 1, 2003 and continue through April 30, 2004. Compensation shall not exceed \$1,289,410. **(Contract No. C20030253)**
30. Resolution to award the contract to KLM Construction, Inc. for the Nookachamps Bridge Repair Project ES 40001-1. **(Resolution No. R20030178)**
31. Contract with KLM Construction to accomplish the repairs to the Nookachamps Bridge. The contract shall commence on June 1, 2003 and continue through December 31, 2003. Compensation shall not exceed \$44,657. **(Contract No. C20030254)**

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, May 27, 2003, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 145155 through 145287 from Clearing Fund 696 in the total dollar amount of \$267,433.44 (Transmittal No. C-62-03); and

Warrants numbered 144694 through 145154 from Clearing Fund 696 in the total amount of \$1,070,403.45 (Transmittal No. C-61-03); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$93,815.40 (Transmittal No. C-60-03); and

Payroll warrants numbered 123462 through 124342 in the total dollar amount of \$970,612.00 (Transmittal No. P-20-03); and

Payroll warrants numbered 959424 through 959579 in the total dollar amount of \$159,456.91 (Transmittal No. P-19-03).

2. Commissioner Munks moved to adopt a contract with ASD, a Division of Southland Industries to install fall protection lines on the Old Highway 99 trestle bridge. The agreement will begin May 1, 2003, and continue through December 31, 2003. Compensation will not exceed \$22,020.34. Commissioner Dahlstedt seconded the motion, which carried unanimously. **(Contract No C20030255)**
3. Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve a Resolution to Call for Bids for the Morris Street stormwater vault repair. The motion carried unanimously. **(Resolution No. R20030179)**

PUBLIC COMMENT.

Since no one was present to speak, Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to close the public comment period. The motion carried unanimously.

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BID OPENING – TO LEASE COUNTY-OWNED LAND FOR HAY CUTTING.

Brian Adams and Mike Elde, Skagit County Parks Department, proceeded to open the bids to lease County-owned land at the Northern State Recreation Area for hay cutting. One bid was received as follows:

John Bates
26524 Helmick Road
Sedro-Woolley, Washington 98284
\$105.00

Mr. Adams indicated that a bid award recommendation would be forthcoming within the next few weeks. He also commented that this will save the County a considerable amount of money since the Parks Department will not have to maintain or mow this land. Chairman Dahlstedt requested cost-analysis information regarding the savings to the County.

DECISION - REGARDING CLOSED RECORD APPEAL BY DAY CREEK SAND & GRAVEL (PL03-0222) OF THE HEARING EXAMINER'S DECISION ISSUED ON APPEAL NO. PL02-0720, REVERSING AN ADMINSTATIVE OFFICIAL'S MAPPING ERROR INTERPRETATION (PL02-0549).

Chairman Dahlstedt stated that the Commissioners received a letter from Gerald Steel regarding Commissioner Anderson's comments at the closed record appeal. Commissioner Anderson is ill today and won't be participating in the final decision. Both Commissioners said that they heard Commissioner Anderson's comments, but they did not effect their decision. Hilary Thomas, Prosecuting Attorney's Office, stated that depending on the outcome of the decision on this appeal; this item may need to be scheduled for another date if there is a one-one split.

Commissioner Munks stated that he read through all the materials and took a series of notes. He indicated that he is ready to make a decision, but he does not have anything written to present today.

Commissioner Munks stated that on the matter before the Commission today, in reading through the information, it is his belief that the Hearing Examiner made a mistake in his determination and his vote will be to reverse the Hearing Examiner's decision. He feels that the first interpretation that was made of the boundary was correct.

Commissioner Dahlstedt stated that the County does from time to time make errors. He believes that there was mineral overlay in this area, and he would be open to a motion.

Commissioner Munks moved that the Board of County Commissioners would vote to overturn the Hearing Examiners decision in the Day Creek Sand and Gravel Closed Record Appeal (PL03-0222). Commissioner Dahlstedt seconded the motion, which carried unanimously.

Attorney Gerald Steel requested that Day Creek Sand and Gravel, and their address as the applicant be included in the written decision.

DECISION – REGARDING CLOSED RECORD APPEAL BY FIDALGO AGGREGATION IN REVIEW (FAIR) (PL03-0320) OF THE HEARING EXAMINER'S DECISION ISSUED ON APPEAL CASE No. PL02-0777.

Chairman Dahlstedt stated that Commissioner Anderson was present on May 20, 2003, when the appeal was heard, but he is excused today due to illness. Hilary Thomas, Prosecuting Attorney's Office, stated that depending on the outcome of the Commissioner's decision; this item may need to be scheduled for another date if there is a one-one split.

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Commissioner Munks stated that he appreciated the information that was provided. He added that he thoroughly read the information and the Hearing Examiner's decision. He said that he has no questions since he is comfortable with the decision he is prepared to make.

Chairman Dahlstedt stated that he read through the information and reviewed the concerns raised by the appellant, but he did not find enough strong evidence to find the Hearing Examiner's decision clearly erroneous.

Commissioner Munks moved to uphold the Hearing Examiners decision in the Closed Record Appeal by Fidalgo Aggregation in Review (FAIR) (PL03-0320). Commissioner Dahlstedt seconded the motion, which carried unanimously.

Attorney Gerald Steel requested names and addresses of the owner's in this decision.

ADJOURNMENT.

Commissioner Munks made a motion to adjourn the proceedings. Commissioner Dahlstedt 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