

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 30, 2004**

8:00 a.m. – 8:45 a.m.	Work Session – Commissioners
8:45 a.m. – 9:30 a.m.	Work Session – County Administrator
9:30 a.m. – 10:00 a.m.	Decision - Closed Record Appeal No. PL04-0492, Submitted by North Beach Community of the Hearing Examiner's Decision on the Alverson Tract Owners Association Minor Utility Development Proposal
10:00 a.m. – 11:00 a.m.	Closed Record Appeal No. PL04-0511, Submitted by Larry and Leo Clark of the Hearing Examiner's Decision on Appeal No. AP03-0967 and Enforcement Case No. CE03-0013
11:00 a.m. – 11:25 a.m.	Consent Agenda and Miscellaneous Items
11:25 a.m. – 11:30 a.m.	Proclamation – Children's Book Week in Skagit County
11:30 a.m. – 11:45 a.m.	Public Comment Period
1:30 p.m. – 2:30 p.m.	<u>Planning &amp; Permit Center, Lou Haff, Interim Director</u>
2:30 p.m. – 3:30 p.m.	<u>Public Works Department – Chal Martin, Director</u>
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, August 30, 2004, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**DECISION – CLOSED RECORD APPEAL NO. PL04-0492, SUBMITTED BY NORTH BEACH COMMUNITY, OF THE HEARING EXAMINER'S DECISION ON THE ALVERSON TRACT OWNERS ASSOCIATION MINOR UTILITY DEVELOPMENT PROPOSAL**

Commissioner Anderson stated that the Board has heard the closed record appeal submitted by the North Beach Community regarding the Hearing Examiner's decision relating to the Alverson Tract Owner's Association proposal to construction and operate a minor water utility. He has reviewed the records and it is his opinion that the Hearing Examiner made the correct decision. Mr. Anderson said that this is a jurisdictional issue, and clearly the state has jurisdiction in this matter. It also appears that the appropriate codes and RCW's were followed, and the correct evaluation was made.

Commissioner Dahlstedt said that he has compassion for the owners; however, the Board must show that the Hearing Examiner was clearly erroneous in his decision. He also felt this matter was out the County's jurisdiction.

Commissioner Munks stressed that the Commissioners have to rule on the facts. The Conclusions of Law provided by the Hearing Examiner state that this matter needs to be addressed by the Department of Ecology. He added that he agrees with the facts as they were just presented by Commissioner Anderson.

Commissioner Dahlstedt moved and Commissioner Munks seconded the motion to uphold the Hearing Examiner's decision and deny the appeal. The motion carried unanimously.

**CLOSED RECORD APPEAL NO. PL04-0511, SUBMITTED BY LARRY AND LEO CLARK OF  
THE HEARING EXAMINER'S DECISION ON APPEAL NO. AP03-0967 AND  
ENFORCEMENT CASE NO. CE03-0013**

Chairman Anderson outlined the timeline, and he reminded the parties that this was a closed record appeal and only evidence that was presented to the Hearing Examiner could be presented today.

Deputy Prosecuting Attorney John Flowers went over the legal process that was followed. He stated that testimony and documents were introduced to the Hearing Examiner and they formed the basis for his decision. Mr. Flowers stated that closed record means that only those documents used by the Hearing Examiner may be used in this appeal.

Skagit County Code Enforcement Officer Carolyn Spies stated that the appeal is regarding an Amended Notice and Order to Abate issued by the County relating to installation of a roadside fence and the placement of fill in a designated floodway.

Attorney Brad Cattle spoke on behalf of the appellants, Larry and Leo Clark. He stated that the appeal is based on a decision relating to property in the Marblemount area that has been in their family since 1912. Mr. Cattle addressed the three categories of issues involved in the appeal; fencing, filling in a floodway, and critical areas. He stated that the fences are a nonconforming use and there is a significant question as to exactly where the right-of-way is located that the County is using for a basis for their citation. The fences have been in approximately the same location since the Clarks acquired the property. If the right-of-way has expanded over time then he believes the Clarks are not in violation. He outlined the easements that granted the County the right to put in the roads. No survey data was utilized in determining the appropriate location of the roadway. Mr. Cattle suggested that this matter be remanded to staff for development of additional survey data. The Clarks have additional survey data that they will make available. If the roadways are not where they are supposed to be, then an appropriate exchange could be made. The original easements were 15 feet wide. Clearly the road has grown.

Regarding the fill in the floodway, the determination was done on a global basis which can produce errors. In this case, the testimony indicated that there has never been any floodwater on this property. Mr. Cattle provided a survey drawing of the flood lines, which indicated that only a portion of the property was in the floodway. A wetland biologist who looked for flood signs on the property found that the ground does not support that it is a floodway. Mr. Cattle suggested that to alleviate the code violation for depositing fill that the County impose the Clarks to file for an application for a modification from FEMA within 90 days and provide that to the County, and if they are unsuccessful then the Clarks will remove the 450 cubic yards. They are also willing to do the fill removal now while they attempting to get the map amendment.

In the area of the critical areas, Leo Clark removed some materials, including an old pump house, from a stream in an effort to clean it up and improve the property. The County determined that was an issue. A critical areas analysis Fish and Wildlife report was submitted, and the County had issues with appropriate litigations. Mr. Cattle said that the appellants were not able to address that in the Hearing Examiner process. He asked that the issues be remanded so that the problems can be solved.

Ms. Spies said that the Hearing Examiner looked at all the exhibits. She said that the fences that now exist are huge poles. They are the size of telephone poles and are hazardous. The Hearing Examiner did look at all the maps. The critical areas report indicates that the fill was placed in a floodway and the neighbors in the area are concerned. In addition, the person who prepared the critical areas report was not qualified to address FEMA issues. Since John Copper was not present, Commissioner Anderson requested that Ms. Spies read his testimony on critical areas. In Mr. Cooper's testimony he outlined the critical areas proposal requirements and stated that the report must be prepared by a qualified Fish and Wildlife biologist.

Commissioner Anderson asked if the County standards are above those of Fish and Wildlife. Ms. Spies said it wasn't a question of standards, the report was incomplete.

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Commissioner Dahlstedt confirmed that the County's concern regarding the fence was safety, and Ms. Spies confirmed that it was.

Mr. Cattle stated that ATSI is a qualified firm to do critical areas evaluation for the County, and Mr. Wiggins, who compiled the report, has a Masters of Science. He said that John Cooper's memo said that the critical areas report generally meets the County Code requirements there just needs to be mitigation for the fill. Regarding traffic safety, no one at the hearing could ever recall any accident relating to the fence and that traffic volumes in the area are low. He again said that there is a substantial question as to whether or not the County roads are within valid rights-of-way. Regarding the flood waters, no one testified that there were floodwaters on the filled area. They are partially on the flood map, and the will remove the fill. He again said they are coming before the Commissioners with a series of conditions that will allow problem solving.

Ms. Spies said that Mr. Wiggins' credentials are not being questions. He is not qualified to do floodway assessments.

The Commissioners stated that it is their practice to take some time to digest the information and come back with a decision.

Commissioner Munks moved to render a decision on the closed record appeal no. PL04-0511, submitted by Larry and Leo Clark of the Hearing Examiner's decision on appeal no. AP03-0967 and Enforcement Case No. CE03-0013 on Tuesday, September 7, 2004, at 9:30 a.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

**CONSENT AGENDA**

Commissioner Munks motioned to approve the Consent Agenda for Monday, August 30, 2004, items 1 through 22 and 24 through 37. Commissioner Dahlstedt seconded the motion, which passed unanimously. Item number 23 was removed from the agenda.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, August 16, 2004.
2. Resolution approving the reorganization of Consolidated Dike District No. 12 to a Dike, Drainage, and Irrigation Improvement District No. 12, pursuant to RCW 85.22.020. **(Resolution No. R20040294)**

**ADMINISTRATIVE SERVICES:**

3. Affidavit of Lost Note and Deed of Trust with the Housing Authority of Skagit County. **(Signed)**

**BUDGET & FINANCE:**

4. Resolution AND Interlocal Joint Purchasing Agreement between Skagit County and the City of Bellevue authorizing the use of Bellevue's procurement agreement when it is in their mutual interest. The agreement shall commence upon the date of execution and continue indefinitely. **(Resolution No. R20040295 AND Contract No. C20040382)**

**FACILITIES MANAGEMENT:**

5. Resolution calling for bids for the Skagit County building demolition/removal and parking lot construction. The bid opening will be held on September 20, 2004, at 9:30 a.m. **(Resolution No. R200400296)**

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6. Personal Services Agreement with Voorhis Associates, Inc. to provide an assessment/study of the needs of the Skagit County Jail. The agreement shall commence upon the date of execution and continue through December 31, 2005. Compensation is expected to total \$94,863. **(Contract No. C20040383)**
7. Amendment No. 1 to Personal Services Agreement **No. C20030439** with David Parsons & Associates, Inc., which increases the Scope of Work to include additional property appraisals as requested, increases compensation by \$10,000 for a new contract total of \$15,400 and extends the contract to December 31, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040157)**
8. Vendor Services Agreement with Environmental Abatement Services to remove lead paint from wood exterior surfaces of Bayview Shop buildings, currently leased by the Skagit County Historical Museum. The agreement shall commence upon the date of execution and continue until August 30, 2005. Compensation is expected to total \$1,448. **(Contract No. C200400384)**
9. Purchase and Sale Agreement between Skagit County and Carolyn Thorene for property located at 104 Broadway, Mount Vernon, in the amount of \$93,000. **(Contract No. C20040385)**

**HEALTH DEPARTMENT:**

10. Resolution AND Interlocal Cooperative Agreement between Skagit County and Bullerville Water Utility District, which identifies and establishes the external boundary of the service area for which the District has assumed direct retail water service responsibility. The agreement shall become effective upon the date of execution. **(Resolution No. R20040297 AND Contract No. C20040386)**
11. Amendment No. 10 to 2003-2004 Consolidated Contract **No. C20020436** between the Skagit County Health Department and the Washington State Department of Social and Health Services. The amendment adds an additional \$23,517 to the WIC, Water Rec BEACH IAR, and Obesity Prevention programs, for total contract consideration of \$1,173,059. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040158)**

**HUMAN RESOURCES:**

12. Resolution adopting the Skagit County Classification and Salary Study of June, 2004. **(Resolution No. R2040298)**
13. Resolution establishing a new salary schedule for the Skagit County Sheriff's Office administrative staff. **(Resolution No. R200400299)**

**HUMAN SERVICES:**

14. Amendment No. 2 to County Program Agreement **No. C20030441** with the Washington State Department of Social and Health Services, Division of Developmental Disabilities, which provides increased funding, in the amount of \$29,780, to help support developmentally disabled students transitioning out of high school into work. The revised grand total of this agreement is now \$1,534,674. All other terms and conditions of the original contract, including Amendment No. 1, shall remain in effect. **(Amendment No. A20040159)**
15. Amendment No. 1 to Personal Services Agreement **No. C20030290** with Sharon M. Robinson Holmes, which changes the Contractor's name and address. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040160)**

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**INFORMATION SERVICES:**

16. Resolution authorizing the donation of surplus computer equipment to the Lyman Elementary School. **(Resolution No. R20040300)**

**LAW LIBRARY:**

17. Resolution establishing the issuance and collection of keys and fees for the after-hours door. **(Resolution No. R20040301)**
18. Resolution establishing a petty cash fund for the Law Library in the amount of \$50. **(Resolution No. R20040302)**

**NOXIOUS WEEDS:**

19. Personal Services Agreement with John Koenig, aka John's Guide Service, to provide professional services as directed by the Skagit County Noxious Weed Board. These services shall consist of transporting County employees on the Sauk and Skagit Rivers for the eradication of noxious weeds and for survey work on the waters of Skagit County. The agreement shall commence on July 28, 2004, and continue through September 15, 2004. Compensation is not to exceed a total of \$3,000. **(Contract No. C20040387)**

**PLANNING & PERMIT CENTER:**

20. Personal Services Agreement with Berryman & Henigar, Inc. for Phases 2 through 6 of the 2005 GMA Update. The agreement shall commence on August 1, 2004, and continue through March 31, 2005. Compensation is expected to total \$308,300. The Commissioners reviewed this document on August 9, 2004, but were told that the compensation amount was \$312,810. This was a scrivener's error and the document has been corrected. **(Contract No. C20040388)**

**PUBLIC DEFENDER:**

21. Amendment No. 2 to Personal Services Agreement **No. C20030012** with Jennifer A. Bouwens, Attorney at Law, which increases the monthly compensation amount from \$3,200 to \$4,800 per month, for her ability to handle forty District Court cases. The increase will be effective on September 1, 2004, which results in an increased contract amount of \$6,400 for 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040161)**

**SENIOR SERVICES:**

22. Resolution AND Interlocal Cooperative Agreement between Skagit County and the City of Anacortes, which allows the Senior Services Department to provide staff, equipment and materials for the delivery of community-based services to the senior citizens of Anacortes. The agreement shall become effective on January 1, 2005, and continue through December 31, 2005. Compensation shall total approximately \$26,084. **(Resolution No. R20040303 and Contract No. C20040389)**

**PUBLIC WORKS:**

23. Resolution calling for bids for the South Fork Bridge #40008 Deck Overlay Project. The bids will be opened on Tuesday, September 21, 2004, at 9:45 a.m. **(This item was removed from the agenda)**
24. Resolution requesting proposals for qualified consultants to provide design and specifications for a 10' x 42' building for the Guemes Island Ferry. **(Resolution No. R20040304)**

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25. Resolution calling for a public hearing regarding the sale of County surplus property for items valued at more than \$2,500. The hearing will be held on Tuesday, September 14, 2004, at 9:00 a.m. **(Resolution No. R20040305)**
26. Resolution calling for an emergency declaration to dry dock the Guemes Island Ferry for immediate repairs. **(Resolution No. R20040306)**
27. Resolution awarding the bid for the Guemes Ferry Terminal Repair Project, ESMP 1-3, to Manson Construction for the low bid of \$598,000. **(Resolution No. R20040307)**
28. Local Agency Standard Consultant Agreement with Shearer Design, LLC for the design, geotechnical engineering, and construction support for the South Fork Bridge #40008 Deck Overlay Project. The agreement shall commence upon the date of execution and continue through December 31, 2005. Compensation is not to exceed a total of \$20,000. **(Contract No. C20040390)**
29. Supplemental Agreement No. 1 to Local Agency Standard Consultant Agreement **No. C20040050** with Reid Middleton, Inc., which amends the Scope of Work to include coordination of a public open house, computer simulation for traffic modeling, graphic preparation, and traffic analysis completion for the Helmick Road Improvement Project. In addition, the expiration date is extended to June 30, 2005, which adds \$6,635 to the contract for a new total of \$19,285. All other terms and conditions of the original contact shall remain in effect. **(Amendment No. A20040162)**
30. Resolution AND Interlocal Cooperative Agreement with the Swinomish Indian Tribal Community, which will allow the Tribe to work on a Skagit County Marine Resource Committee project, known as The Lone Tree Pocket Estuary Study. The agreement shall commence on March 1, 2004, and continue through February 28, 2005. Funding for this project, in the amount of \$7,500, comes from a no-match MRC projects grant from the Washington State Department of Ecology. **(Resolution No. R20040308 AND Contract No. C20040391)**
31. Amendment No. 4 to Personal Services Agreement **No. C20040038** with HydroLogic Services to continue to provide technical and facilitation services on the County's behalf, in an effort to produce the Samish Basin Watershed Plan and Instream Flow Rule. The amendment increases the amount of compensation by \$30,000, for a new total of \$90,000. Also amended is the Scope of Work, to include assistance with the Skagit River Instream Flow. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040163)**
32. Right-of-Entry Agreement with Barbara Snell, which allows Public Works employees to enter on to her property in order to repair flood damage at Cockreham Island. **(Contract No. C20040392)**
33. Amendment No. 1 to Personal Services Agreement **No. C20040134** with Triathlon, hired to perform aerial mapping from Sedro-Woolley, east to Wiseman Creek, for the Skagit River Feasibility Study and Helmick Road projects. Changes to the agreement are necessary to ensure that all of the elevations provided will be consistent with the existing floodplain maps and to add a hard copy set of the orthophotographs with contours to the list of deliverables. The additional work will increase the cost by \$3,795, for a new contract total of \$22,255. **(Amendment No. A20040164)**
34. Amendment No. 2 to Personal Services Agreement **No. C20030149** with Leonard, Boudinot & Skodje, Inc., which extends the completion date to December 31, 2004. This time extension will allow the Contractor to continue providing engineering and surveying services for the Campbell Lake Downstream Culvert Improvement/Replacement Project. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040165)**

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35. Personal Services Agreement with Skagit Surveyors, Inc., dba Skagit Surveyors and Engineers, to provide surveying and engineering services on an as-needed basis for various Public Works projects. The agreement shall commence on June 1, 2004, and continue through December 31, 2005. Compensation is not to exceed a total of \$10,000. **(Contract No. C20040393)**
36. Amendment No. 3 to Personal Services Agreement **No. C20020409** with Larry E. Halvorson, counsel for IBU union negotiations, which extends the contract to December 31, 2005, and amends the compensation amount by \$25,000 for a new contract total of \$100,000. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040166)**
37. Resolution AND Interlocal Cooperative Agreement with the City of Burlington and the Washington State Department of Transportation, which establishes a partnership between all parties to conduct a short-term preliminary engineering analysis resulting in the development of financially reasonable alternatives that will address improvements to the George Hopper Road Interchange at I-5 in Burlington. Skagit County will act as the lead agency for this phase of the project. The agreement commenced on February 1, 2004, and shall continue through December 31, 2005. Compensation is expected to total \$75,000. **(Resolution No. R200400309 AND Contract No. C20040394)**

**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, August 30, 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 177461 through 177895 from Clearing Fund 696 in the total dollar amount of \$807,895.61 (Transmittal No. C-110-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$57,085.45 (Transmittal No. C-111-04); and

Warrants numbered 177890 through 178057 from Clearing Fund 696 in the total dollar amount of \$360,956.67 (Transmittal No. C-112-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$116,901.42; and

Warrants numbered 178058 through 178528 from Clearing Fund 696 in the total dollar amount of \$1,375,341.18; and

Payroll warrants numbered 151068 through 152113 in the total dollar amount of \$1,020,699.37 (Transmittal No. P-31-04); and

Payroll warrants numbered 963797 through 963954 in the total dollar amount of \$172,177.97 (Transmittal No. P-32-04).

2. Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve a bid award presented by Public Works for one latest model self-propelled street sweeper to Ben-ko-Matic. The motion carried unanimously. **(Resolution R20040310).**

**PROCLAMATION – CHILDREN’S BOOK WEEK IN SKAGIT COUNTY**

Meredith Baker, Coordinator of the Welcome Baby Project, and several mothers and children who participate in that project were present. The children each brought along their favorite book. Commissioner Munks read and moved approval of a proclamation declaring August 30 – September 6, 2004 as Children’s Book Week in Skagit County. Commissioner Dahlstedt seconded the motion, which carried unanimously.

**PUBLIC COMMENT PERIOD**

Timothy Bates, Mayor of Hamilton, said that funding has been received to move the town to another location. They would like to form a Public Development Association (PDA) and would like the County Commissioners to participate.

Patrick Hayden, Attorney, addressed the Board to ask the County to act as the fiscal agent for federal money that the Town of Hamilton has received for buyout of federally insured property.

**PLANNING & PERMIT CENTER – LOU HAFF, INTERIM DIRECTOR**

**1. Decision/Possible Adoption – Fee Schedules for Planning & Permit Center, Public Works and Health Departments.**

Lou Haff, Interim Director, gave an overview of the adoption of new fees for permits from private property owners for improvements. The resolution links the fees to staff efforts in order to make the fees resemble the actual permit preparation costs. This structure will enable 75% fee recovery by 2007. Mr. Haff suggested an annual review to adjust for inflation and other factors.

Commissioner Munks moved to approve the resolution to adopt the fee schedules. Commission Dahlstedt seconded the motion, which carried unanimously. **(Resolution No. R20040311)**

**2. Guemes Island Subarea Plan Progress Report**

Jeroldine Hallberg, Associate Planner, gave an update on the Guemes Island Subarea Plan. The Planning Advisory Committee was awarded a grant from the Department of Ecology to start the Shorelines Management Plan update. Every property owner on the Island has been surveyed with a 50% response rate. The Committee has worked with residents and students from Huxley College at Western Washington University to complete a “visual preference survey” planning exercise. The group has also developed a work plan and budget for the Board’s consideration next month, along with the Department of Ecology grant contract. Joost Businger, Bob Henderson, and Allen Bush, Jr. who are members of the Advisory Committee were present. Mr. Businger invited the Commissioners to attend a discussion of the property owner survey on September 25. He said that a notice will be sent with more details.

**3. Samish Sewer Connection Agreement**

Brent Morrow, Senior Planner, asked the Board to approve a request to install a private grinder pump station and to connect to the sewer force main located on the east side of Old Highway 99 North Road, Parcels 49062 and 49064.. Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve the installation of the private pump station on Parcels 49062 and 49064. The motion carried unanimously.

**4. Resolution Approving Preliminary Plat of Lekcinton Acres No. PL03-0319 Submitted by Glen and Karen Nickel**

This item will be brought forward on next week’s Consent Agenda. Commissioner Anderson commented that there is a logging access road that goes through this plat. He said that there needs to be some acknowledgement to make people aware of this.



**5. Presentation of Work Program**

Interim Director Lou Haff spoke about the proposed 2005 Business Plan for the Department. It has the following four elements: Department Work Program; Professional Services Outsourcing; Natural Resources Coordination Work Program; and Customer Services Facilitation Program. Mr. Haff briefly addressed each of the four elements, and asked the Board's permission to bring these components forward one at a time in order for the Board to review and formalize the process.

**6. Miscellaneous**

Assistant Director Gary Christensen shared a public notice postcard, which was sent to every mailbox and landowner in Skagit County. The card is to provide notice for public participation in the review and update of the Comprehensive Plan and Update Regulations. The Board members each expressed their appreciation of this effort.

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

**1. Public Hearing – Consideration of Adoption of 2005-2010 Six-Year Transportation Improvement Plan**

Assistant County Engineer Steve Flude provided background on the development process of the Transportation Plan. It was brought before the Board earlier in the year for input. In addition, a public meeting was held in Sedro-Woolley, and the Plan was presented to the Planning Commission. Mr. Flude noted the new projects that have been added.

Since no one was present to speak, Commissioner Munks moved to close the Public Hearing. Commissioner Dahlstedt seconded the motion, which carried unanimously.

Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to adopt the 2005-2010 Six-Year Transportation Plan. The motion carried unanimously. **(Resolution No. R20040312)**

**2. Discussion – Inclusion of Board of County Commissioners on the Municipalities Solid Waste Committee**

Dave Brooking, Assistant Public Works Director, provided an update on the Municipalities Solid Waste Committee. The purpose of the Committee is to review solid waste operations and solid waste management plan implementation. The group has met a few times, and they have established by-laws and elected officers. The committee has requested that the Commissioners join the group in discussion of solid waste items.

Commissioner Anderson said that he views this group as an advisory committee. He feels that participation by the Commissioners would be problematic since the Commissioners have the final decision on a designated County site.

Commissioner Munks asked if they were just asking the Commissioners to sit in. Mr. Brookings said that was his opinion, and he has reviewed the old Interlocal Agreement in which the Municipalities Committee was made up only of the eight mayors, but the document indicated that the group would meet quarterly with the Commissioners.

Commissioner Dahlstedt said that he had talked with Mayor Norris and he was under the impression that the group just wanted interaction and dialogue with the Commissioners. Commissioner Anderson said that he would like to receive clear definition of what the group is asking before he agrees to be involved in the process. Mr. Brookings said that he believes that the group could benefit from hearing from the Commissioners as to what their vision is for the solid waste program.

**3. Update on Baker Relicensing Negotiation**

Director Chal Martin said there have been a couple meetings with Puget Sound Energy (PSE) since the last update. He stated that he is now awaiting a response from PSE, and he has cautious optimism that something will develop.

**4. Discussion – Samish Island Road Dike Repair Project**

Mr. Martin said that the County has performed one emergency repair to the private dike that protects the road to Samish Island. Since that time, other spots in the sea dike have weakened and there is concern that it will fail this winter. The County has looked at several options. Those include: a spot repair, but permits would need to be obtained from the Department of Fish and Wildlife; to bring the dike into Dike District 5 and upgrade it to meet their standards; or there is a project in the works to reconnect the water pathway between Samish Island and put in a bridge or large culvert and allow the water to go back and forth. All the options are fairly expensive.

Russell Barsh addressed the Board regarding the Channel Project. Mr. Barsh is the Director of the Center for Co-Salish Environments that is sponsored by Samish Indian Nation, and he is a resident of Samish Island and works in salmon restoration. His group is exploring the restoration of a channel that existed many years ago on the island. There are two properties where the road, the dikes, and the original area of the channel were located, just off the island. His group is in the process of completing maps and survey data to determine the old boundaries and see if the creation of something like it again is technically feasible. Those maps will be available to share with the County in September. A tidal channel existed on old surveys and a lot of local folklore. It was a tidal channel associated with a very large saltwater lagoon surrounded by marsh with bird habitat and salmon feeding. Work has been done to get discussion going about the project. He suggested that the options be kept open to pay for good levies for the future. He believes that this would be good federal project if federal agencies can be convinced that it can be accomplished and that it will create a viable fishway for salmon. It would; however, most likely take at least five years to accomplish the project, and in the meantime some type of quick patch for the dike may be needed.

Commissioner Munks questioned where the money will come from to repair the dike and how much taxpayer money are we willing to put into temporary repairs and suffer the consequences and unknown circumstances that could create a major problem.

Commissioner Anderson said that to reconstruct the levy would take an untold amount of time. He said that if someone was willing to partner with the County, he thinks it would be a wise thing to do.

Richard Stuart a resident of Samish Island commented on a meeting that was attended by about 88 people on August 24, 2004. He said that there was not overwhelming enthusiasm by the residents for this project. He said that there was a myriad of unanswered questions. The residents are afraid that during the long permitting process that would be required, the dike could wash out in the meantime.

Commissioner Anderson said that the County needs to be open as to which option is best for the long term and if the project has a fish component it would be able to attract more money.

Commissioner Dahlstedt said that County has a responsibility to maintain the transportation corridor. He said he would like to see a long term solution, but we need to do something in the short term for security. He added that the citizens need to be included in the process.

Mr. Martin said that it would cost approximately \$75,000 to shore up the levies and get through this year.

**5. Miscellaneous**

Mr. Martin spoke about a property owner on the Sauk River that is moving their house due to the 2003 flood. The property owner has flood insurance and the insurance company has agreed to set the house

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back. The County has offered to cost share in this project with the use of drainage utility funds. Mr. Martin said that he believes this is a good opportunity to model with the hazardous mitigation grant program. The Commissioners commented on the County's work to save Virginia Doty's property, which was unsuccessful due to lack of federal support.

**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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Shirley Knapp on behalf of JoAnne Giesbrecht,  
Clerk of the Board Skagit County Board of Commissioners