

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, NOVEMBER 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  |
| <b>*T</b> 9:30 a.m. – 10:15 a.m.  | <u>Public Works Department – Chal Martin, Director</u> <ol style="list-style-type: none"><li>1. Recognition – Federal Emergency Management Agency (FEMA) of Skagit County’s Community Rating System Classification Change</li><li>2. Discussion – Farm-to-Market Road Part II Reconstruction Project</li><li>3. Miscellaneous</li></ol>  |
| <b>*T</b> 10:15 a.m. – 11:00 a.m. | <u>Planning &amp; Permit Center – Gary Christensen, Assistant Director</u> <ol style="list-style-type: none"><li>1. Consideration and Possible Action – Deed of Conservation Easement Submitted by John E. Tronsdal</li><li>2. Discussion – Process For and Proposed Changes to Skagit County Flood Damage Prevention Ordinance, Skagit County Code Section 14.34</li><li>3. Miscellaneous</li></ol> |
| 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 – Abandoned Burlington Northern Railroad Bridge Debris Removal Project   |
| 1:15 p.m. – 1:30 p.m.             | Bid Opening – Demolition and Removal of Two Buildings Near Guemes/Anacortes Ferry Terminal   |
| <b>*T</b> 1:30 p.m. – 2:00 p.m.   | Public Hearing –Close Out of FY 03 and Application for FY 04 State Community Development Block Grant (CDBG) Funds Enabling Skagit County Community Action to Provide Services To Low- and Moderate-Income Persons and Persons Residing in Skagit County  |
| 2:00 p.m. – 2:15 p.m.             | Public Hearing – To Consider Public Testimony Regarding an Amendment to the 2003 Budget For Various Funds  |
| 2:15 p.m. – 2:30 p.m.             | Discussion – Settlement Negotiations Regarding Jeff Thibeau vs. Skagit County and Carol Thibeau vs. Skagit County  |
| 2:30 p.m. – 4:30 p.m.             | Executive Session – Personnel, Litigation and Land Acquisition   |

The Skagit County Board of Commissioners met in regular session on Monday, November 10, 2003, with Commissioners Kenneth A. Dahlstedt and Don Munks present. Commissioner Anderson’s absence was excused.

**PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR**

**1. Recognition – Federal Emergency Management Agency (FEMA) of Skagit County's Community Rating System Classification Change.**

Public Works Administrator, Dave Brookings, introduced guests from the Federal Emergency Management Agency (FEMA) that were present to discuss Skagit County's Community Rating System (CRS). This is a voluntary incentive-based program sponsored by the National Flood Insurance Program. Mr. Brookings indicated that the County started participating in the program in 1997. The four main categories of the program are: public information; mapping regulation; flood damage reduction; and flood preparedness. The County is always striving for ways to improve its performance in these areas. Mr. Brookings emphasized that the implementation of this program is really a team effort within the County. He then introduced Delores McLeod who serves as the CRS Coordinator.

Chairman Dahlstedt asked how many County employees were involved in the recent flood event and Mr. Brookings estimated there were approximately 100. Chairman Dahlstedt thanked Mr. Brookings and Don Dixon for their efforts as designated Flood Fight Coordinators. It was also noted that Public Works Director, Chal Martin's leadership was critically important in this process.

Mark Carey, FEMA, recognized Ryan Ekay, who is also a FEMA flood staff member assigned to the northern tier of Washington State. Mr. Carey stated that they are well aware of the effort it takes to provide floodplain management. Skagit County currently has over 2,000 active insurance policies in place amounting to coverage in excess of \$3 million dollars. Obtaining reclassification to a Class 6 in the National Flood Insurance Program, means that flood insurance policies issued or renewed for properties in the Skagit County Special Flood Hazard Areas will receive a 20% premium discount beginning October 1, 2003. This amounts to savings of over \$250 million dollars. Mr. Carey then presented a reclassification plaque to the Skagit County Board of Commissioners.

Chairman Dahlstedt said the citizens of the County certainly appreciate this kind of savings. He noted that flooding is the most frequent and common natural phenomenon across the nation.

Mr. Martin added that Ms. McLeod has done a tremendous job for the Department. She has put her heart and soul into this program. Mr. Dixon, Surface Water Manager, thanked Ms. McLeod on behalf of the over 2,200 policy holders and FEMA.

Mr. Carey thanked Mr. Martin, Mr. Brookings, Mr. Dixon and the Commissioners for allowing FEMA to spend time on this project that not only educates people but also puts over \$200,000 back into the community.

**2. Discussion – Farm-to-Market Road Part II Reconstruction Project.**

Steve Flude, Public Works Engineer, explained plans to improve the Farm-to-Market Road further north. He indicated that this is proving to be quite an expensive project as the power lines along the road need to be moved. He asked the Board if they would like to continue the project or drop it for the time being. Mr. Flude said that easements for 21 parcels out of 30 have already been purchased. In the event the project is discontinued, it is most likely that approximately \$130,000 would have to be given back to the County Road Administration Board.

Chairman Dahlstedt asked how much additional funds would be required to finish the project. Mr. Flude indicated that it would be at least an equal amount if not twice the amount. Power poles and surface water containment are the most expensive part of the project. Chairman Dahlstedt said that with the reality of the Bayview Subarea Plan, the road will only get busier. It would seem that the County should try to obtain the rest of the land acquisition.

Mr. Martin said there is an assumption that the County could receive more Federal money for the project. Chairman Dahlstedt suggested seeking additional funding and asked the Department to keep the project

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on the radar screen. Commissioner Munks agreed due to the fact that we already have 21 property owners on board with the project.

**3. Miscellaneous.**

Mr. Martin reported on the recent statistics received from Puget Sound Energy regarding dam releases during the recent flood event. He also reviewed the need to publish a Request For Proposals to find consultants for the continued flood project.

**PLANNING & PERMIT CENTER – GARY CHRISTENSEN, ASSISTANT DIRECTOR**

**1. Consideration and Possible Action – Deed of Conservation Easement Submitted by John E. Tronsdal.**

Marge Swint of the Planning and Permit Center, asked the Board to consider a Deed of Conservation Easement for an approximate 48-acre parcel created by Short Plat PL03-0661 for John E. Tronsdal, per SCC 14.16.850 (Agricultural Land Preservation).

Commissioner Munks moved to approve the Deed of Conservation Easement as submitted by Mr. Tronsdal and outlined by Ms. Swint. Chairman Dahlstedt seconded the motion, which was carried. **(Contract No. C20030471)**

**2. Discussion – Process for and Proposed Changes to Skagit County Flood Damage Prevention Ordinance, Skagit County Code Section 14.34.**

Tim DeVries, gave a brief synopsis of the proposed changes to the Skagit County Flood Damage Prevention Ordinance, SCC Section 14.34. He indicated that some of the changes are for clarification purposes in areas where it is difficult to determine the intent of the ordinance. Other changes are recommended because they are not consistent with the flood requirements of surrounding jurisdictions inside and outside of Skagit County. Mr. DeVries said this is due to the fact that there are no flood requirements needed by any State or Federal authority and because they are financially burdensome to County residents without providing an equal benefit. The nature of these changes requires public participation through a Citizen's Advisory Committee (CAC) and the Planning Commission.

Commissioner Munks said he likes the proposed changes as they provide code clarification. Chairman Dahlstedt added that the County needs to have prudent, fair and consistent policies.

Mr. DeVries asked the Board for their approval to form a Citizen's Advisory Committee (CAC), which would look at the code and recommend changes. Assistant Director, Gary Christensen, said it seems to be more important to review it in light of the recent flood. He said they will be bringing this back to the Board at the beginning of next year.

**3. Miscellaneous.**

- a) Alison Mohns, Environmental Health Specialist, stated that the Edison Advisory Board met on December 3, 2003 to review comments on the Edison Sewer Use Ordinance. They will be meeting again on December 3, 2003 and would like to set up a public hearing before the Commissioners on Monday, December 8, 2003 at 10:00 a.m.

Commissioner Munks motioned to approve holding a public hearing on December 8, 2003 at 10:00 a.m. to discuss the sewer use ordinance. Chairman Dahlstedt seconded the motion, which carried.

- b) Guy McNally gave a brief update on the progress to date on the Master Plan Resort Program. Per the Board, the Department began drafting development regulations and was assisted in this effort by Mark Personius, a land use consultant with considerable expertise in this area. He has

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developed Master Plan Resort Policies and Development Regulations and has assisted with Master Plan Resort development in a number of other jurisdictions. Mr. Personius is doing background research on policies and regulations that are currently in place in Skagit County. He will be interviewing stakeholders to obtain their input.

Mr. McNally stated that before the end of the year, the Department will ask the Board to appoint a Citizen's Advisory Committee to assist them with the process. Chairman Dahlstedt and Commissioner Munks advised Mr. McNally to proceed with the CAC process.

**CONSENT AGENDA.**

Commissioner Munks motioned to approve the Consent Agenda for Monday, November 10, 2003, items 1 through 15. Chairman Dahlstedt seconded the motion, which carried.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, November 3, 2003.
2. Record of the Proceedings for Tuesday, November 4, 2003.

**HUMAN SERVICES:**

3. Personal Services Agreement with Skagit Preschool & Resource Center (SPARC) to provide continuation of Developmental Disabilities Early Childhood Development services to children from birth to three years old. The agreement shall commence on November 1, 2003 and continue until June 30, 2005. Compensation shall not exceed \$120,000 for the term of the agreement. **(Contract No. C20030472)**
4. Personal Services Agreement with Skagit County Community Action Agency (SCCAA), which will cover 40% of the salary and related employee benefits for Rebecca Clark, an existing employee of SCCAA, to do investigation and consensus building regarding establishing a Mental Health Court in Skagit County and then develop, design and seek future funding for it. The agreement shall commence on November 1, 2003 and continue until October 31, 2004. Compensation shall not exceed \$25,000 during the contract period. **(Contract No. C20030473)**
5. Amendment No. 1 to Personal Services Agreement **No. C20030322** with Rehabco Skagit, Inc., which would allow for the continuance of Developmental Disabilities Community Access services. It would also extend the termination date from October 31, 2003 to June 30, 2005. Reimbursement is on a fee-for-service basis with no maximum amount indicated in the contract. **(Amendment No. A20030158)**
6. Amendment No. 1 to Personal Services Agreement **No. C20030323** with Rehabco Skagit, Inc., which would allow for the continuance of Development Disabilities Person to Person Community Access services. It would also extend the termination date from October 31, 2003 to June 30, 2005. Reimbursement is on a fee-for-service basis with no maximum amount indicated in the contract. **(Amendment No. A20030159)**

**INFORMATION SERVICES:**

7. Resolution authorizing the transfer of surplus computer equipment to the Washington State Patrol to track their DUI records. **(Resolution No. R20030359)**

**SENIOR SERVICES:**

8. Resolution authorizing the execution of an Interlocal Agreement between Skagit County and the City of Sedro-Woolley. **(Resolution No. R20030360)**

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9. Interlocal Cooperative Agreement between Skagit County and the City of Sedro-Woolley, which would allow the Skagit County Senior Services Department to provide staff, equipment and materials for the delivery of community-based services to the senior citizens of Sedro-Woolley. The agreement shall commence on January 1, 2004 and continue through December 31, 2004. Compensation shall total \$16,685. **(Contract No. C20030474)**

**YOUTH & FAMILY SERVICES:**

10. Personal Services Agreement with Larry Freeman, M.D. to provide specialized child, adolescent, adult and family assessment, evaluation and treatment, and consultation as referred by Youth and Family Services staff. The agreement shall commence on September 15, 2003 and continue through August 31, 2005. Compensation shall not exceed a total of \$15,000 annually. **(Contract No. C20030475)**
11. Personal Services Agreement with Camwood Counseling Services, Carl C. Epp, Ph.D., to provide specialized child, adolescent, adult and family assessment, evaluation and treatment, consultation, education classes, monitoring with written reports as required, and training as referred by Youth and Family Services staff. The agreement shall commence on June 1, 2003 and continue through August 31, 2005. Compensation shall not exceed a total of \$15,000 annually. **(Contract No. C20030476)**

**PUBLIC WORKS DEPARTMENT:**

12. Resolution requesting proposals for environmental and permitting services for the Helmick Road Improvement Project, County Road Project No. ES95510-2. Proposals will be accepted by Public Works no later than 4:00 p.m. on December 12, 2003. **(Resolution No. R20030361)**
13. Resolution requesting a Statement of Qualifications for engineering and land surveying services to establish a Professional Services Roster for the year 2004. **(Resolution No. R20030362)**
14. Resolution authorizing the closure of Dunbar Road, between MP 0.00 and 0.50 on November 17, 2003 through November 21, 2003. The closure is to allow Olympic Pipeline to inspect the pipeline under Dunbar Road. **(Resolution No. R20030363)**
15. Vendor Services Agreement with Ackermann Electric, Inc. to provide electrical services associated with the undergrounding of utilities for the Morris Street Improvement Project (Town of La Conner), which includes the La Conner-Whitney/Chilberg Roads Intersection Project. The agreement shall commence on October 23, 2003 and continue through October 23, 2004. Compensation shall not exceed a total amount of \$9,999. **(Contract No. C20030477)**

**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 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 \$40,401.86 (Transmittal No. C-128-03); and

Warrants numbered 155992 through 156433 from Clearing Fund 696 in the total dollar amount of \$4,237,817.90 (Transmittal No. C-129-03); and

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Payroll warrants numbered 961002 through 961145 in the total dollar amount of \$166,280.88 (Transmittal No. P-41-03); and

Payroll warrants numbered 134403 through 135270 in the total dollar amount of \$1,042,716.60 (Transmittal No. P-42-03).

**PUBLIC COMMENT PERIOD.**

Chad Cook, 38752 SR 20, Concrete, sang a song that he composed titled "Skagit River Mud (In My Blood)."

Dewey Hyatt of One Way Construction, said that he was hauling rock for a person in Marblemount whose home was on the verge of toppling into the Skagit River, and Emergency Management Director, Tom Sheahan, told him that he couldn't continue the operation since the emergency disaster declaration was officially over. Mr. Hyatt stated that this type of harassment has continued for 8 years.

Lowell Ashback, a local attorney, advised the Board that Mr. Hyatt was shut down a while back due to the lack of a Fill and Grade permit. Louie Requa has now filed the application; however, he has been told that the process could take 3-4 weeks. Due to the fact that Mr. Hyatt has many business opportunities, Mr. Lowell asked the board if they could expedite the application process.

**BID OPENING – ABANDONED BURLINGTON NORTHERN RAILROAD BRIDGE DEBRIS REMOVAL PROJECT.**

Linda Eaton and Kelly Kendrick, Public Works staff, conducted a bid opening for Burlington Northern Railroad debris removal. The project is scheduled to begin on Monday, November 10, 2003 at 11:45 a.m. Work will include removal of woody debris from the piers, and releasing the debris to float downstream. One bid was received as follows:

Northwest Logging and Excavating  
22285 Cully Road  
Sedro-Woolley, WA 98284  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$94,864.00

The bid will be reviewed by Barbara Hathaway and a decision will be brought forth within the next two weeks.

**BID OPENING – DEMOLITION AND REMOVAL OF TWO BUILDINGS NEAR GUEMES/ANACORTES FERRY TERMINAL.**

Public Works staff, Linda Eaton and Steve Flude, opened the following bids for the demolition and removal of two buildings located near the Guemes/Anacortes Ferry Terminal, located in Anacortes, Washington. They are as follows:

Three Kings Environmental  
P. O. Box 280  
Battleground, WA 98604  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$44,712.80

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Fidalgo Rocks, Inc.  
14837 Jefferson Street  
Anacortes, WA 98221  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$44,872.37

Diamaco, Inc.  
40 Lake Bellevue, Suite 100  
Bellevue, WA 98005  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$45,388.00

Aspen Environmental  
8490 Mukilteo Speedway  
Mukilteo, WA 98275  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$56,092.00

Island Construction Site & Utilities, Inc.  
P. O. Box 1467  
Oak Harbor, WA 98277  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$42,999.00

Interwest Construction, Inc.  
651 North Hill Boulevard  
Burlington, WA 98233  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$39,802.00

Western Refinery Services, Inc.  
P. O. Box 467  
Lynden, WA 98264  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$43,125.00

Advanced Construction, Inc.  
14532 North Creek Road  
Mill Creek, WA 98012  
Bid Bond Enclosed  
Addendums 1 and 2 Acknowledged  
Total Bid Price: \$28,040.00

Mr. Flude indicated that after reviewing the bids, a recommendation would be forthcoming.

**PUBLIC HEARING – CLOSE OUT OF FY 03 AND APPLICATION FOR FY 04 STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS ENABLING SKAGIT COUNTY COMMUNITY ACTION TO PROVIDE SERVICES TO LOW- AND MODERATE-INCOME PERSONS AND PERSONS RESIDING IN SKAGIT COUNTY.**

During the public hearing, Bill Shuler, Director of Skagit County Community Action Agency (SCCAA), expressed his appreciation to the Board of County Commissioners for their continued support regarding CDBG funds. He explained that SCCAA utilizes those funds to address the root causes of poverty and help poor families and individuals attain and/or retain self-sufficiency. The funds are available through the 15% Public Service set-aside from the State's CDBG award from Housing and Urban Development. Skagit County receives \$122,500, by this formula, out of which \$3,000 is for County administration and \$119,500 goes to SCCAA for public services.

Karen Parnell, Deputy Director of SCCAA, provided handouts and introduced a Spanish interpreter. She reported on the 2004 proposal plan and also reviewed what has been done to date in 2003. She said that during the first six months of 2003, SCCAA worked with over 16,000 individuals from 5,357 families. They provided housing and emergency shelter, food, health and dental services, legal assistance, job training and educational assistance, child care, and resources to meet both critical and basic needs. Ms. Parnell introduced several program service people whose lives have been touched by the agency.

Joe Ayon, gave testimony regarding the help that has been offered in assisting those that want to become United States citizens. Locally, over 70 people have benefited from this program. SCCAA was also able to inform them of other programs available through the agency.

Soledad Cavazos, said she has personally benefited from many programs offered by SCCAA and has recently received her GED.

Elaine Tjeerdsma thanked the agency for the dental help they provided.

Oscar Hernandez, Board of Directors, said he was privileged and honored to be involved in SCCAA. When asked, those that have benefited from the many services offered indicate that the agency is a blessing in disguise due to the many programs that are offered. SCCAA is something to lean on in the event of a crisis.

Commissioner Munks said SCCAA is the best kept secret in Skagit County. He is amazed at the amount of services that are available to all, and everyone involved should be commended for the work they do.

Chairman Dahlstedt echoed those sentiments and reminded everyone to remember those less fortunate than ourselves. He feels SCCAA is an excellently managed organization.

There being no further public comment, Commissioner Munks motioned to close the public hearing. Chairman Dahlstedt seconded the motion and the public hearing was closed.

Chairman Munks motioned to approve a resolution authorizing the submission of a Community Development Block Grant application to the State of Community, Trade and Economic Development to request \$122,135.00 to fund public service activities in coordination with the Skagit County Community Action Agency. Chairman Dahlstedt seconded the motion, which carried unanimously. **(Resolution No. R20030357)**

**PUBLIC HEARING – TO CONSIDER PUBLIC TESTIMONY REGARDING AN AMENDMENT TO THE 2003 BUDGET FOR VARIOUS FUNDS.**

Budget Director, Brad Whaley, explained that most of the proposed adjustments are due to increased Labor and Industry premiums. Those premiums went into effect in January 2003 and he chose not to make any amendments until later in the year as some departments were able to bear the additional costs.



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Chairman Dahlstedt opened the public hearing. There being no public testimony forthcoming, Commissioner Munks motioned to close the public hearing. Chairman Dahlstedt seconded the motion, which passed unanimously.

Commissioner Munks motioned to approve a resolution authorizing a supplemental budget, as outlined by Mr. Whaley. Chairman Dahlstedt seconded the motion, which was unanimously approved.  
**(Resolution No. R20030358)**

**DISCUSSION – SETTLEMENT NEGOTIATIONS REGARDING JEFF THIBEAU VS. SKAGIT COUNTY AND CAROL THIBEAU VS. SKAGIT COUNTY.**

Prosecuting Attorney, Paul Reilly, presented the Board with two individual lawsuit settlement proposals. He explained that the facts were discussed during a recent executive session. Mr. Reilly has spoken with the attorney representing both parties and indicated that the negotiated settlement was within the acceptable range. In the lawsuit, Jeff Thibeu vs. Skagit County, Mr. Thibeu will receive \$2,500. In the lawsuit, Carol Thibeu vs. Skagit County, Ms. Thibeu will receive \$8,000.

Commissioner Munks motioned to allow Mr. Reilly to move ahead with the both settlements for the amounts previously specified. Chairman Dahlstedt seconded the motion, which carried.

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

Warrant numbered 15634 from Clearing Fund 696 in the total dollar amount of \$50,004.34. (Transmittal No. C-130-03)

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Kenneth A. Dahlstedt, Chairman

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Ted W. Anderson, Commissioner

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Don Munks, Commissioner

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ATTEST:

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