

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 10, 2004**

- 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. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Along Kelleher Road, #63400
 2. Public Hearing – Consideration of Revising Skagit County Code 11.30.010, “Primitive Road” List
 3. Discussion – Draft Interlocal Agreement Regarding the Nooksack River Basin Salmon Recovery in Whatcom County
 4. Miscellaneous
- *T 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Lou Haff, Interim Director
1. Set Date and Time to Consider Planning Commission Recorded Motion on Non-Motorized Transportation Plan
 2. Discussion – City of Burlington Annexation Proposal on Gardner Road
 3. Signature – Resolution Accepting a Clean Water Fund Loan Borrowed From the Washington State Department of Ecology for Correction of On-Site Sewage and Farm Practice Problems
 4. Miscellaneous
- 11:00 a.m. – 11:30 a.m. Bid Opening – Maintenance Materials With Purchases Expected to Exceed \$25,000
- 2:00 p.m. – 3:30 p.m. Skagit Urbanized Area Meeting (Skagit Valley Hospital – San Juan “B” Conference Room, Mount Vernon)

The Skagit County Board of Commissioners met in regular session on Tuesday, February 10, 2004 with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Along Kelleher Road, #63400.

Steve Flude, Assistant County Engineer, stated that the public hearing was being held to consider vacating a portion of a County right-of-way along Kelleher Road that was not established to be a part of Kelleher Road. The proposed vacation lies west of District Line Road. He showed a photograph of the area in question and indicated that the vacation was requested by Mr. Frederick Butler. Mr. Flude said the Department recommends the vacation with no costs associated except for the cost of the public hearing.

Chairman Anderson opened the public hearing.

Jim Anderson, 2087 Kelleher Road, Burlington, expressed concerns over the impact the vacation might have on Thomas Creek, as well as a berm sitting west of the Butler Gravel Mine. He said the berm needs to be maintained so that the sound that comes out of the pit is muffled. Mr. Anderson stated that he is unsure if the proposed right-of-way would affect Thomas Creek and/or the berm, but if it did then he would be opposed to the vacation.

Commissioner Dahlstedt asked if the right-of-way encroaches upon the other side of the road. Mr. Flude said it wouldn't affect access on either side of the road.

Chairman Anderson asked what Mr. Butler's intention is for the vacation as he doesn't want the proposal to have an adverse affect on citizens residing in the area. Chairman Anderson stated that further clarification is needed. He said a would be helpful to know where the right-of-way is located, instead of what it looks like.

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

Commissioner Munks then motioned to render a decision on the proposed County right-of-way along Kelleher Road on Tuesday, March 9, 2004 at 9:00 a.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

2. Public Hearing – Consideration of Revising Skagit County Code 11.30.010 “Primitive Road” List.

Mr. Flude reviewed the following roads that reflect changes to the Primitive Road List. They are: Christian Camp Road; Mel Garton Place; Utopia Road; B.D. Minkler Road; West River Tract Lane; and Cascade River Road.

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

Commissioner Munks made a motion to revise Skagit County Code 11.30.010 “Primitive Roads” to reflect the recent change due to the Skagit County Gravel Road Conversion Program. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

3. Discussion – Draft Interlocal Agreement Regarding the Nooksack River Basin Salmon Recovery in Whatcom County.

Public Works Director, Chal Martin, introduced Whatcom County Public Works Director, Jeff Monson. Mr. Monson explained a DRAFT Interlocal Agreement between the Lummi Nation, the Nooksack Tribe, Washington State Department of Fish and Wildlife, Whatcom County, and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden and Sumas. The agreement deals with Nooksack River Salmon Recovery.

Mr. Monson stated that previously, Whatcom County had adopted a Resolution accepting designation as lead entity for salmon recovery. Whatcom County is now willing and desirous to repeal the Resolution and support the creation of the WRIA #1 Salmon Recovery Board and to designate such Board as the salmon recovery lead entity for a small portion of WRIA #1 that lies within Skagit County.

Chairman Anderson said he had read the material and is unable to see where Skagit County's interest would continue to be met if Whatcom County desires to discontinue their role. He stated that if the County wants to embrace this proposal then we need a voice in the process.

Commissioner Munks concurred and asked if the Whatcom County Council had taken formal action on this issue. Mr. Monson said they had not yet done so; however they are prepared to approve the document.

Commissioner Dahlstedt said he didn't see a problem with forming a group to take a look at the issue. Mr. Monson asked the Commissioners if they would like to be a party to the agreement or a

party to the Board. The Commissioners indicated they would like to be a party to the agreement, which would include being involved in any discussions.

Because the Commissioners have requested to be a part of the agreement, Mr. Monson said he would take the DRAFT Interlocal Agreement back to the other parties and coordinate any additional action with Mr. Martin.

4. Miscellaneous.

Mr. Martin gave an update on the flood project and presented a draft agenda for meeting which will take place in Washington, D. C. during the National Association of Counties Conference. Mr. Martin indicated that the Mayors of the largest cities in Skagit County will also be in attendance.

PLANNING & PERMIT CENTER – LOU HAFF, INTERIM DIRECTOR

1. Signature – Resolution Accepting a Clean Water Fund Loan Borrowed From the Washington State Department of Ecology for Correction of On-Site Sewage and Farm Practice Problems.

Alison Mohns of the Planning and Permit Center stated that Skagit County has successfully applied for and received Washington State Department of Ecology State Revolving Loan Funds (SRF) for the previous ten years to repair failing On-Site Septic Systems and to improve agricultural Best Management Practices.

Ms. Mohns said Skagit County received preauthorization on October 27, 2003, from the Washington State Department of Ecology for spending a maximum of \$350,000 to start repairs and then successfully applied for State Revolving Loan Funds in the total amount of \$1,500,000 for 2004.

The Commissioners said they felt the program has been a great success. Therefore, Commissioner Munks motioned to approve the resolution as outlined by Ms. Mohns. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote. **(Resolution No. R20040055)**

2. Set Date and Time to Consider Planning Commission Recorded Motion on Non-Motorized Transportation Plan.

Kendra Smith, Senior Planner, said the Planning Commission deliberated on the Skagit County Non-Motorized Transportation Plan as remanded to the Commission by the Board of Skagit County Commissioners. Ms. Smith stated that the plan sent back to the Planning Commission would:

- 1) Restore recommendations on specific non-motorized transportation projects from the 2000 version of the plan; and
- 2) Restore and expand the discussion of non-motorized transportation funding sources; and
- 3) Make clear that the inclusion of a non-motorized transportation project in the plan does not represent a commitment by Skagit County to fund and develop that project. It must first be added to the 6-year Transportation Improvement Program (TIP), following public review and comment.

Ms. Smith indicated that the Planning Commission debated, called for a vote, which resulted in a 3-2 decision. Therefore, a recommendation was not brought forward. Because of this, it is necessary to schedule a date and time for a public hearing to consider the Planning Commission's Recorded Motion on the Non-Motorized Transportation Plan.

Commissioner Munks motioned to approve holding a public hearing on Monday, March 22, 2004 at 1:00 p.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

3. Discussion – City of Burlington Annexation Proposal on Gardner Road.

Kirk Johnson, Senior Planner, discussed the City of Burlington's proposal to annex land in the vicinity of Gardner Road. The subject area is within the eastern portion of the City's urban growth area. Gardner Road goes in and out of the City Limits three times and it would be helpful to simplify the responsibility for law enforcement, street maintenance and improvements.

Margaret Fleek, Planning Director for the City of Burlington, indicated that this proposal has already been discussed at the City/County planning staff level and, as presented, provides an opportunity for collaboration and intergovernmental coordination in reviewing and approving annexations under the Growth Management Act and locally adopted interlocal agreements.

Ms. Fleek said this annexation petition is an opportunity to clean up the eastern City Limits if the County agrees to invoke the jurisdiction of the Boundary Review Board (BRB) in order to enlarge the area to be annexed through their hearing procedure. Enlarging the annexation area via the BRB process allows for governance issues to be addressed and provides for additional public involvement and comment.

The Skagit County Commissioners gave their support on the pending annexation request.

4. Miscellaneous.

There were no miscellaneous items to discuss.

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, February 10, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 163387 through 163451 from Clearing Fund 696 in the total dollar amount of \$122,454.14 (Transmittal No. C-18-04); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$31,670.37 (Transmittal No. C-19-03); and

Payroll warrants numbered 139741 through 140507 in the total dollar amount of \$923,899.85 (Transmittal No. P-05-04); and

Payroll warrants numbered 961871 through 962015 in the total dollar amount of \$163,805.63 (Transmittal No. P-06-04).

2. Chief Civil Deputy, Donald L. Anderson, brought forth a letter, which was received from Perkins Coie requesting a conflict waiver. He explained that under the rules governing professional responsibility and conflicts of interest, Perkins Coie may represent "other clients" in matters adverse to the County, and simultaneously represent the County in unrelated matters, only under certain conditions. Mr. Anderson said that in order to ensure prompt and effective representation of all clients, including the County, Perkins Coie are seeking the County's waiver of current and future conflicts.

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Commissioner Munks moved to approve a conflict waiver between Skagit County and Perkins Coie, as outlined by Mr. Anderson. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

BID OPENING – MAINTENANCE MATERIALS WITH PURCHASES EXPECTED TO EXCEED \$25,000.

2004-2005 Spring/Summer Maintenance Material Eligibility List

For Period of April 1, 2004 through March 31, 2005

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2003 Spring/Summer Maintenance Material Eligibility List

Item 1 : Liquid Asphalt Products			
Vendor and Contact Information	CMS - 2	CMS - 2P	CSS-1
McAsphalt Industries Limited 1-604-888-6262, Neville Beck 19770-101 Avenue, Langley, BC	\$170.00/ton	\$195.00/ton	\$170.00/ton
ChevronTexaco Company 1-206-542-9756, Mike McEldowney 20555 Richmond Beach Drive N.W. Seattle, WA	\$190.86/ton	\$213.86/ton	\$188.86/ton

Item 2 : Gravel Products										
Vendor and Contact Information	Pit Run	1/2-1/4" Coverstn	3/8" Coverstn	3/8-1/2" Minus Coverstn	1/2" Coverstone	5/8" Crush Sfcg	3/4" Crush Sfcg	1-1/4" Crush Sfc	1/4" Minus Buckshot	Small Drain Rock
Calendar Const./Colony Sand and Gravel 1-360-766-5042, Ryan Costanti Location: Colony Road	\$3.00/tn									\$6.00/tn
Concrete Nor'west 1-360-757-3121, Doug Krampetz Location: Butler Pit	\$4.75/tn				\$7.75/tn (5/8")	\$7.75/tn		\$7.75/tn	\$4.50/tn	\$7.95/tn
Lakeside Industries 1-360-293-2168, Rod Gilmore Location: Anacortes	\$3.00/tn	\$8.50/tn				\$8.50/tn	\$8.50/tn			
Martin Marietta Materials 1-360-424-3441, Leland Reese Location: Pacific Quarry		\$10.50/tn	\$8.50/tn	\$11.00/tn	\$8.00/tn	\$7.50/tn	\$7.50/tn	\$7.00/tn		\$7.25/tn

Item 3 : Rock Products														
Vendor & Contact Information	Pit Run Shot Rock	Light Loose Rip Rap	Heavy Loose Rip Rap	Armor Rock 5000#	1 Man Armor Rock	2 Man Armor Rock	3 Man Armor Rock	4 Man Armor Rock	5 Man Armor Rock	6-8" Minus	2-4" Minus	6" Minus	4" Minus	Price List?
Lakeside Industries 1-360-293-2168, Rod Anacortes	\$6.50/tn	\$7.25/tn	\$12.00/tn	\$20.00/tn	\$20.00/tn	\$20.00/tn	\$20.00/tn	\$20.00/tn	\$20.00/tn	\$8.75/tn	\$8.00/tn	\$8.00/tn	\$8.00/tn	No
Martin Marietta 1-360-856-5870, Leland Beaver Lake Quarry	\$5.50/tn	\$6.50/tn	\$8.50/tn	\$15.50/tn	\$18.00/tn	\$15.50/tn	\$15.50/tn	\$15.50/tn	\$15.50/tn	\$7.25/tn	\$7.00/tn	\$5.00/tn	\$5.00/tn	Yes
Martin Marietta 1-360-424-3441, Leland Pacific Quarry	\$5.50/tn				\$25.00/tn					\$7.25/tn	\$7.00/tn	\$5.00/tn	\$5.00/tn	Yes
One Way Const. 1-360-856-2368, Dewey District Line Road	\$5.25/tn	\$5.25/tn	\$5.25/tn	\$7.00/tn	\$5.25/tn	\$5.25/tn	\$5.50/tn	\$6.50/tn	\$7.00/tn					No

Item 4 : Mixed Asphalt Products					
Vendor and Contact Information	ATB	Class B	Class G	Specialized P. M.	Specialized P. M.- Delvd.
Lakeside Industries 1-360-293-2168, Rod Gilmore Anacortes	\$24.70/ton	\$28.00/ton	\$31.00/ton	Brand: EZ Street	Brand Name: EZ Street
Rinker Materials 1-425-348-6341, Randy Johnson 19913 Kelleher Road, Burlington	\$25.20/ton	\$28.75/ton	\$32.00/ton	Brand: MC250	\$79.00/ton No Bid on Delivered Product

Item 5 : Liquid Deicer	
Vendor and Contact Information	Product Name
Wilbur-Ellis Company 1-360-466-3138, Mark Jackson 13586 Bayview Edison Rd. Mt. Vernon	NC-3000 @ \$3.00/gallon

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

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