

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 22, 2003**

8:00 a.m. – 8:30 a.m.	Work Session – Commissioners
8:30 a.m. – 9:00 a.m.	Work Session – County Administrator
*T9:45 a.m. – 10:00 a.m.	Consideration/Decision -2004 Skagit Emergency Medical Services Budget
*T 10:00 a.m. – 11:00 a.m.	<u>Planning & Permit Center – Gary Christensen, Assistant Director</u> <ol style="list-style-type: none">1. Discussion – FEMA Post-Flood Inspections2. Miscellaneous
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous
11:30 a.m. – 11:45 a.m.	Public Comment Period
11:45 a.m. – 12:00 p.m.	Public Hearing – 2003 Supplemental Budget Amendments
*T 1:00 p.m. – 2:00 p.m.	Public Hearing – Guemes Island Ferry Task Force Schedule and Fare Policy
*T 2:00 p.m. – 2:30 p.m.	<u>Public Works Department – Chal Martin, Director</u> <ol style="list-style-type: none">1. Update: Various Public Works Items2. Miscellaneous
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 Monday, December 22, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

CONSIDERATION/DECISION -2004 SKAGIT EMERGENCY MEDICAL SERVICES BUDGET

Jodi Monroe, Director of Skagit Emergency Medical Services (EMS), presented the budget for 2004 and the breakdown of the levy distribution money. She noted that the Central Valley ambulance service revenue received from insurance companies and private billings goes back into the EMS budget, and that Anacortes and Aero Skagit keep their ambulance service revenue.

Commissioner Anderson moved to adopt the 2004 Emergency Medical Services Budget as presented. Commissioner Munks seconded the motion, which carried unanimously. (**Resolution No. R20030421**)

PLANNING & PERMIT CENTER – GARY CHRISTENSEN, ASSISTANT DIRECTOR

1. Discussion – FEMA Post-Flood Inspections

Kirk Johnson, Senior Planner, introduced Al Jongsma, Planning and Permit Center, who gave a report on FEMA post-flood inspections. He showed photos of two sites off South Shore Drive in Cape Horn that are starting to erode and have been posted as uninhabitable due to the danger of sliding into the Skagit River.

Commissioner Anderson stated that one of the property owners had contacted him regarding moving one of the structures back approximately 50 feet from the present location. Mr. Jongsma stated that the County cannot force the owners to move, and the other residence in question does not have enough space to move; however, any County fees for moving would be waived.

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The Commissioners stated that it would be helpful to have a work session with Public Works and Planning to work with FEMA to figure out a way to assist people. Commissioner Anderson commented on the environmental concerns of septic systems for the residences in danger of going into the river. He added that the past there were fast-track funds available through FEMA in lieu of the regular funding, which takes 14-18 months to receive.

Commissioner Dahlstedt commented on the possibility of having land designated for moving high-risk homes. Commissioner Anderson said that he has received correspondence regarding this possibility.

Mr. Jongsma reported on the FEMA site visits and damage assessments in Hamilton and Burlington. Based on those visits 12 structures were considered to have more than 50% damage. If structures with 50% damage are located in the floodplain, they can be repaired. If structures with 50% damage are in the floodway, those structures are deemed uninhabitable. Mr. Jongsma also addressed the action plan for dealing with the inspections.

Commissioner Anderson stated that it is not fair for FEMA to declare homes uninhabitable, and only offer \$30,000 in compensation because many people do not have the resources to relocate. He said that when government puts down regulations there should be some reasonable alternatives.

2. Miscellaneous

Kirk Johnson presented an Interim Ordinance to extend the existing provisions on lot aggregation for 90 days. Commissioner Anderson moved and Commissioner Munks seconded the motion to approve the Interim Ordinance restoring the lot aggregation provisions of former Skagit County Code 14.04.190(5) and restricting County action on some Comprehensive Plan amendments as outlined by the Planning Department. The motion carried unanimously. **(Ordinance No. O20030032)**

Mr. Johnson asked for the Board's consideration of the Oyster Creek Lane annexation into the fire district. Carole Korelin, Planner for the Boundary Review Board, gave an overview of the property and the review board's decision to grant the annexation. She said that the property was a 40 acres lot and it is the final piece of private property in this area. It is surrounded on three sides by DNR lands.

Commissioner Munks moved to uphold the decision of the Boundary Review Board regarding the Oyster Creek Lane annexation. Commissioner Anderson seconded the motion, which carried unanimously. Commissioner Anderson stated for the record that the only reason he is approving this request is that the land is more than 200 feet from the County road and he is concerned about setting a precedent for building into forest land due to fire danger.

Kirk Johnson presented the proposed Ordinance to adopt the Transportations Systems Plan. Commissioner Anderson moved and Commissioner Munks seconded the motion to approve the Ordinance as outlined. The motion carried unanimously. **(Ordinance No. O20030033)**

CONSENT AGENDA

Commissioner Anderson motioned to approve the Consent Agenda for Monday, December 22, 2003, items 1 through 30. Commissioner Munks seconded the motion, which passed unanimously.

COMMISSIONER'S OFFICE:

1. Record of the Proceedings for Monday, December 15, 2003.

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ADMINISTRATIVE SERVICES

2. Personal Services Agreement with Louis J. Haff, dba Haff Engineering and Management Services to provide interim management services for the Planning and Permit Center. The agreement shall be effective upon execution and continue through September 30, 2004. Compensation shall be \$100/hr not to exceed 90 hours per month plus eligible expenses. **(Contract No. C20030514)**
3. Letter supporting the Governor's Salmon Recovery Office for signature.

BUDGET AND FINANCE:

4. Resolution to call for a public hearing on Monday, January 5, 2004 at 9:30 a.m. regarding authorization of a supplemental budget for 2003. **(Resolution No R20030422)**
5. Resolution to approve the extension of the Interfund Loan to Lake Management District #3 from December 31, 2003 to December 31, 2011, at which time the assessed levy will be paid in full. **(Resolution No. R20030423)**
6. Resolution to establish the Water Quality Fund #127 to create a separate fund to account for the State Revolving Loan Fund for the Clean Water District. **(Resolution No. R20030424)**
7. Interlocal Agreement per **Resolution No. R20030258** with the City of Anacortes for an Economic Development Project (Snow Mountain Sewer Extension) to be funded by Distressed County Facility funds. **(Contract No. C20030515)**
8. Resolution to establish a Central Services Department **(Resolution No. R20030425)**
9. Resolution to establish Central Services Fund #504 to account for the activities of the Information Systems Department, Geographic Information Systems Department, and the Records Department. **(Resolution No. R20030426)**

CONSERVATION FUTURES:

10. Conservation easement granted by Carl Austin Swanson to Skagit County. The easement will extinguish one development right and permanently protect approximately 31 acres of farmland near LaConner at a cost of \$31,034.53. **(Contract No. C20030516)**

EMERGENCY MANAGEMENT:

11. Hazardous Material Emergency Response Agreement with Specialized Emergency Response Program (SERP) to provide hazardous materials response (HAZ MAT) services to the County. The agreement shall be effective upon execution. Compensation shall be an annual fee of \$15,000. This contract replaces **Contract No. C20030429. (Contract No. C20030517)**

HUMAN RESOURCES:

12. Resolution to establish Unemployment Compensation Fund #505. **(Resolution No. R20030427)**

HUMAN SERVICES:

13. Personal Services Agreement with Phoenix Recovery Services for substance abuse treatment services for pregnant and parenting women and youth. The agreement shall be effective January 1, 2004, and continue through December 30, 2005. The County allocation will be \$54,350. **(Contract No. C20030518)**

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PLANNING & PERMIT CENTER:

14. Resolution approving for further review certain 2003 applications to amend the Comprehensive Plan and/or map and remanding these application to the Planning agency for a report and recommendation. (**Resolution No. R20030428**)
15. Amendment No. 1 to **Contract No. C20030042** with Skagit Surveyors and Engineers to extend the contract expiration date from December 30, 2003 to June 30, 2005 and amend the timelines for the various phases of the project. (**Amendment No. A20030177**)

SENIOR SERVICES:

16. Interlocal Cooperative Agreement with the Department of Corrections per **Resolution No. R20030269** for the purpose of preparation and delivery of frozen meals for the Skagit Nutrition Project. The agreement shall begin on January 1, 2004 and continue through December 31, 2004. (**Contract No. C20030519**)

SHERIFF:

17. Resolution awarding the bid for furnishing inmate meals, commissary, and laundry services for the Skagit County Jail to Aramark Corrections. (**Resolution No. R20030429**)

TREASURER:

18. Resolution to order refunds of property taxes for 2003 flood victims. (**Resolution No. R20030430**)
19. Resolution designating the list of banks as depositories for all public funds for 2004. (**Resolution No. R20030431**)

PUBLIC WORKS:

20. Certificate of commendation for employee Glenn Evitt, who is retiring on December 31, 2003.
21. Resolution to amend **Resolution No. R20030353** to change the selling price from \$4300 to \$4000 on the sale of a motorcycle to the City of Sultan. (**Resolution No. R20030432**)
22. Letter of support and commitment for the Upper Skagit Tribe's grant applications for restoration of Hansen Creek and Red Creek.
23. Resolution to call for a public hearing to consider a vacation of unopened County right-of-way known as Edward Street in Rockport. The public hearing is scheduled for Tuesday, January 13, 2004, at 9:00 a.m. (**Resolution No. R20030433**)
24. Resolution to call for a public hearing to consider a vacation of unopened County right-of-way known as Front Street in Rockport. The public hearing is scheduled for Tuesday, January 13, 2004, at 9:00 a.m. (**Resolution No. R20030434**)
25. Amendment No. 1 to Personal Services Agreement **No. C20020333** with David Evans and Associates, Inc to assist the County with land acquisition and right-of-way matters related to the Edison Street Drainage Improvement Project. The amendment extends the contract to December 31, 2004. (**Amendment No. A20030178**)

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26. Amendment No. 2 to Personal Services Agreement **No. 05481** with EnviroIssues to extend the contract term to December 31, 2004. The extension will allow continued assistance with the public involvement aspect of the Skagit River Flood Damage Reduction and Ecosystem Restoration Project. **(Amendment No. A20030179)**
27. Amendment No. 2 to **Contract No. 05520** with Express Personnel for clerical, office, and accounting support. The amendment will extend the end date of the contract to December 31, 2004. **(Amendment No. A20030180)**
28. Amendment No. 2 to **Contract No C20020443** with OTAK, Inc. for revisions to the Non Motorized Plan section of the Transportation System Plan. The amendment will extend the expiration date of the contract to December 31, 2004. Compensation is increased by \$10,000 for a new total of \$25,424. **(Amendment No. A20030181)**
29. Vendor Services Agreement with Northwest Logging & Excavation for the emergency removal of debris from the abandoned Burlington Northern Santa Fe Railroad Bridge relating to the two October 2003 flood events. The agreement is effective October 18, 2003 and will continue through October 26, 2003. Compensation will not exceed \$30,430.49. **(Contract No. C20030520)**
30. Centennial Clean Water Fund Grant agreement with the Washington State Department of Ecology. The grant will support the water quality monitoring agreement in **Resolution R20030210** associated with Skagit County **Ordinance O20030020**. The total amount of the grant is \$659,747. The County's 25% portion is \$164,937. **(Contract No. C20030521)**

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, December 22, 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 159148 through 159148 from Clearing Fund 696 in the total dollar amount of \$28,000 (Transmittal No. C-147-03); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$151,157.01 (Transmittal No. C-148-03); and

Warrants numbered 159149 through 159610 from Clearing Fund 696 in the total dollar amount of \$1,620,220.43(Transmittal No. C-149-03).

2. The Board approved by majority vote a resolution presented by Brad Whaley to extend repayment for the Best Place Interfund Loan to March 31, 2004. **(Resolution No. R20030435)**
3. The Board approved by majority vote Amendment No. 4 to **(Contract No.05551A)** with Buck and Gordon to provide support on selected legal issues related to the Growth Management Act and other land use matters. The amendment, which was presented by Prosecuting Attorney Tom Seguine, will increase compensation by \$20,000 for a new total of \$20,000. **(Amendment No. A20030182)**

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PUBLIC COMMENT PERIOD.

Don Clark, Rockport, Washington, stated that the citizens' advisory committee to review Master Planned Resort has been advertised twice and only three individuals have applied. He wondered if the Board would accept those individuals or extend the application process.

Rich Royston, Mount Vernon, Washington, commended the Commissioners on their choice for manager of the County Fair. He inquired about expanding the Fair Advisory Board.

Jim Vogelsang, Mount Vernon, Washington, expressed his concerns regarding reconveyance issues related to the proposed shooting range.

PUBLIC HEARING – 2003 SUPPLEMENTAL BUDGET AMENDMENTS

Budget and Finance Director Brad Whaley presented 2003 supplemental budget amendments for Board consideration. Commissioner Anderson moved to approve to resolution for the budget amendments as outlined by Mr. Whaley. Commissioner Munks seconded the motion, which carried unanimously.
(Resolution No. R20030436)

PUBLIC HEARING – GUEMES ISLAND FERRY TASK FORCE SCHEDULE AND FARE POLICY

The Board held a public hearing for comment on the Guemes Island Ferry Task Force Schedule and Fare Policy. Steve Flude, Public Works, stated that the task force has three basic recommendations --fare recovery; a proposal for summer/winter schedule; and a proposal for fare classifications.

Glen Veal the Chairman of the Guemes Island Ferry Task Force provided background on the committee and the process. He went over the proposed recommendations. Mr. Veal said that the late service issue was resolved by increasing the trips to clean up the traffic prior to 6:00 p.m. He recommended that the Board accept the task force's proposal.

David Waherly, 5049 South Shore Drive, Guemes Island, felt that the task force should have increased the operating hours of the ferry on Monday through Thursday. He felt that this was discriminated against Guemes residents' employment opportunities for shift work, and for cultural and educational opportunities. He recommended that a compromise be adopted.

Steve Schmokel, resident of Guemes for about 10 years represented several individuals that would like to see a change in the 6:00 p.m. service. He provided a written document.

Howard Pellet, 5293 Guemes Island Road, President of the Guemes Island Property Owner's Association, read a letter approved by the Board endorsing the findings of the Guemes Island Ferry Task Force. The letter urged the Commissioners to adopt the recommendations.

Bob Anderson, 6966 Holiday Boulevard, on Guemes Island stated that he lives on Guemes Island because of its rural character. He said that many residents chose to live their because of the ferry limitations, and that limitations on the ferry system is in no way discriminatory. The ferry schedule controls growth and related growth impacts on the Island.

Elenor Powers, 317 E Lawrence, Mount Vernon, stated that she owns a 5-acres parcel on Guemes Island that she has not developed. She said that she does not blame Guemes residents for wanting to control the ferry. She said that the survey indicated that the residents wanted extended service; however, the proposal does not allow for extended service.

Joost Businger, 6500 Square Harbor Lane, stated that he has been a Guemes resident since 1969. He urged the Board to adopt the proposal of the task force as presented.

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Susan Ferrel, 7389 Chestnut Lane, said she has resided there for 18 years. She has school-age children and she feels that a late ferry would not restrict growth since those individuals would have enough money to rent a motel or buy an apartments. The ferry service is more problematic to individuals with less money.

Victor Garcia, 6204 Guemes Island Road, stated that he is a teacher with the Anacortes School District and a parent raising a family on Guemes Island. He said that an extended ferry service should only be allowed with voter approval, with a 60% approval of Guemes Island voters since those users would be paying for costs. He added that state ferries and County parks curtail their hours.

Dyvon Havens, 4709 South Shore Drive, thanked the Commissioners for allocating the resources for the review of the Guemes Island Ferry. She supports the adoption of the task force's recommendations. She felt it was a fair and thorough process. She added that everyone moved to Guemes Island knowing that the ferry stopped at 6:00 p.m.

Since no one else desired to speak, Commissioner Anderson moved and Commissioner Munks seconded the motion to close the public hearing. The motion carried unanimously.

Chairman Dahlstedt stated that if anyone else had written testimony to submit to please do so prior to leaving. He added that typically the Board takes additional time to deliberate before making a decision.

Commissioner Munks stated that all written materials will be reviewed by each of the three Commissioners.

Commissioner Anderson moved and Commissioner Munks seconded the motion to render a decision on Monday, January 19 at 10:00 a.m. The motion carried unanimously. **(Note: this date/time had to be changed to January 20 at 10:00 a.m. due to the Martin Luther King Day Holiday.)**

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

Director Chal Martin gave an update on the County flood project. He reviewed what has occurred since February. Originally, Public Works had a huge downstream project envisioned. Now they have a project that focuses on gaining additional upstream storage. In June, documents were uncovered relating to the original intent of the wild and scenic river. It had been assumed that the existing flood control was adequate; however the calculations were never properly done. More storage should have been put in place in Baker and the Seattle City Light dams. If flood control restrictions were operated properly it could save 55,000 CFS, and improvements to the 3 bridge corridor and levy system could greatly reduce the spill level. Mr. Martin stated that the Army Corps of Engineers will not weigh in an opinion until the flood study is complete, which is disappointing. Our attorneys say that the Corps can weigh in; they just chose not to do so. The County will be in contact with Seattle City Light to talk about necessary flood storage on the Skagit system as part of the FERC relicensing, which has to be submitted in April 2004.

The Commissioner commented on their efforts to gain state and federal support for flood control on the Skagit River.

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