

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 7, 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 on 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
10:00 a.m. – 10:45 a.m.	Department Head Meeting
10:45 a.m. – 11:00 a.m.	Skagit Watershed Council Annual Report
11:00 a.m. – 11:25 a.m.	Consent Agenda and Miscellaneous Items
11:25 a.m. – 11:30 a.m.	Proclamation for E 9-1-1 Day in Skagit County
11:30 a.m. – 11:45 a.m.	Public Comment Period
11:45 a.m. – 1:30 p.m.	Lunch Meeting with Planning Staff
1:30 p.m. – 2:00 p.m.	Decision on Closed Record Appeal No. PL04-0296 of the Hearing Examiner's Decision for Charles and Lorraine Saunders
2:00 p.m. – 2:30 p.m.	Discussion/Possible Action – Memorandum of Understanding with Puget Sound Energy for Flood Storage at the Baker Hydroelectric Project
2:30 p.m. – 4:00 p.m.	Executive Session (If Needed) – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Tuesday September 7, 2004, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**DECISION ON 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**

The Commissioners heard the closed record appeal submitted by Larry and Leo Clark on August 30, 2004, at which time they decided to render a decision at today's meeting.

Commissioner Munks motioned in the appeal of Leo and Larry Clark (PL-03-0967), that the matter be remanded to the Hearing Examiner to consider new evidence the appellants have obtained, namely, the land survey the appellants recently commissioned for this real property. In the meantime, the Planning and Permit Center is directed to work with the appellants to try to settle and resolve the contested issues in this matter outside the administrative procedures for appeals of this kind. Commissioner Dahlstedt seconded the motion, which carried unanimously.

**DEPARTMENT HEAD MEETING**

Chairman Anderson presented the 2004 Salsa Contest winner plaque to the Health Department.

Health Department Director Peter Browning introduced Paul Chaplik, the Director of United Way, and announced the Kick-off Breakfast on Friday, September 10, at 7:30 a.m., at the Skagit Casino Resort. Mr.

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Chaplik encouraged County management to embrace the United Way effort. He played this year's United Way video, which was narrated by Sheriff Rick Grimstead.

Billie Kadrmas, Personnel Director and Risk Manager, addressed a recent medical benefits letter from Premera Insurance, which affects patients at Skagit Valley Medical Center. The letter indicated that if a contract between the insurance company and the medical center was not settled by September 30, 2004, benefits would only be paid at network rates. An email was sent to all County employees advising them that the same level of patient benefits would be continued even is the contract is not signed.

Commissioner Dahlstedt spoke about the Puget Sound Energy Agreement relating to flood storage that is on today's agenda, stating that if approved this will be the biggest increase in flood protection for Skagit Valley in over 80 years.

Gary Rowe, County Administrator, acknowledged Chal Martin and the Public Works Department for their work, and the Commissioners for their resolve in pursuing the flood storage issue. Mr. Rowe also announced that over 300 people have acknowledged that they will be attending the County picnic on September 16. He asked those offices that will be closing to let him know so that the media can be notified.

Communications Director Dan Berentson gave an update on the County fiber optics project. He said that Mount Vernon and the PUD have signed agreements to run fiber. The Commissioners recognized the efforts of Mike Almvig, Director of Information Systems.

**SKAGIT WATERSHED COUNCIL ANNUAL REPORT**

Shirley Solomon of the Skagit Watershed Council gave an update and provided the Board of Commissioners with copies of the Council's seventh annual report. She went over some of the accomplishments and highlights. Ms. Solomon thanked the Board for their financial assistance and for the participation of Tom Karsh as a Board member representing the County. Commissioner Munks commented that when he meets with the State Legislative Steering Committee, people throughout the state are impressed by the amount of funding the Watershed Council receives and the ability of the group to work together. Ms. Solomon stated that she would like to see future efforts that incorporate farmland preservation.

**CONSENT AGENDA**

Commissioner Munks motioned to approve the Consent Agenda for Tuesday, September 7, 2004, items 1 through 21. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings Special Meeting on August 27, 2004.
2. Record of the Proceedings for August 30, 2004.
3. Resolution to Waive the Fees for Building Permit #BP04-1038 for the North Cascades Chamber of Commerce. **(Resolution No. R200400313)**

**BUDGET & FINANCE:**

4. Interlocal Agreement per Resolutions **R20040190** and **R20040192** to award \$450,000 to the Port of Skagit County for the La Conner Marina Haul-Out Project. The funding will be provided with Rural Distressed County Sales Tax. **(Contract No. C20040397)**

**INFORMATION SERVICES:**

5. Resolution to transfer surplus computer equipment to the City of Sedro-Woolley. **(Resolution No. R20040314)**

**PLANNING & PERMIT CENTER:**

6. Resolution to establish a 2005 GMA Update and Public Outreach Steering Committee and appoint its membership. **(Resolution No. R20040315)**
7. Amendment No. 2 to **Contract No. C20030367** with Mark Personius for additional consultation services for drafting regulations for Master Planned Resorts. Compensation shall be increased for \$10,520 for a new total of \$36,606. All other terms and conditions shall remain in effect. **(Amendment No. A20040167)**
8. Resolution for approval of the Preliminary Plat of Lekcinton Acres (PL03-0319) submitted by Glen and Karen Nickel. **(Resolution No. R20040316)**

**SENIOR SERVICES:**

9. Resolution and Interlocal Agreement with the Town of Concrete to allow Senior Services to provide the staff, equipment, and materials for the delivery of community-based services to the citizens of the Town of Concrete. The agreement is effective January 1, 2005, through December 31, 2005. Compensation shall be \$6,658. **(Resolution No. R20040317 and Contract No. C20040398)**
10. Resolution and Interlocal Agreement with the City of Mount Vernon to allow Senior Services to provide the staff, equipment, and materials for the delivery of community-based services to the citizens of the City of Mount Vernon. The agreement is effective January 1, 2005, through December 31, 2005. Compensation shall be \$41,079. **(Resolution No. R20040318 and Contract No. C20040399)**

**SHERIFF:**

11. Resolution and Interlocal Agreement with the Town of Concrete to allow the Sheriff's Office to provide law enforcement services. The contract is effective October 1, 2004, through December 31, 2007. Compensation shall be \$50,000 for 2004, and \$200,000 annually thereafter. **(Resolution No. R20040319 and Contract No. C20040400)**
12. Personal Services Agreement with MAXIMUS, Inc. to prepare, submit, and monitor on the County's behalf, all economically viable applications and/or data required for SCAAP grants or reimbursements for the 2005 filing period. The agreement is effective July 1, 2004, through June 30, 2005. Compensation shall be ten percent (10%) of the amount paid and received for the 2005 filing period. **Contract No. C20040401)**

**YOUTH & FAMILY SERVICES:**

13. Personal Services Agreement with Leanne Lunsford-Haywood to provide specialized child, adolescent, adult and/or family assessment, evaluation and treatment, education classes with monitoring, testimony and training as required. The agreement is effective July 1, 2004, through June 30, 2006. Compensation shall not exceed \$10,000. **(Contract No. C20040402)**
14. Personal Services Agreement with Judith E. McCarthy to provide specialized child, adolescent, adult and/or family assessment, evaluation and treatment, education classes with monitoring, testimony and training as required. The agreement is effective July 1, 2004, through June 30, 2006. Compensation shall not exceed \$10,000. **(Contract No. C20040403)**

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**PUBLIC WORKS:**

15. Resolution authorizing the sale of an excess herbicide spray truck to Malheur County, Oregon, for the total price of \$25,000. **(Resolution No. R20040320)**
16. Resolution to call for vendor information to update the lists for maintenance material and rental equipment in accordance with RCW 39.04.790. **(Resolution No. R20040321)**
17. Vendor Services Agreement with Land Title Company to provide title reports and escrow services for various projects. The agreement is effective July 1, 2004. Compensation shall not exceed \$15,000. **(Contract No. C20040404)**
18. Resolution and Interlocal Agreement with Public Utility District No. 1 to allow Public Works to provide materials, equipment rental, and to perform work on a reimbursable basis for a period of five years. The contract is effective August 10, 2004 and shall continue through August 10, 2009. The County will be reimbursed at the actual cost incurred plus an additional nine percent (9%) for administrative costs. **(Resolution No. R20040322 and Contract No. C20040405)**
19. Personal Services Agreement to hire Hardin-Davis, Inc. as a consultant to review the Instream Flow Assessment –Samish Basin, Lower and Upper Skagit Watershed Plan and supporting documents and provide summary reports. The agreement is effective August 1, 2004, through December 31, 2004. Compensation shall not exceed \$15,000. **(Contract No. C20040406)**
20. Resolution and Interlocal Agreement with the Town of Hamilton to provide work, materials, and equipment rental upon request for roadway maintenance. The agreement is effective from August 7, 2004, through December 31, 2008. The County will be reimbursed at the actual cost incurred plus an additional nine percent (9%) for administrative costs. **(Resolution No. R20040323 and Contract No. C20040407)**
21. Amendment No. 2 to **Contract No. C20030328** with GeoTest Services, Inc. for the Baker River Bridge Rehabilitation Project. Compensation will be increased by \$2,000 for a new total of \$17,140. All other terms and condition shall remain in effect. **(Amendment No. A20040168)**

**MISCELLANEOUS ITEMS**

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, September 7, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$44,392.20 Transmittal No. C-115-4); and

Warrants numbered 178529 through 178898 from Clearing Fund 696 in the total dollar amount of \$1,730,619.55 (Transmittal No. C-116-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$105,828.76 (Transmittal No. C-117-04).

2. Carly Ruacho, Planning and Permit Center, requested a date and time for consideration of the Planning Commission's recommendation to extend Interim Ordinance O20040006 relating to lot certification. Commissioner Munks moved to allot a time for consideration and possible action for extension of the Interim Ordinance on September 21, 2004 at 9:45 a.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

**PROCLAMATION FOR E 9-1-1 DAY IN SKAGIT COUNTY**

Commissioner Dahlstedt read and moved approval of a proclamation declaring September 11, 2004 as E 9-1-1 Day in Skagit County. Commissioner Munks seconded the motion, which carried unanimously.

**PUBLIC COMMENT PERIOD**

No one was present to speak during the public comment period.

**DECISION ON CLOSED RECORD APPEAL NO. PL04-0296 OF THE HEARING EXAMINER'S DECISION FOR CHARLES AND LORRAINE SAUNDERS**

The Commissioners met to render their decision on the closed record appeal of the Hearing Examiner's decision regarding lot aggregation, which was submitted by Charles and Lorraine Saunders.

Commissioner Munks moved that the Skagit County Board of Commissioners affirm the decision of the Hearings Examiner and deny the Saunders's appeal in PL04-0296. To the extent required by law, the Board hereby adopts the Hearing Examiner's Findings of Fact and Conclusions of Law as its own. The Planning and Permit Center and the Prosecutor's Office are directed to prepare and present for adoption a written resolution reflecting the Board's decision. Commissioner Dahlstedt seconded the motion, which carried unanimously.

**DISCUSSION/POSSIBLE ACTION – MEMORANDUM OF UNDERSTANDING WITH PUGET SOUND ENERGY FOR FLOOD STORAGE AT THE BAKER HYDROELECTRIC PROJECT**

The Board discussed a Memorandum of Understanding with Puget Sound Energy (PSE) for Flood Storage at the Baker Hydroelectric Project, which was presented by Public Works Director Chal Martin.

Mr. Martin said that the County has determined over the last couple of years that they need 140,000 acre feet of flood storage in the Baker system to handle a 100-year flood event. The agreement being presented provides for 103,000 acres of storage with the provision that prior to a very large storm event the reservoirs be evacuated to the 140,000 acre feet target. This concept of the agreement came about due to the 2003 flood event when PSE operated their facilities at a draw down ahead of the flood event and evacuated additional water, which resulted in lowering the downstream flood surface water significantly. Mr. Martin stated that this is an interim agreement, and it is a stepping stone to a final agreement.

Ed Schild, Director of Energy Production and Storage with PSE expressed his appreciation of the County's willingness to work with PSE to get to this agreement, which will be brought to the other parties involved to reach a final settlement agreement.

The Commissioners each expressed their appreciation for the cooperative effort.

Leonard Halverson, 11558 Sterling Road, Sedro-Woolley, congratulated all the parties involved for coming to an agreement for more flood storage.

Ray Tryznka, of PSE, expressed his appreciation for the positive solution-oriented manner in which this process was handled.

Commissioner Munks moved, and Commissioner Dahlstedt seconded the motion, to approve the Memorandum of Understanding between the County and Puget Sound Energy, Inc., related to the provisions of flood contract storage at the Baker Hydroelectric Project, and related to the provision of enhanced recreational facilities at Lake Shannon. The motion carried unanimously. **(Contract No. C20040408)**

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