

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 23, 2004**

- |                                 |   |
|---------------------------------|---|
| 8:00 a.m. – 8:45 a.m.           | Work Session – Commissioners  |
| 8:45 a.m. – 9:30 a.m.           | Work Session – County Administrator   |
| 10:00 a.m. – 10:30 a.m.         | Bid Opening – Rental Equipment Over \$25,000 Annually   |
| 10:30 a.m. – 11:00 a.m.         | Briefing – Social Detoxification  |
| 11:00 a.m. – 11:30 a.m.         | Consent Agenda and Miscellaneous Items  |
| 11:30 a.m. – 11:45 a.m.         | Public Comment Period   |
| <b>*T</b> 1:30 p.m. – 2:30 p.m. | Public Hearing - To Consider Public Testimony Regarding a Proposed Extension of Interim Ordinance No. O20030026, Which Established Interim Development Regulations for Implementation Within the Unincorporated Urban Growth Areas of Anacortes, Burlington, Mount Vernon and Sedro-Woolley |
| 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, February 23, 2004 with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**BID OPENING – RENTAL EQUIPMENT OVER \$25,000 ANNUALLY.**

This bid opening was cancelled due to a clerical error in the date published for the bid opening.

**BRIEFING – SOCIAL DETOXIFICATION.**

This item was postponed until 3:45 p.m.

**CONSENT AGENDA.**

Commissioner Munks motioned to approve the Consent Agenda for Monday, February 23, 2004, items 1 through 25. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Tuesday, February 17, 2004.
2. Resolution **AND** Interlocal Cooperative Agreement authorizing the establishment of '2060' funds for low-income housing services. The agreement is between Skagit County and the Cities of Anacortes, Burlington, Mount Vernon, and Sedro-Woolley and the Towns of Concrete, Hamilton, La Conner and Lyman. The agreement shall commence on the date of signing and continue until terminated. **(Resolution No. R20040064 AND Contract No. C20040083)**
3. Resolution appointing John Thulen to Drainage District No. 22 beginning February 1, 2004 and expiring on the next election. **(Resolution No. R20040065)**
4. Resolution appointing Dean Flaig to Drainage District No. 21 beginning February 1, 2004 and expiring on the next election. **(Resolution No. R20040066)**

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**BUDGET & FINANCE:**

5. Memorandum of Agreement between Skagit County and the North Cascades Chamber of Commerce to provide promotional materials in connection with events such as the Marblemount Eagle Fair, Highway Pass Opening, and Autumn in the Country, among other tourism efforts. The agreement term is for calendar year 2004, and the County will provide \$5,000 in funding. **(Contract No. C20040084)**
6. Personal Services Agreement with the Skagit County Community Action Agency to provide services to low-income residents of Skagit County, administer the Veteran's Relief Program and provide a Case Management Specialist for provision of family services. The agreement shall commence on January 1, 2004 and continue through December 31, 2004. Compensation is not to exceed a total of \$105,959. **(Contract No. C20040085)**

**FACILITY MANAGEMENT:**

7. Boundary Line Adjustment Application to facilitate the purchase of the property south of the Mount Vernon Family Resource Center. The property is the west half of the parcel and this lot line adjustment will legally separate the portion to be purchased. **(Approved)**
8. Amendment No. 2 to Vendor Services Agreement **No. C20020306** with U.S. Testing Equipment, which extends the contract to July 31, 2005, increases the total compensation for periodic maintenance and adds repair compensation for services on scanners and x-ray screening systems totaling \$10,500 for a new total of \$17,262. **(Amendment No. A20040047)**

**HEALTH DEPARTMENT:**

9. Memorandum of Understanding and Work Plan between Skagit County Department of Health and the State of Washington Department of Health TB Control Program regarding the placement of State employee Molly Pulido within the Health Department for work in the Tuberculosis Clinic. The agreement shall commence on January 5, 2004 and continue until terminated. There is no charge associated with this agreement. **(Contract No. C20040086)**
10. Amendment No. 7 to Washington State Department of Health Consolidated Contract **No. C20020436**, which increases funding for the WIC/USDA Nutrition and Preventative Health Block Grant programs and adds funding for a new program entitled "Obesity Prevention. The amendment increases funding by \$60,269 for a revised total of \$1,104,342. All other terms and conditions shall remain in effect. **(Amendment No. A20040048)**

**HUMAN RESOURCES:**

11. Personal Services Agreement with HR Answers to provide professional consulting services required to prepare a classification and compensation study for Skagit County. The study is to be completed and presented to the Human Resource Department no later than June 1, 2004. The agreement shall commence on January 1, 2004 and continue through August 1, 2004. Compensation is not to exceed \$67,000. **(Contract No. C20040087)**

**INFORMATION SERVICES:**

12. Amendment No. 3 to Contract **No. C20030235** with ImageSource, Inc., which extends software and hardware support of the County Clerk Imaging System. The amendment is effective February 4, 2004 and shall continue until September 29, 2004. The contract shall be increased by \$11,124 for a new total of \$249,950. All other terms and conditions shall remain in effect. **(Amendment No. A20040049)**

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**PROSECUTOR'S OFFICE:**

13. Amendment No. 2 to Building Lease **No. C20020217** between Skagit County and Fred R. and Arlene M. Miller. The amendment extends the term of the agreement until June 30, 2006 for the Family Support facilities located at 1204 Cleveland Street, Mount Vernon. All other terms and conditions shall remain in effect. **(Amendment No. A20040050)**
14. Memorandum of Understanding between grant partners for the Skagit County Domestic Violence Victim Advocacy & Offender Accountability Plan. This will be included with an application for the sustainability of the grant through the Department of Justice. **(Approved)**
15. Amendment No. 1 to Personal Services Agreement **No. C20030371** with Richard Rekdal, dba Clothier & Head, P.S., which provide accounting services for investigations of criminal matters. The amendment extends the term of the agreement to December 31, 2004. All other terms and conditions shall remain in effect. **(Amendment No. A20040051)**

**YOUTH & FAMILY SERVICES:**

16. Personal Services Agreement with Mario Navarro, M.A., to provide specialized child, adolescent, adult and family assessment, evaluation and treatment as referred by Youth and Family Services staff. The agreement shall commence on January 1, 2004 and continue through December 31, 2006. Compensation shall not exceed a total of \$15,000 annually. **(Contract No. C20040088)**
17. Interlocal Cooperative Agreement with the Sedro-Woolley School District (per Resolution No. 17300) to purchase a variety of mental health services. The agreement shall commence on January 1, 2004 and continue through December 31, 2004. Compensation shall total \$7,400 annually. **(Contract No. C20040089)**
18. Interlocal Cooperative Agreement with the Mount Vernon School District (per Resolution No. 17300) to purchase a variety of mental health services. The agreement shall commence on January 1, 2004 and continue through December 31, 2004. Compensation shall total \$8,900 annually. **(Contract No. C20040090)**
19. Personal Services Agreement with Kees Hofman, PhD, to provide specialized child, adolescent, adult and family assessment, evaluation and treatment as referred by Youth and Family Services staff. The agreement shall commence on January 1, 2004 and continue through December 31, 2006. Compensation shall not exceed a total of \$10,000. **(Contract No. C20040091)**
20. Interlocal Cooperative Agreement with the Burlington School District (per Resolution No. 17300) to purchase a variety of mental health services. The agreement shall commence on January 1, 2004 and continue through December 31, 2004. Compensation shall total \$5,600. **(Contract No. C20040092)**

**PUBLIC WORKS:**

21. Resolution calling for a public hearing to authorize a road name change of a portion of a County road known as West Montborne Road #05010 to Craig Road #05030. The hearing will take place on Monday, March 22, 2004 at 9:30 a.m. **(Resolution No. R20040067)**
22. Resolution establishing a County Road Project, South Fork Bridge, No. 40008-3. **(Resolution No. R20040068)**

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23. Supplemental Agreement No. 1 to Interlocal Agreement **No. 005094** between Skagit County and the Town of Concrete regarding the Street Road Improvement Project and the Baker River Bridge Rehabilitation Project. This agreement shall be extended through December 31, 2005. All other terms and conditions shall remain in effect. **(Amendment No. A20040052)**
24. Supplemental Agreement No. 3 to Local Agency Standard Consultant Agreement **No. C20020189** with GeoTest Services, Inc., which extends the completion date to February 29, 2004 and adds \$1,525.50 in compensation for a total of \$15,050.50. This work includes special inspection, testing and geotechnical services for the storm water pump station and force main. All other terms and conditions shall remain in effect. **(Amendment No. A20040053)**
25. Supplemental Agreement No. 1 to Interlocal Agreement **No. 005052** with the Town of La Conner concerning the Morris Street Improvement Project. The agreement extends the completion date through 2004. All other terms and conditions shall remain in effect. **(Amendment No. A20040054)**

**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 23, 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 164367 through 164708 from Clearing Fund 696 in the total dollar amount of \$1,597,225.65 (Transmittal No. C-25-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$43,045.20 (Transmittal No. C-26-04).

2. Mike Edwards, Budget and Finance, presented a Personal Services Agreement between Skagit County and the Skagit Valley Chapter of the American Red Cross for the Board's approval. He explained that the total amount previously awarded to the American Red Cross was \$30,000, which will be spent in two parts. The first part of the agreement totals \$20,000 and shall provide for training and preparation of Skagit County residents to respond to and appropriately address, assess and manage consequences resulting from events of Weapons of Mass Destruction, Emergencies and/or Disasters. Training will encompass several areas and include all supplies. It will be structured to train a cumulative total of 300 Skagit Valley residents. The agreement shall commence on February 19, 2004 and continue until December 31, 2004.

Commissioner Munks motioned to approve the Personal Services Agreement, as outlined by Mr. Edwards. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. C20040093)**

Mr. Edwards noted that the second part of the agreement in the amount of \$10,000 will be used to purchase supplies and storage facilities; which will be brought forward at a later date.

**PUBLIC COMMENT PERIOD.**

Chairman Anderson and Commissioner Munks were absent during the public comment period.

Don Bockelman, 30623 South Skagit Highway, Sedro-Woolley, asked the Commissioners to issue an emergency declaration against Day Creek Gravel, advising them to cease all activities until legal and environmental impacts are addressed. He feels the company is acting in an aggressive manner designed to drive out neighbors that oppose the operation.

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Commissioner Dahlstedt asked Mr. Bockelman if he had filed a formal complaint with the County's code enforcement officer. Mr. Bockelman said he is in the process of doing that now.

**PUBLIC HEARING – TO CONSIDER PUBLIC TESTIMONY REGARDING A PROPOSED EXTENSION OF INTERIM ORDINANCE NO. 020030026, WHICH ESTABLISHED INTERIM DEVELOPMENT REGULATIONS FOR IMPLEMENTATION WITHIN THE UNINCORPORATED URBAN GROWTH AREAS OF ANACORTES, BURLINGTON, MOUNT VERNON AND SEDRO-WOOLLEY.**

Chairman Anderson was absent for a portion of the public hearing. Commissioner Dahlstedt acted as Chairman during his absence.

Planning and Permit Center Interim Director, Lou Haff, explained that the previous goal and direction of this Board was to have the Department come back before the Commissioners with a permanent ordinance to replace the interim ordinance, which has failed to happen.

Mr. Haff explained four alternatives for the Board's consideration:

- 1) Extend the existing interim ordinance for a specified period of time (30 days, 60 days, 90 days), to allow development and consideration of a permanent ordinance.
- 2) Adopt a new interim ordinance, as drafted by County and City staff, and hold a public hearing within 60 days.
- 3) Adopt a new interim ordinance, as drafted by County and City staff and modified by the Board of County Commissioners, and hold a public hearing within 60 days.
- 4) Repeal the existing interim ordinance and return to the prior system of implementing city development regulations.

Mr. Haff and staff recommend extending the interim ordinance for no less than 90 days.

Commissioner Dahlstedt opened the public hearing.

Robert A. Helton, 21037 Little Mountain Road, Mount Vernon, said he's been watching the issue about who pays for development for many months in the newspaper. As a private citizen, he has no objection to anybody developing their property as long as they pay for all citizen incurred expenses that evolve from that development. 90% of the costs for infrastructure are born by the existing people in the society in which the growth occurs and only 10% is paid for by the new people that move in. The developer pays certain development fees; however, most people are aware that what the normal developer pays on average is much less than the total cost to the community in which the development occurs. Mr. Helton would like to see financial equity.

Ted Reisner of Reisner Distributing, Inc., 310 Commercial, Anacortes, said his company is trying to build a 4,400 square foot building onto an existing 6,000 square foot building that is located in Padilla Heights. The additional building has met SEPA requirements and oversize retention ponds are in place. He cautioned that if the project cannot move forward, the company may have to consider moving to Snohomish County, as that is where much of their business originates.

Alan Perkes, 17109 Trout Drive, Mount Vernon, said the ordinance that is currently in place says a building of not more than 5,000 square feet is allowed but the way the language is written, it doesn't allow for any new construction. He explained that the Reisner building is already 6,000 square feet and all the required services are in place; however, the interim ordinance doesn't allow them to move forward with the additional building. When the Board considers whether to extend the interim ordinance or add additional language by way of modification, Mr. Perkes also asked that they to consider allowing for a minimum 5,000 square foot extension of new construction on these sites.

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Jeff Ingham, 23611 Glen Allen Place, Mount Vernon, said he and his wife are trying to proceed with a 2-10t short plat in Sedro Woolley. Apparently, there are notes on the short plat that disclose to anyone interested in buying the property that it is subject to certain conditions, one of which would be the requirement of hooking up to a sewer system when it becomes available. Anyone building a house there would have to pay all the impact fees and/or any other associated costs. Mr. Ingham disagrees that most of the fees of the infrastructure of a simple 2-lot short plat should be born by the property owner and builder. He asked the Commissioners to continue the interim ordinance for an additional 90 days in order to research the issue thoroughly, which would ultimately lead to a well- informed decision.

Pat Hayden, Attorney for the City of Sedro-Woolley, said their comments were made in writing and he asked staff to include them in the record. He said this relates only to the interim ordinance and comments regarding a permanent proposal have been made extensively to County staff.

Scott Thomas, Attorney for the City of Mount Vernon, stated that Mount Vernon would prefer that the Commissioners adopt the continuance of the existing interim ordinance.

Paul Taylor, 20388 Eric Street, Mount Vernon, asked the Board to consider the following comments. Historically, this problem was foreseen in 1993/1994 when the County adopted its countywide planning policies. These policies made no sense to him until he examined the Growth Management Act (GMA) more carefully. The cities have promised that by placing these properties in urban growth areas (UGAs), they could provide services to them. Mr. Taylor said it costs money to develop and provide infrastructure and he doesn't think anyone considered this problem back then. Mr. Taylor said it is better to revisit the countywide planning policies and decide if the right decision was made in the first place.

Mr. Taylor suggested that perhaps the UGAs shouldn't be as large or encompassing, thereby allowing the cities to provide infrastructure to them. He feels the cities are certainly willing to remove the tax dollars from those properties but are not willing to provide the necessary infrastructure. The south Mount Vernon annexation is a perfect example of the lack of foresight. He feels that if you focus solely on GMA then real problems will occur down the line. Mr. Taylor encouraged the Board not only look at a new ordinance only to satisfy GMA requirements, but an ordinance that will satisfy all land use planning, now and in the future. He urged them to review what will be financially and fiscally responsible in order for the cities to develop these areas. The GMA has forced the County to place new development in the flood plain, which has created inherent problems in everything that is done. Mr. Taylor said those situations need to be reviewed now before a major flood event occurs and destroys everything. He asked the Commissioners to direct their staff to look at the big picture including countywide planning policies and then bring forth a plan that will going to work now and in the future.

Commissioner Munks motioned to close the public hearing. Commissioner Dahlstedt seconded the motion, which carried. The public hearing was closed.

Don Anderson, Chief Civil Deputy, reminded the Commissioners that in late October or early November, his predecessor, John Moffat, signed a response to Sedro-Woolley's request for a 90-day extension regarding GMA transformance, which stated "Skagit County commits to renewing Interim Ordinance No. O20030026 for another six-month period prior to its expiration on February 26, 2004, if a new ordinance has not been adopted by then." The second order granting an extension was issued by the WWGMHB on November 7, 2003. They indicated that the 90-day extension was granted based upon Mr. Moffat's response to them indicating the County's commitment to extend the interim ordinance for another 60 days.

Mr. Anderson said he doesn't mean to conflict with Mr. Haff's suggestion of a 30 or 60-day extension, he simply wants the Commissioners to be aware that there will be a credibility issue. This is based on the fact that a hearing on this issue will be held on March 17, 2004 by the WWGMHB of which Mr. Moffat indicated the County would attend. This does not; however, prevent the Board from making changes to the interim ordinance or from adopting an entirely new ordinance to replace it during the six month period. Mr. Anderson said the WWGMHB will issue its final decision on May 17, 2004. He encouraged the Board to continue the interim ordinance for six months, in accordance with the commitment

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previously made by Mr. Moffat, unless the Board adopts a new permanent ordinance today. Mr. Anderson advised that if the interim ordinance is not extended, the WWGMHB could seek invalidity to the order.

Commissioner Dahlstedt said this is a challenging issue and he is hopeful that there will be continued discussions with the cities to reach a solution that can be brought forward. Allowing more time for that to occur would be beneficial to all.

Assistant Director, Gary Christensen, said he thinks all parties are supportive of the 'perks' amendment, which, in addition to what already exists, would allow the 5,000 square feet of new construction in the commercial/industrial urban growth area zone. Mr. Christensen also said he received a request from the City of Anacortes that they not be considered a part of this interim ordinance. The City wants to be able to adopt development regulations for application within their own urban growth areas.

Commissioner Munks motioned to extend the existing interim ordinance for the allotted six month period of time and Commissioner Dahlstedt seconded the motion.

Chairman Anderson joined the discussion at this time.

Commissioner Munks briefed Chairman Anderson as to what the motion was. Chairman Anderson seconded the motion.

Mr. Haff said he believed that the 5,000 square foot amendment could be added in the process of extending the existing ordinance.

Commissioner Dahlstedt said there is currently a motion on the floor to extend the interim ordinance for six months.

Chairman Anderson amended the previous motion by allowing an additional 5,000 square feet of new construction. Commissioner Munks seconded the motion, which passed unanimously.

**BRIEFING – SOCIAL DETOXIFICATION.**

Maile Acoba, Director of Human Services, advised the Board that Skagit Recovery Center has notified the County of their need to discontinue detoxification services effective March 31, 2004. To date, no replacement service or contract has been established.

Funding to replace this service is not adequate. In order to replace the program at its current level and to adequately meet the need of the community, it will cost almost twice the amount currently allocated and available for detox services. Ms. Acoba said negotiations with United General Hospital, to locate the detox unit in a wing formerly utilized by the Senior Behavior Health Program, fell through on February 10, 2004 when it was determined that it would be economically unfeasible for the program due to the high lease cost for the facility lease.

Without adequate beds for detox, patients are taken to local emergency rooms or jail. In 2001, even with 6 detox beds available, 518 patients visited the Emergency Room with a diagnosis of alcohol intoxication. Eighty-seven percent (87%) of those patients were released within 5 hours or less. This number is likely to increase dramatically with the absence of a detox facility.

Ms. Acoba said that Skagit County Human Services and Compass Health are collaborating to create a Behavioral Crisis Triage Center for Skagit County. This current best practice would provide a substantial improvement in services delivered community wide. Specifically, the 'Center' would:

- Provide one 12-bed facility for both mental health crises, crises induced by intoxication, and crises involving both mental health and intoxication
- Provide immediate response to law enforcement because of qualified staff on site 24 hours a day

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- Provide seamless mental health and chemical dependency intervention for clients
- Offer a “no refusal” triage approach to law enforcement, ER staff, and the rest of the community for clients who are not medically fragile or violent
- Provide referral support for entry into additional inpatient or outpatient services for all clients

Chairman Anderson asked what the cost would be to provide for these services. Ms. Acoba indicated that for detox services only with six beds, the deficit would be \$177,985. For a Behavioral Crisis Center utilizing twelve beds, the deficit would amount to \$90,000; however, that doesn't include the \$186,000 the hospital is asking for rent. She said her recommendation would be to look at the collaborated system and added that her feeling throughout the community is that United General Hospital would be the perfect place to house a crisis center.

Ms. Acoba stated that the current percentage of Alcohol Tax revenues that are collected from each of the cities and the County is 7%. She is willing to ask for a 20-25% increase, but needs a program to sell to them. Ms. Acoba said there are a lot of key players that are ready to put into place a state-of-the-art program, if financial resources are attainable.

The Commissioners agreed that they are willing to help this proposal along by meeting with the hospital and the cities.

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Don Munks, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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