

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 13, 2004**

- *T** 8:00 a.m. – 10:00 a.m. 2005 Budget Work Session
- 10:15 a.m. – 10:30 a.m. Discussion/Possible Action – Resolution Regarding the Northwest Economic Adjustment Initiative, Approving Prioritization of Projects For Skagit County to the Washington Community Economic Revitalization Team (WA-CERT)
- *T** 10:30 a.m. – 11:00 a.m. Discussion/Possible Action – Sedro-Woolley Pre-Annexation Agreement
- 11:00 a.m. – 11:30 a.m. Consent Agenda and Miscellaneous items
- 11:30 a.m. – 11:45 a.m. Public Comment Period
- *T** 11:45 a.m. – 12:00 p.m. Presentation – Real Estate Excise Tax (REET) Funding For the Skagit County Fairgrounds
- 1:30 p.m. – 2:00 p.m. Discussion/Possible Action – 2003 Comprehensive Plan Amendments
- 2:00 p.m. – 4:00 p.m. Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Monday, December 13, 2004, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

2005 BUDGET WORK SESSION.

Gary Rowe, County Administrator, reviewed supplemental requests for various departments from the General Fund and the Non-General Fund. The Board agreed to require Human Resources to review all reclassification requests.

DISCUSSION/POSSIBLE ACTION – RESOLUTION FOR AN AGRICULTURE INCUBATOR FEASIBILITY STUDY

Don Wick, Director of the Economic Association of Skagit County, brought forth a Resolution authorizing an application for an Agriculture Incubator Feasibility Study to be forwarded to the Community Economic Revitalization Board (CERB) for their review and consideration for funding.

Commissioner Munks approved the Resolution as outlined by Mr. Wick. The motion was seconded by Commissioner Dahlstedt and passed unanimously. **(Resolution No. R20040420)**

DISCUSSION/POSSIBLE ACTION – SEDRO-WOOLLEY PRE-ANNEXATION AGREEMENT.

Gary Christensen, Director of the Planning & Permit Center, indicated that the Commissioners are being asked to consider approval of a pre-annexation agreement with the City of Sedro-Woolley for the “Stanislaw Properties, et al. Annexation.” The agreement would implement a Memorandum of Agreement signed by Commissioner Anderson and Sedro-Woolley Mayor Sharon Dillon, which was presented to the Boundary Review Board during its public comment period.

The Boundary Review Board voted to approve the annexation proposal, with the amended boundaries as requested by the County. The Sedro-Woolley City Council gave final approval to the annexation on December 8, 2004. Mr. Christensen stated that timely completion of the annexation is especially important for Janicki Industries to begin construction of a new facility that is necessary for its receipt of a large contract from Boeing.

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Mr. Christensen said the most significant issues addressed by the proposed agreement, which seeks to implement the November 1 Memorandum of Agreement, are:

- 1) Procedures for handling development permits in the annexation area before and after the annexation is completed (Sections 3 and 4); and
- 2) The terms for joint road construction projects for portions of Fruitdale Road and McGarigle Road within the annexation area (Sections 5 and 6).

Pat Hayden, Attorney for the City of Sedro-Woolley, thanked Commissioner Anderson for helping to put the agreement together. He said the agreement is in everyone's best interest and indicated that it will also help develop the Northern State project. Mr. Hayden also stated that the agreement has a 10-year window built into it due to Sedro-Woolley's tax base and it very well may take 10 years to receive funding.

Commissioner Munks motioned to approve the Interlocal Agreement between the City of Sedro-Woolley and Skagit County regarding annexation, delivery of services and revenue sharing for the "Stanislaw Properties, et al." annexation. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. C20040498)**

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Monday, December 13, 2004, items 1 through 34. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, December 6, 2004.

ADMINISTRATIVE SERVICES:

2. Resolution approving the allocation of 2060 funds for low-income housing projects for 2005. **(Resolution No. R20040421)**
3. Resolution accepting the Emergency Medical Services (EMS) Commission Management Plan as complete. The County Administrator is directed to select a consultant to review the Plan and make recommendations before final adoption. The EMS Commission will be reimbursed \$64,296.47 toward costs for preparation of the Plan. **(Resolution No. R20040422)**

DISTRICT COURT:

4. Personal Services Agreement with Maria De Lourdes Young to perform interpreting services. The agreement shall commence on December 20, 2004, and continue through December 31, 2005. Compensation shall total \$40 per hour. **(Contract No. C20040499)**

EMERGENCY MANAGEMENT:

5. Resolution AND Interlocal Cooperative Agreement between Skagit County and the Sedro-Woolley Fire Department to provide a Weapons of Mass Destruction and Confined Spaces seminar. The agreement shall commence on January 1, 2005, and continue until October 31, 2005. The County will be responsible to provide pass-through grant funds to cover exercise expenses, up to a maximum of \$25,000. **(Resolution No. R20040423 AND Contract No. C20040500)**

FACILITIES MANAGEMENT:

6. Resolution establishing Flag Restoration Fund #340. **(Resolution No. R20040424)**

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FAIRGROUNDS:

7. Resolution authorizing a Fair Garage Sale Change Fund in the amount of \$400. **(Resolution No. R20040425)**
8. Amendment No. 1 to Vendor Services Agreement **No. C20040339** with Dimensional Communications, Inc., which increases the compensation amount by \$1,895.76. The increased amount reflects the need for additional sound systems during the 2004 Skagit County Fair. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040213)**

FARMLAND LEGACY PROGRAM:

9. Conservation Easement granted by Daniel H. and Carol J. Miller to Skagit County for the sum of \$119,000. The easement will permanently protect 137.02 acres. **(Contract No. C20040501)**

HEALTH DEPARTMENT:

10. Interagency Agreement between Skagit/Island Head Start and Skagit County, by and through the Skagit County Health Department, which provides the mechanism for Public Health Nurses to provide nursing consultation services as requested. This is a fee for service contract, with services billed at \$50 per hour. The agreement shall commence on September 1, 2004, and continue through August 31, 2005. **(Contract No. C20040502)**
11. Amendment No. 3 to County Program Agreement **No. 004694** with the State of Washington Department of Social and Health Services, which extends the Medicaid Administrative Match Contract duration to March 31, 2005. It also increases the consideration to a total of \$700,000 and adds a 3% administration fee. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040214)**

HUMAN SERVICES:

12. Personal Services Agreement with NAMI (National Alliance for the Mentally Ill) to provide education and outreach programs to mental health professionals, consumers, family members and high school students. The agreement shall commence on January 1, 2005 and continue through December 31, 2005. Compensation is not to exceed a total of \$10,000. The Skagit County Mental Health Advisory Board allocated 2005 millage funds to continue to assist NAMI for these programs. **(Contract No. C20040503)**

INFORMATION SERVICES:

13. Terms and Conditions for Mas 90 Software used by the County Road Shop for their fueling system. This software has been used by Public Works since 1997; however, Terms and Conditions of the original contract have never been signed. They must be signed in order to receive the necessary upgrade to this software. **(Contract No. C20040504)**
14. Resolution authorizing the donation of surplus computer equipment to the Anacortes Housing Authority. **(Resolution No. R20040426)**
15. Resolution authorizing the donation of surplus computer equipment to Skagit Valley College. **(Resolution No. R20040427)**

PARKS & RECREATION:

16. Rafting Contract with Blue Sky Outfitters, Inc. for the use of Howard Miller Steelhead Park for commercial float trip launches and exits. The agreement shall commence on December 1, 2004

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and continue through November 30, 2005. Compensation shall be paid at the rate of 3% of the Company's end-of-season gross total made on the Skagit River. **(Contract No. C20040505)**

17. Rafting Contract with Cascades River Expeditions, Inc. for the use of Howard Miller Steelhead Park for commercial float trip launches and exits. The agreement shall commence on December 1, 2004, and continue through November 30, 2005. Compensation shall be paid at the rate of 3% of the Company's end-of-season gross total made on the Skagit River. **(Contract No. C20040506)**
18. Vendor Services Agreement with Accurate Roofing to install and supply materials necessary for the placement of a roof on a picnic shelter at Howard Miller Steelhead Park. The agreement shall commence on April 15, 2004, and continue until April 15, 2005. Compensation is not to exceed a total of \$5,600. **(Contract No. C20040507)**

PLANNING & PERMIT CENTER:

19. Amendment No. 2 to Personal Services Agreement **No. C20040062** with Kelly Services, Inc., which increases the hourly rate paid for front desk receptionist coverage and other temporary office assistance to \$13.70 per hour and total compensation by \$10,000. In addition, the contract termination date is extended to December 31, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040215)**
20. Amendment No. 1 to Coastal Zone Management (CZM) 306 Grant **No. C20040419** between the State of Washington Department of Ecology and Skagit County/Guemes Island for the Guemes Island Comprehensive Shoreline Master Program Development project. The amendment adds language for compliance with OMB circulars as required by the Federal funding source. All other terms and conditions of the original agreement shall remain unchanged. **(Amendment No. A20040216)**
21. Amendment No. 4 to Washington State Water Pollution Control Revolving Fund Loan Agreement **No. 005147** between the State of Washington Department of Ecology and Skagit County, which reduces the original loan amount from \$57,500 to \$57,479. The project completion date remains September 30, 2003; therefore, the loan repayment should have commenced no later than September 30, 2004. The Estimated Loan Repayment Schedule Number 764 created on May 21, 2004, shall be replaced with Final Loan Repayment Schedule Number 813 created on October 13, 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040217)**

PROSECUTOR'S OFFICE:

22. Partial Satisfaction and Release of Judgment in the Halvorson, et al. v. Skagit County case as it relates to Patricia Mae and Dale Howell, who shall pay \$1,233.25 for said release. **(Approved)**

SENIOR SERVICES:

23. Resolution AND Interlocal Cooperative Agreement between Skagit County and the City of Burlington, which would allow Senior Services to provide staff, equipment and materials for the delivery of community-based services to the citizens of Burlington. The agreement shall become effective January 1, 2005, and continue through December 31, 2005. Compensation is expected to total \$15,370. **(Resolution No. R20040428 AND Contract No. C20040508)**

SHERIFF'S DEPARTMENT:

24. Resolution AND Interlocal Cooperative Agreement between Skagit County and the Everett Police Department Regional Intelligence Group (RIG). The County will provide a detective to co-locate and work with the Group. The agreement shall commence on November 22, 2004, and continue

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through December 31, 2006. As both agencies agree on the mutual benefits associated with this partnership, neither agency shall pay the other agency a fee or compensation for such co-location and work. **(Resolution No. R20040429 AND Contract No. C20040509)**

YOUTH & FAMILY SERVICES:

25. Personal Services Agreement with Compass Health to provide specialized juvenile offender, adolescent, adult and/or family assessment, evaluation, and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony, and training for juveniles and/or their families as referred by the County. The agreement shall commence on January 1, 2005, and continue through December 31, 2006. The maximum annual compensation is not to exceed \$100,000. **(Contract No. C20040510)**
26. Personal Services Agreement with Kathie Ketchum M.A. to provide specialized juvenile offender, adolescent, adult and/or family assessment, evaluation, and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony, and training for juveniles and/or their families as referred by the County. The agreement shall commence on January 1, 2005, and continue through December 31, 2006. Compensation rates vary depending on the services being provided. **(Contract No. C20040511)**
27. Personal Services Agreement with Darlene F. Stuber to provide specialized juvenile offender, adolescent, adult and/or family assessment, evaluation, and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony, and training for juveniles and/or their families as referred by the County. The agreement shall commence on January 1, 2005, and continue through December 31, 2006. Total annual compensation is not to exceed \$25,000. **(Contract No. C20040512)**
28. Personal Services Agreement with Patsy B. Carter, M. S. W., to provide specialized juvenile offender, adolescent, adult and/or family assessment, evaluation, and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony, and training for juveniles and/or their families as referred by the County. The agreement shall commence on January 1, 2005, and continue through December 31, 2006. Compensation varies depending on the services being provided. **(Contract No. C20040513)**
29. County Program Agreement for a Juvenile Accountability Block Grant – Intensive Diversion Program between Skagit County and the State of Washington Department of Social and Health Services. Funds provided under this agreement shall be used for a .25 FTE Probation Officer Aide and related training, and sub-contracting for treatment services to diversion youth. The agreement shall commence on September 1, 2004, and continue through August 31, 2005. The maximum program agreement amount is \$21,103. **(Contract No. C20040514)**

PUBLIC WORKS DEPARTMENT:

30. Board of Skagit County Commissioners Directive to the Skagit County Public Works Department. **Directive Topic:** Should staff pursue the development of a Request for Proposals to privatize portions of the current Solid Waste system? **(Resolution No. R20040430)**
31. Amendment No. 1 to Personal Services Agreement **No. C20040406** with Hardin-Davis, Inc., which adds Tasks 2-4 to the Scope of Work, with a budget of \$15,000 per task, resulting in a new contract total of \$60,000. The amendment also allows for travel related expenses and mileage reimbursement at 37 cents per mile. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040218)**

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32. Amendment No. 1 to Personal Services Agreement **No. C20040023** with Shearer Design, LLC, which extends the expiration date from December 31, 2004, to December 31, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040219)**
33. Amendment No. 1 to Interlocal Cooperative Agreement **No. 005121** between Skagit County and the City of Burlington for the Goldenrod Bridge and Road Improvement Project. The amendment extends the expiration date from December 31, 2004 to December 31, 2006. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A200402220)**
34. Amendment No. 3 to Personal Services Agreement **No. C20020434** with Economic & Engineering Services, which extends the contract from December 31, 2004 until December 31, 2005. It also adds Task No. 4 to the Scope of Work. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040221)**

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, December 13, 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 185446 through 186067 from Clearing Fund 696 in the total dollar amount of \$3,969,013.48 (Transmittal No. C-159-04); and

Warrants numbered 186068 through 186241 from Clearing Fund 696 in the total dollar amount of \$188,094.34 (Transmittal No. C-160-04); and

Payroll warrants numbered 157591 through 158384 in the total dollar amount of \$975,013.13 (Transmittal No. P-46-04); and

Payroll warrants numbered 964873 through 965022 in the total dollar amount of \$167,964.23 (Transmittal No. P-47-04); and

2. Staff brought forth a Resolution approving the transfer of surplus computer equipment to Emerson High School.

Commissioner Munks motioned to approve the Resolution, which was seconded by Commissioner Dahlstedt and passed. **(Resolution No. R20040431)**

3. Kirk Johnson of the Planning & Permit Center asked to set a date and time to consider the Planning Commission Recorded Motion on the Solid Waste Management Plan.

Commissioner Munks moved to approve holding deliberations and/or possible action on Tuesday, December 21, 2004, at 1:30 p.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

4. Tom Karsh, Natural Resource Policy Administrator, advised the Board that Skagit County has been participating in a local priority setting process to assist the Department of Ecology establish rankings for FY 2006 water quality improvement projects/programs applications within Water Resource Inventory Areas (WRIAs) 3 and 4. Additional points are awarded applications that have gone through this local process.

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Mr. Karsh explained that the process involved bringing together an Ad Hoc Group from within each WRIA representing the largest City; the County with at least 25% of area; the Conservation District; Sewer Districts; and the Tribes. The Ad Hoc Group met on December 8, 2004, to review applications and after discussion, recommended the following local priorities:

- WRIA 3:
- 1) Skagit 400-12 Watershed Implementation, Skagit Conservation Education Alliance, applicant
 - 2) Lake Samish Water Quality and Stormwater Monitoring, Samish Water District, applicant
- WRIA 4:
- 1) Upgrade Concrete Wastewater Treatment Facility, Town of Concrete, applicant
 - 2) Finney Creek Temperature Reduction, Skagit Fisheries Enhancement Group, applicant

Commissioner Munks made a motion to agree to the specific priority rankings as outlined and authorize Mr. Karsh to sign a "Statement of Agreed Priority" acknowledging this FY 2006 ranking. The motion was seconded by Commissioner Dahlstedt and passed unanimously. **(Approved)**

PUBLIC COMMENT PERIOD.

Arn Thoreen, 29517 South Skagit Highway, Sedro-Woolley, spoke of issues he was concerned with regarding relicensing of Baker Dam with Puget Sound Energy.

PRESENTATION – REAL ESTATE EXCISE TAX (REET) FUNDING FOR THE SKAGIT COUNTY FAIRGROUNDS.

Audrey Smith, Skagit County Fair Manager, presented an overview of the list of projects completed at the Fairgrounds in 2004, which was made possible by the award of \$100,000 in Real Estate Excise Tax funds. The monies that were awarded came with several restrictions that Ms. Smith indicated had all been met.

Ms. Smith outlined various other projects that she hopes to address with continued REET funding through 2008.

The Commissioners thanked Ms. Smith for making the 2004 Skagit County Fair profitable and for changing the entire look of the whole operation.

DISCUSSION/POSSIBLE ACTION – 2003 COMPREHENSIVE PLAN AMENDMENTS.

Kirk Johnson, Senior Planner, stated that proposed motions are provided for each of the six Comprehensive Plan Amendment (CPA) proposals. These are not Department recommendations, but instead reflect the various options discussed but not decided upon by the Board during its previous consideration. The proposed motions do not include a corresponding zoning action at this time, only a comprehensive plan action.

The motion and proposed findings for the Culbertson/Anacortes UGA proposal have been developed in consultation with legal counsel to comply with the "RMI Settlement Agreement" signed by the County and other parties.

Unlike the Culbertson motion, the proposed motions on the other CPA proposals, if approved, would provide those properties a UGA Comprehensive Plan map designation, but would not apply a UGA zoning designation at this time. Since the original proposals were submitted, and pursuant to orders from the Growth Management Hearings Board, the County is no longer applying city zones and regulations to properties within the UGAs except as provided for in Interim Ordinance No. O20040015. Based on this development, it is appropriate for the Planning Commission to review proposed zoning decisions for these

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UGA additions pursuant to the terms of that interim ordinance or, in conjunction with review of a permanent UGA ordinance being developed to replace the interim ordinance.

Legal counsel has recently advised that this would require separate County action by the Planning Commission and Board of County Commissioners, but would not require additional SEPA review, provided that any proposed zoning under the interim ordinance is within the scope of the proposed uses and intensities of development assessed in the SEPA review for the comprehensive plan changes. Such action could be accomplished during County consideration of a proposed permanent UGA ordinance in January and February, or it could possibly be handled more quickly as a stand-alone proposal. In the meantime, the properties added to the UGA on the County's Comprehensive Plan map would maintain their County zoning (either Ag-NRL or Rural Reserve).

Mr. Johnson next outlined the six 2003 Comprehensive Plan Amendment proposals as follows:

1) Anacortes UGA/Sharpes Corner

Commissioner Munks recused himself from this proposal as it presents a conflict of interest for him. He personally owns property in the area.

Commissioner Dahlstedt motioned to approve application PL03-0979 to redesignate approximately 42 acres at Sharpes Corner from Rural Reserve to Anacortes Urban Growth Area. The motion was seconded by Commissioner Anderson and carried.

2) Anacortes UGA/Culbertson

Commissioner Munks motioned to approve application PL03-0711 to redesignate approximately 28 acres from Rural Reserve and Cottage Industry/Small-Scale Business to Anacortes Urban Growth Area. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Commissioner Munks also motioned to approve zoning of the property in PL03-0711 as a Special District, within the Anacortes unincorporated UGA, pursuant to the terms of Ordinance O20040015, to which the lot size, zoning code and development regulations of the City of Anacortes for the LM zone shall apply. Commissioner Dahlstedt seconded the motion, which passed unanimously.

3) La Conner UGA/City of La Conner

Mr. Johnson said the recommendation is to defer this application to the 2005 Comprehensive Plan update for the northern 14 acres only.

John Doyle, Town of La Conner, explained why the Town initially asked for 44 acres; however, in light of problems with UGAs and wetland areas, the Town agrees that only the 14 acres should be considered. Mr. Doyle said other concerns will be addressed in a subsequent application.

Commissioner Munks motioned to defer application PL03-0710 to the 2005 Comprehensive Plan Update, for consideration only of the northern approximately 14 acres that is currently developed with public facilities, with conditions for the application as recommended by the Planning Commission. Commissioner Dahlstedt seconded the motion, which passed unanimously.

4) Mount Vernon UGA/Mount Vernon School District

Mr. Johnson said the application stated that the property was to be used for either public or commercial use; however, the Mount Vernon School District now prefers that the 10 acres be used for public use.

Chairman Anderson noted that with this contribution, the District will be making a contribution of \$40,000 to the County's Farmland Legacy Program for purchase of farmland development rights. This decision was supported by the Planning Commission.

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Commissioner Munks motioned to approve application PL03-0981 to redesignate approximately 10 acres from Ag-NRL to Mount Vernon Urban Growth Area. Commissioner Dahlstedt seconded the motion, which passed unanimously. Chairman Anderson voted no on this proposal.

5) Mount Vernon UGA/WJY Associates

Mr. Johnson said the proposal would add to the Mount Vernon UGA approximately 6 acres on the east side of I-5 (4.8 acres north of the Old Highway 99 overpass and 1.3 acres to the south). Each segment of the property is below the 5-acre threshold used as the initial criterion for the agriculture designation. The amendment would change the designation of the parcels from Ag-NRL in the County to City Commercial/Industrial, with anticipated uses being freeway oriented commercial.

The proposal falls within Mount Vernon's commercial and industrial acreage allocations under CPP 1.1. The City confirms that urban services are available to the site, and the City Council has recommended addition of the property to its UGA. The northerly portion of this property is separated from other designated agricultural land by road rights-of-way on all sides.

Mr. Johnson indicated that the County and the City of Mount Vernon have received other applications to convert agricultural land to the south of this proposal, including the land immediately to the south of the southern Youngsman parcel. The County has begun a process to conduct a comprehensive update of the Comprehensive Plan, including Resource Land designations, with a completion date of December 2005.

Commissioner Munks motioned to approve PL03-0980 to redesignate approximately 6 acres from Ag-NRL to Mount Vernon Urban Growth Area. Commissioner Dahlstedt seconded the motion, which passed unanimously.

6) Sedro-Woolley UGA/Koozer

Commissioner Munks motioned to approve PL02-0433 to redesignate approximately 12 acres from Ag-NRL to Sedro-Woolley UGA. Commissioner Dahlstedt seconded the motion, which passed unanimously.

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

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ATTEST:

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