

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 21, 2004**

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| 8:00 a.m. – 8:45 a.m. | Work Session – Commissioners |
| 8:45 a.m. – 9:30 a.m. | Work Session – County Administrator |
| *T 9:30 a.m. – 10:00 a.m. | Discussion/Possible Action – Recommendations of the Planning Commission Regarding Amendments to the Ag Ordinance |
| *T 10:45 a.m. – 11:00 a.m. | Public Hearing – Amendment of the 2004 Budget for River Improvement Fund #110 |
| *T 11:00 a.m. – 11:30 a.m. | Consent Agenda and Miscellaneous Items |
| *T 11:30 a.m. – 11:45 a.m. | Public Comment Period |
| *T 1:00 p.m. – 1:15 p.m. | Decision – Revised Skagit County Code (SCC) 12.16, Solid Waste Handling Facilities |
| *T 1:15 p.m. – 1:30 p.m. | Public Hearing – Amendment of Boundary Lines for Voting Precincts in Skagit County to Reflect Annexations by the City of Sedro-Woolley |
| *T 1:30 p.m. – 2:30 p.m. | <u>Planning & Permit Center – Lou Haff, Interim Director</u> <ol style="list-style-type: none">1. Review and Signature of the Final Plat Request for Bay Ridge Business Park Binding Site Plan (PL03-0706)2. Appointment of the New Planning Department Citizen Advisory Committee3. Miscellaneous |
| *T 2:30 p.m. – 3:30 p.m. | <u>Public Works – Chal Martin, Director</u> <ol style="list-style-type: none">1. Discussion – Proposed Amendment of Joint Funding Agreement with the U. S. Department of the Interior and the U. S. Geological Survey for Water Resources Investigations on the Sauk and Skagit Rivers2. Discussion – Maddox Creek/Flowers Creek Restoration Partnership Project3. Discussion – FERC Relicensing Process for the Baker Hydroelectric Project4. Miscellaneous |
| *T 3:30 p.m. – 4:00 p.m. | Work Session – Operations Division Manager/Road District Maintenance Supervisors |

The Skagit County Board of Commissioners met in regular session on Monday, June 21, 2004 with Commissioners Ted W. Anderson, Don Munks, and Kenneth A. Dahlstedt present.

DISCUSSION/POSSIBLE ACTION – RECOMMENDATIONS OF THE PLANNING COMMISSION REGARDING AMENDMENTS TO THE AG ORDINANCE.

Tom Karsh, Natural Resource Policy Administrator, provided background information. The proposed amendment is to Skagit County Code Critical Areas Ordinance, which addresses fish habitat in areas that have ongoing agricultural activities. An Ordinance and Resolution were approved by the Board on June 23, 2003. Upon passage they were appealed. The December 2003 Compliance Order from the Western Washington Growth Management Hearing Board directed the County to add language to Ordinance No. O20030020 to make it clear that “failure to comply with the mandatory Watercourse

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Protection Measures shall result in enforcement upon complaint” and to add specificity to Resolution No. R20030120 regarding the process for the monitoring program.

The Planning Commission held a public hearing on June 8, 2004 to take testimony on the proposed Code amendment and receive written comments. At the conclusion of the public hearing the Planning Commission recommended amending the language, which resulted in a recorded motion.

Commissioner Munks moved to approve the Ordinance to amend SCC 14.24.104 (4) to add a sentence which states “Failure to comply with these mandatory Watercourse Protection Measures for Ongoing Agriculture shall result in enforcement upon complaint.” Commissioner Dahlstedt seconded the motion, which carried unanimously. **(Ordinance No. O20040011)**

Commissioner Munks and Commissioner Dahlstedt seconded the motion to adopt the Revised Resolution No. 20030120. The motion carried unanimously. **(Resolution No. R20040211)**

PUBLIC HEARING – AMENDMENT OF THE 2004 BUDGET FOR RIVER IMPROVEMENT FUND #110.

Trisha Logue, Budget and Finance Administrator, stated that the amendment is due to the fact that Public Works received grant funding in the amount of \$1,530,739 after the 2004 budget was adopted on December 15, 2003. The amendment will increase the River Improvement Fund #110 to reflect that increase.

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

Commissioner Munks moved to approve the Resolution to amend the 2004 budget for the Skagit River Improvement Fund #110. Commissioner Dahlstedt seconded the motion, which carried unanimously. **(Resolution No. R20040212)**

CONSENT AGENDA.

Commissioner Munks asked for clarification on item 19. He felt that Public Works was using that particular firma lot, and wanted to make sure that the distribution was equitable. Dave Brookings, Public Works Administrator, said that the department uses a consultant roster and that they keep a distribution list to track the awards of contracts. Public Works will provide a copy of the list to the Commissioners.

Commissioner Munks motioned to approve the Consent Agenda for Monday, June 21, 2004, items 1 through 21. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, June 14, 2004. **(Approved)**
2. Resolution re-appointing William Blunt to the Skagit County Board of Equalization, effective May 17, 2004 and expiring on May 16, 2007. **(Resolution No. R20040213)**

BUDGET & FINANCE:

3. Resolution setting statutory dates for the FY 2005 budget schedule. **(Resolution No. R20040214)**

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EMERGENCY MANAGEMENT:

4. Amendment No. 1 to Specialized Emergency Response Program (SERP) Agreement **No. C20030517**, which amends the scope of services, compensation, and extends the term of the agreement through December 31, 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040110)**

FACILITIES MANAGEMENT:

5. Resolution rejecting all bids and calling for a re-bid for the Skagit County Courthouse/Administration HVAC Improvements. The bid opening will be held on July 12, 2004 at 9:45 a.m. **(Resolution No. R20040215)**
6. Resolution calling for bids for the Skagit County Hearing Room Audio/Video Equipment and Installation for the Continental Place Building remodel. The bids will be opened on July 12, 2004 at 10:00 a.m. **(Resolution No. R20040216)**
7. Amendment No. 1 to Vendor Services Agreement **No. C20020194** with Bill's Cleaning Service. The amendment will extend the term of the contract to June 30, 2006 and increase the compensation by an additional \$18,000. **(Amendment No. A20040111)**

HUMAN RESOURCES:

8. Resolution authorizing an agreement with the Specialized Emergency Response Program (SERP). **(Resolution No. R20040217)**
9. Agreement by and between the Skagit County Commissioners, the Sheriff of Skagit County and the Skagit County Deputy Sheriff's Guild, Patrol Division, commencing January 1, 2002 and continuing through December 31, 2004. **(Contract No. C20040264)**
10. Agreement by and between the Skagit County Commissioners, the Sheriff of Skagit County and the Skagit County Deputy Sheriff's Guild, Corrections Division, commencing January 1, 2002 and continuing through December 31, 2004. **(Contract No. C20040265)**

HEALTH DEPARTMENT:

11. Vendor Services Agreement with Northwest Medical Teams International to provide the mobile dental van with driver to be used for the school-based sealant program on scheduled dates. The agreement shall commence on January 1, 2004 and continue through December 31, 2004. Compensation is not to exceed a total of \$11,200. **(Contract No. C20040266)**
12. Amendment No. 1 to Personal Services Agreement **No. C20030440** with Vanessa Soderberg, which increases contract consideration for "fee for service" billable client encounters, effective May 1, 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040112)**
13. Amendment No. 1 to Personal Services Agreement **No. C20030454** with Linda Kathleen Wigal, which increases contract consideration for "fee for service" billable client encounters, effective May 1, 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040113)**

PARKS AND RECREATION:

14. Resolution appointing Kevin Loy to the Skagit County Parks and Recreation Advisory Board, effective July 1, 2004 and expiring on June 30, 2007. **(Resolution No. R20040218)**

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PUBLIC WORKS DEPARTMENT:

15. Request for Qualifications for consultant services for the preparation of the Solid Waste Operations and Efficiency and System Rate Study. **(Resolution No. R20040219)**
16. Grant application to the Northwest Straits Commission to secure funding for general administration of the Marine Resources Committee. The application is for \$10,000 and has no match requirement. **(Contract No. C20040267)**
17. Resolution awarding the bid for the Town of Concrete Main Street Reconstruction Project No. ES-9700-5 to Snelson Companies, Inc. for the low bid of \$1,134,900.75. **(Resolution No. R20040220)**
18. Resolution AND Interlocal Cooperative Agreement between Skagit County and the Samish Nation pursuant to the Samish Island Shoreline Restoration Project. This grant-funded project will carry out the initial steps of a long-term demonstration project on a large degraded near-shore area on the north side of Scott's Point on Samish Island. The agreement shall commence on March 1, 2004 and continue through February 28, 2005. Compensation is not to exceed a total of \$12,000. **(Resolution No. R20040221) (Contract No. C20040268)**
19. Local Agency Standard Consultant Agreement with Leonard, Boudinot & Skodje, Inc. to provide construction surveying and engineering services for the Main Street Reconstruction Project on behalf of the Town of Concrete. The agreement shall commence on the date of signature and continue through December 31, 2005. Compensation is not to exceed a total of \$73,000. **(Contract No. C20040269)**
20. Amendment No. 3 to Vendor Services Agreement **No. 005179** with Emerald Petroleum Services, Inc. to provide an increase to the original per unit pickup cost of \$25 per unit to \$26 per unit. The amendment shall become effective March 1, 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040114)**
21. Amendment No. 1 to Personal Services Agreement **No. C20020213** with Edge Analytical, which extends the term of the agreement to June 1, 2005 in order to provide laboratory analysis of soil and water samples. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040115)**

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, June 21, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Electronic Payment Certification Form to JP Morgan Chase numbered 172623 through 173432 from Clearing Fund 696 in the total dollar amount of \$30,526.51 (Transmittal No. C-79-04).

ACH Transfer Request Form and Certification Form to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$220.00 (Transmittal No. C-80-04).

ACH Transfer Request Form and Certification Form to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$107,057.13 (Transmittal No. C-81-94).

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Warrants numbered 172623 through 173432 from Clearing Fund 696 in the total dollar amount of \$2,926,486.65 (Transmittal No. C-82-04).

PUBLIC COMMENT PERIOD.

Jan Davis, 5544 Smith Road, Edison, asked what the community could do about their concerns relating to the Longhorn Saloon since their liquor license was coming up for renewal. Commissioner Anderson explained that the removal of a liquor license would only be done if unlicensed activities were occurring at the establishment not for parking or noise issues. Commissioner Munks asked for a list of the concerns so they could be addressed. He said that he could meet individually with members of the community and the owners of the establishment. Commissioner Dahlstedt added that a petition of those concerned would be helpful as well.

Jim Vogelsang of South Mount Vernon spoke about the Blanchard Mountain public meeting being held by Department of Natural Resources on June 30. He encouraged the Commissioners and the citizens of the county to become involved in the process.

DECISION – REVISED SKAGIT COUNTY CODE (SCC) 12.16, SOLID WASTE HANDLING FACILITIES.

The Commissioners felt it was difficult to discern the Code revisions in material that was provided and asked the Health Department to provide a copy of the document with the changes highlighted before they render a decision.

Polly Dubbell of the Health Department stated that no changes were made in the permitting requirements. She said that a section was added on household hazardous wastes and drug lab contamination and the enforcement section was reorganized. The department will provide the additional information requested by the Board.

Commissioner Munks moved to render a decision on revised SCC 12.16 Solid Waste Handling Facilities on Monday, June 28, 2004 at 1:15 p.m. Commission Dahlstedt seconded, and the motion carried unanimously.

PUBLIC HEARING – AMENDMENT OF BOUNDARY LINES FOR VOTING PRECINCTS IN SKAGIT COUNTY TO REFLECT ANNEXATIONS BY THE CITY OF SEDRO-WOOLLEY.

Erika Kubischta of the Elections Department reported that the Skagit County Code needs to be amended to redefine the voting precinct boundaries for the City of Sedro-Woolley. This is due to annexation of land that crossed over a legislative district boundary.

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

Commissioner Munks moved to adopt an Ordinance redefining certain precincts in the City of Sedro-Woolley. Commissioner Dahlstedt seconded the motion, which carried unanimously. **(Ordinance No. 020040012)**

PLANNING & PERMIT CENTER – LOU HAFF, INTERIM DIRECTOR

- 1. Review and Signature of the Final Plat Requests for Bay Ridge Business Park Binding Site Plan (PL03-0706) and Final Binding Site Plan for Skagit Regional Airport Master Plan Phase 2 Division 2 (PL04-0091)**

Brandon Black requested a date and time for review and signature of the final plat for Bay Ridge Business Park. Commissioner Munks moved to review and sign the final plat on Monday, June 28, 2004, at 1:45 p.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

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Mr. Black also requested a date and time for review and signature of the final binding site plan for Skagit Regional Airport Master Plan Phase 2 Division 2. Commissioner Munks moved to review and sign the site plan on Monday, June 28, 2004, at 1:30 p.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

2. Appointment of the New Planning Department Citizen Advisory Committee.

Interim Director Lou Haff presented a list of names of County residents for the Board's consideration for appointment to a new Advisory Board to the Director of the Planning and Permit Center. The Client/Customer Advisory Board will serve in an advisory capacity for matters relating to organization structure, general business practice and public service. Mr. Haff asked to Board to review to list and make recommendations.

3. Miscellaneous.

Mr. Haff advised that the International version of the State Building Codes that were just adopted have already changed. Two codes were rescinded related to construction of multi-level buildings and prohibition of live Christmas trees.

Mr. Haff provided a quarterly summary of applications broken down by type. He noted a dramatic increase in septic applications, which may be a precursor to building activity. He would like to make the temporary person that was hired to deal with the long lines a full-time position and believes that permit revenues will cover the cost. The department has built a database to assist in preparation of next year's budget.

PUBLIC WORKS – CHAL MARTIN, DIRECTOR

1. Discussion – Proposed Amendment of Joint Funding Agreement with the U. S. Department of the Interior and the U. S. Geological Survey for Water Resources Investigations on the Sauk and Skagit Rivers.

Director Chal Martin advised that the, .U.S. Department of the Interior, U.S. Geological Survey has additional funding available, and the Department would like the Board's approval to add amend the existing contract for water resource investigations of the Sauk and Skagit Rivers. The Department would like to install a new gauge in the Nookachamps and update existing gauges.

Commissioner Munks moved that the Public Works Department move forward with negotiating an amendment with the U.S. Department of Interior, U.S. Geological Survey for water resources investigations of the Sauk and Skagit Rivers. Commissioner Dahlstedt seconded the motion, which carried unanimously.

2. Discussion – Maddox Creek/Flowers Creek Restoration Partnership Project.

The City of Mount Vernon has requested that the County manage the Flowers Creek Restoration Project. The project to reroute Flowers Creek to approach drainage in South Mount Vernon, and to help Skagit Valley Publishing with their permitting issues with the Corps of Engineers. It appears that the culvert removal can still be accomplished, but the rerouting of Flowers Creek looks to be premature at this point. There are still a number of issues involved with private property owners. The Department of Ecology grant is contingent upon the rerouting of Flowers Creek in a timely manner, and it appears that this project is 2-3 years from construction. The cost for mitigating Skagit Valley Publishing from that property is approximately \$250,000. It had been hoped that Skagit Valley Publishing would include a cash contribution toward this project and purchase a parcel to the north of their location; however, Skagit Valley Publishing has been working with Wetlands of Washington, a group that purchases property to bank wetlands.

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The other part of the project was to daylight Maddox Creek that went through a culvert that the County constructed in conjunction with a project on Blackburn. It appears that it may be possible to do this part of the project. Mr. Martin recommends that the County go forward with the culvert removal. He said that the reroute of Flowers Creek is still a good project, but it will take time to put it together.

Commissioner Munks asked if this project would help with the drainage issues at the bottom of the hill. Mr. Martin said that it would not accomplish anything for those downstream. The City of Mount Vernon requested that the County take over the grant to salvage part of the grant from the Department of Ecology because the County originally installed the culvert and the area is within the County's jurisdiction. He added that the Department would need to come back to the Board with a better estimate for the culvert project.

Commissioner Dahlstedt said he wanted to make sure that the project was well thought out and that it meets our needs. Commissioner Anderson said he would not be opposed to removing the culvert.

3. Discussion – FERC Relicensing Process for the Baker Hydroelectric Project.

Mr. Martin said that the lawyers are in the process of drafting the language for the final settlement agreement for the FERC relicensing processing for the Baker Hydroelectric Project. He stated that he still has concerns that it does not adequately provide for recreation at Lake Shannon. Currently, the only commitment to the lake access agreement is to attempt to purchase the property that accesses the road for a boat launch. The department will be working with Puget Sound Energy to improve that issue. The parties have finally come up with a concept of instream flows out of the project. The proposed flows vary from 1000 cfs to 1200 cfs. This is a significant change in the system. Mr. Martin said that the County has overlaid their flood requirements, and they would work with this regime.

There is also quite a significant fish production facility being proposed in the upper Baker system. Mr. Martin said that this is the first time he has seen this information. He provided the Commissioner's with a copy of a counter proposal by the County to the draft agreement.

The Commissioners each expressed their views that it was important to provide flood storage for the upriver communities. They felt that their needs to be a balance in the protection of families and fish. The ratepayers are being asked to pay inflated costs and are not receiving adequate flood protection.

4. Miscellaneous.

The County has been working with the City of Mount Vernon on the connection between the Anderson Road exit and LaVenture Road. It appears that Mount Vernon may have some funding available for this project. Mr. Martin proposed that the County match Mount Vernon's funding if needed to develop a conceptual project to take to the legislature and try to receive some state funding for this project.

Mr. Martin discussed the Guemes Ferry capital costs. All four of the dolphins on the Ferry need to be repaired so that the passenger side of the boat lines up with the passenger walking ramp. The estimated cost for these repairs is \$800,000. The County purchased two houses on the Guemes side in order to construct a parking lot. Mr. Martin added that when the rates were determined for the ferry, these capital costs were not considered.

The Commissioners discussed the potential for buying out property on Cockreham Island and possibly constructing a salmon project. Mr. Martin proposed to bring on a consultant to review this project.

Mr. Martin said there is a request from Ducks Unlimited that the County support their application to the Salmon Recovery Funding Board (SRFB) for \$500,000 to be used for restoration in the Telegraph Slough area. Ric Boge, Natural Resources Project Manager, explained that the requested support is in the form of a partner contribution form. The form states that the County supports allocating up to \$100,000 of it's Aquatic Lands Enhancement Account (ALEA) grant as match towards the restoration work proposed by Ducks Unlimited under SRFB funding, conditioned on 1) successful transfer to the County's \$1,000,000

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ALEA grant to the Washington Department of Fish and Wildlife for purchase and managing properties in the Telegraph Slough area and 2) the understanding that perpetual flood easements are required from any properties purchased in the Telegraph Slough area with the grant funds. The Board agreed that the form could be signed by Mr. Martin as drafted.

The County is also submitting a SRFB grant application for a project off Helmick Road in Sedro-Woolley. The project is for the design and installment of an alluvial fan on Hansen Creek on the Northern State property.

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:

Shirley Knapp, Acting Clerk of the Board
Skagit County Board of Commissioners