

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 22, 2005**

- 8:00 a.m. – 8:45 a.m. Work Session – County Commissioners
- 8:45 a.m. – 9:30 a.m. Work Session – County Administrator
- *T 10:00 a.m. – 11:00 a.m. Planning and Development Services – Gary Christensen, Director
1. Discussion/Possible Action – Samish Water District and a Request by Steve and Traci Pedersen for Sewer Service/Availability
 2. Discussion/Possible Action – Draft Resolution Initiating the Alger Subarea Plan
 3. Update – State of the Department
 4. Miscellaneous
- 11:00 a.m. – 11:30 a.m. Consent Agenda and Miscellaneous items
- 11:30 a.m. – 11:45 a.m. Public Comment Period
- 11:45 a.m. – 12:00 p.m. Discussion/Possible Action – Resolution Authorizing the Issuance and Sale of Limited Tax General Obligation and Refunding Bonds
- 1:30 p.m. – 2:00 p.m. Decision – Closed Record Appeal No. PL05-0029, Submitted by Allen Bush and Allen Bush, Jr. of the Hearing Examiner’s Decision to Deny a Variance to Allow the Applicant to Divide His 12.3 Acre Property Into Two 6.15 Acre Lots
- 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 Tuesday, February 22, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

PLANNING AND DEVELOPMENT SERVICES – GARY CHRISTENSEN, DIRECTOR

1. Discussion/Possible Action – Samish Water District and a Request by Steve and Traci Pedersen for Sewer Service/Availability.

Brent Morrow, Senior Planner, reported that an application was submitted by Steve and Traci Pedersen to install a private grinder pump station. They would like to connect to a sewer force main located on the east side of Old Highway 99 North Road (P49086), Rural Reserve zoning. Mr. Morrow said this request is pursuant to an existing Interlocal Cooperative Agreement.

Commissioner Dahlstedt motioned to approve the request as outlined by Mr. Morrow and noted that the approval would require the Chairman of the Board to sign the application for the request of service. Commissioner Anderson seconded the motion, which passed unanimously.

2. Discussion/Possible Action – Draft Resolution Initiating the Alger Subarea Plan.

Gary Christensen, Director, provided a draft Resolution initiating the Alger Subarea Plan. Alger will join Bayview Ridge, and Fidalgo, and Guemes Islands as communities involved in a planning process to enhance community values and identify and assure sensible growth and development. Mr. Christensen said the subarea planning process allows communities to plan at a level of detail not attained under the broad guidelines of a countywide comprehensive plan because of the diversity in the character of various parts of the County.

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Once approved, Planning and Development Services will proceed with the preparation of an Alger Subarea Plan Request for Proposals and Scope of Work, followed by a public outreach program. The project will be staffed by a consultant using Planning and Development Services 2005 annual budget funds for subarea planning professional services.

Mr. Christensen said his Department looks forward to a new effort in the northern part of the County that will help them deliver their commitment to extend community planning efforts to the areas identified in the Comprehensive Plan.

Commissioner Dahlstedt made a motion to approve the draft Resolution to establish a commitment to initiate and complete a subarea plan for Alger. The motion was seconded by Commissioner Anderson and passed unanimously.

Mr. Christensen noted that the final Resolution will be presented under the next Consent Agenda.

Commissioner Anderson thanked Tom Solberg for his persistence in spearheading the drive to bring the Alger Subarea Plan to fruition. He also said that water agreements need to be negotiated in that area.

3. Update – State of the Department.

Oscar Graham, Deputy Director, advised that a job description is being crafted for a Senior Planner Team Leader, which is a concept that has been developing over a fairly lengthy time. He also reported on the responsibilities of Team Leaders who serve in a supervisory capacity that are there to provide detailed technical direction to others, including team mentoring. Mr. Graham said that because the supervisory position is also a production position, the person selected would be handling applications, including very difficult, complex ones.

In addition, Mr. Graham stated that the supervisor would be responsible for monitoring the timelines for processing various permits.

Commissioner Anderson asked if the Team Leader would be able to make a decision when an application requires an administrative variance. Mr. Graham said that was correct.

4. Miscellaneous.

There were no miscellaneous items to present.

CONSENT AGENDA.

Commissioner Dahlstedt motioned to approve the Consent Agenda for Tuesday, February 22, 2005, items 1 through 26. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, February 14, 2005.
2. Record of the Proceedings for Tuesday, February 15, 2005.

ASSIGNED COUNSEL:

3. Personal Services Agreement with Kelli Armstrong-Smith, Attorney at Law, to provide indigent defense/legal services to clients for conflict of interest cases for the Skagit County Public Defender's Office. The agreement shall commence on February 1, 2005, and continue until December 31, 2005. Compensation shall vary depending on the services being provided.
(Contract No. C20050104)

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BUDGET & FINANCE:

4. Funding Agreement between Skagit County and the Skagit Valley Family YMCA for the Oasis Teen Shelter, which will allow for the distribution of \$15,000 in low-income housing funds, pursuant to SHB 2060. The agreement shall commence upon the date of execution and continue for one year. **(Contract No. C20050105)**
5. Personal Services Agreement with Don Slack, M.D., to provide services as the Medical Program Director for Skagit County and shall direct, delegate and participate in the supervision and medical control of Advanced Life Support and Basic Life Support Emergency Medical Services qualified personnel of Skagit County. The agreement shall commence on January 1, 2005, and continue through December 31, 2005. Compensation shall be paid in the total amount of \$79,825 for the term of the agreement. **(Contract No. C20050106)**

FACILITIES MANAGEMENT:

6. Amendment No. 1 to Vendor Services Agreement **No. C20030430** with Northwest Moving Services, Inc., which extends the term of the contract to December 31, 2006. This also results in an increase in compensation of \$5,000 for a new contract total of 20,000. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050039)**

FAIRGROUNDS:

7. Vendor Services Agreement with Davis Amusement Cascadia to provide a carnival consisting of rides, games and food booths. The agreement shall commence on August 8, 2005 and continue until August 14, 2005. Compensation shall be a fixed fee of \$12,000 or 25% of the gross income from rides and shows, whichever is greater, including \$40 per game. **(Contract No. C20050107)**
8. Rental Agreement between Skagit County and Donald Powell to provide caretaker services for the Skagit County Fairgrounds. The agreement shall commence on January 1, 2005, and continue through December 31, 2005. The house will have a rental value of \$850. **(Contract No. C20050108)**

HEALTH DEPARTMENT:

9. Amendment No. 1 to Memorandum of Understanding **No. C20040164** between the Washington State Department of Health and the Skagit County Health Department regarding the licensure, inspection, and rule enforcement of temporary worker housing in Skagit County. The amendment extends the duration of the contract to December 31, 2005. No other terms or conditions are changed. **(Amendment No. A20050040)**
10. Amendment No. 1 to Vendor Services Agreement **No. C20040266** with Northwest Medical Teams International, which provides for the continuation of services for the Dental Van and a driver for use in the Health Department's school-based sealant program. The amendment extends the contract duration to June 20, 2005, and adds an additional \$4,400 in compensation for a new total not to exceed \$15,600. **(Amendment No. A20050041)**

HUMAN RESOURCES:

11. Resolution authorizing the transfer of sick leave hours for an employee of the Auditor's office. **(Resolution No. R20050066)**
12. Resolution authorizing the transfer of sick leave hours for an employee of the Health Department. **(Resolution No. R20050067)**

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INFORMATION SERVICES:

13. Resolution transferring surplus computer equipment to the Burlington-Edison School District. **(Resolution No. R20050068)**

PARKS AND RECREATION:

14. Contract with Pacific Edge Outfitters for launching float trips on the Skagit River from Howard Miller Steelhead Park. The contractor must provide a \$75 non-refundable permit fee and proof of valid insurance. Compensation to the County shall be 3% of the gross revenue. The contract is effective December 1, 2004, through November 30, 2005. **(Contract No. C20050109)**

PLANNING & DEVELOPMENT SERVICES:

15. Ordinance adopting miscellaneous Skagit County Code amendments. **(Ordinance No. O20050003)**
16. Ordinance adopting the Comprehensive Plan/Zoning Map amendment to re-designate P48060, a 2.6 acre parcel known as Karma Gardens, from Agricultural-NRL to Rural Business. **(Ordinance No. O20050004)**

RISK MANAGEMENT:

17. Personal Services Agreement with Bianchi Group, LLC to provide on-site trainings and consultations for various Skagit County departments as directed. The agreement shall commence on February 1, 2005, and continue until December 31, 2005. Compensation is not to exceed a total of \$5,000. **(Contract No. C20050110)**
18. Personal Services Agreement with HR Answers, Inc. to provide professional services as requested by the Risk Management and Human Services Department. The agreement shall commence on January 1, 2005, and continue until December 31, 2005. Compensation is not to exceed a total of 10,000. **(Contract No. C20050111)**

YOUTH & FAMILY SERVICES:

19. Resolution authorizing the execution of an Interlocal Agreement between Skagit County and Northrop Grumman Information Technology, Inc. The contractor has awarded a purchase order to the Skagit County Department of Youth and Family Services in the amount of \$98,579 for the implementation of a Juvenile Courts and Fetal Alcohol Spectrum Disorders strategic planning effort. The agreement shall commence on January 18, 2005, and continue through August 31, 2005. **(Resolution No. R20050069 AND Contract No. C20050112)**
20. Interlocal Cooperative Agreement, per Resolution No. 17961, between Skagit County and the Concrete School District to provide Mental Health Services such as individual and family counseling, mentoring and recreational activities. The agreement shall commence on January 1, 2005, and continue through December 31, 2005. Compensation is expected to total \$1,500. **(Contract No. C20050113)**
21. Interlocal Cooperative Agreement, per Resolution No. 17961, between Skagit County and the Concrete School District to provide after school community/youth activities and classes for the Community Education Program. The agreement shall commence on January 1, 2005, and continue through June 30, 2005. Compensation shall not exceed a total of \$1,000. **(Contract No. C20050114)**

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PUBLIC WORKS DEPARTMENT:

22. Resolution amending Resolution **No. R20040339** regarding the Guemes Island Ferry Departure Schedule Effective Date. The date will be changed to become effective from March 1, 2005, to March 1, 2007. **(Resolution No. R20050070)**
23. Amendment No. 2 to Personal Services Agreement **No. C20040406** with Hardin-Davis, Inc., which extends the term of the agreement to December 31, 2006. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050042)**
24. Amendment No. 1 to Personal Services Agreement **No. C20040445** with HDR Engineering. The Solid Waste section of the Public Works Department is requesting that HDR prepare an analysis of options for a Request for Proposals (RFP) development related to the privatization of the County's solid waste transfer station operations. This will be accomplished by using Tasks 1 through 6 in Phase 1 of Amendment No. 1. If an RFP option is selected in Phase I then Phase II would consist of the development of an RFP for the selected option and will be defined following completion of Phase I. The amendment increases the original contract by an additional \$59,384, for a new contract total of \$134,384. **(Amendment No. A20050043)**
25. Amendment No. 5 to Personal Services Agreement **No. C20020409** with Larry E. Halvorson, counsel for International Boatman's Union (IBU) union negotiations. The amendment adds additional compensation in the amount of \$25,000 for a new contract total of \$125,000. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050044)**
26. Resolution AND Interlocal Agreement between Skagit County and the City of Sedro-Woolley concerning the State Route 20 Bicycle/Pedestrian Trail Project. The agreement shall commence upon the date of signature and continue through 2007. **(Resolution No. R20050071 AND Contract No. C20050115)**

MISCELLANEOUS.

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, February 22, 2005, 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 Xpress Flex from Clearing Fund 696 in the total dollar amount of \$258.50 (Transmittal No. C-21-05); and

Warrant number 191228 from Clearing Fund 696 in the total dollar amount of \$5,609.27 (Transmittal No. C-22-05); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$22,756.77 (Transmittal No. C-23-05); and

Warrants numbered 191229 through 191466 from Clearing Fund 696 in the total dollar amount of \$937,451.80 (Transmittal No. C-25-05).

2. Kendra Smith, Natural Resource Policy Coordinator, provided a brief update on the Department of Natural Resources stream typing and the implication it will have on Skagit County.

PUBLIC COMMENT PERIOD.

No one was present for the public comment period.

DISCUSSION/POSSIBLE ACTION – RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF LIMITED TAX GENERAL OBLIGATION AND REFUNDING BONDS.

Trisha Logue, Budget and Finance Administrator, outlined the proposed Resolution, which would authorize a bond sale to refinance \$12.4 million of the County's debt. The existing debt includes three different bond issues. One was issued in 1996 for solid waste projects; one in 1997 to buy a building for the Mount Vernon Family Resource Center; and one in 2000, to finance economic development projects. The debt is currently being paid at interest rates of 5.1 percent to 5.5 percent. By refinancing, Ms. Logue said it is expected that a reduced interest rate of about 3.5 percent would save the County approximately \$658,000 over the next twenty years. The bond sale would also generate \$165,000 to cover the cost of land the County recently purchased for the Mount Vernon Family Resource Center.

Susan Musselman, Financial Advisor for Skagit County, indicated that if the Commissioners approved the Resolution, the sale would occur on March 16, 2005. The County's actual savings would depend on market conditions that day.

Commissioner Dahlstedt motioned to approve a Resolution of the Board of County Commissioners of Skagit County, Washington, authorizing the issuance and sale of limited tax general obligation and refunding bonds of the County in the aggregate principal amount of up to \$12,755,000 to finance the acquisition of land; providing for the refunding of certain outstanding bonds of the County; providing for the redemption of the outstanding bonds to be refunded; authorizing the appointment of an escrow agent and the execution of an escrow agreement related to such refunding; providing the date, form, terms, maturities, and redemption provisions of the bonds; provide for the disposition of the bond proceeds; providing for the annual levy of taxes to pay the principal of and interest on the bonds; authorizing the sale of the bonds and the preparation of a preliminary official statement; and delegating certain authority to the County Administrator in connection with the sale. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050072)**

DECISION – CLOSED RECORD APPEAL NO. PL05-0029, SUBMITTED BY ALLEN BUSH AND ALLEN BUSH, JR. OF THE HEARING EXAMINER'S DECISION TO DENY A VARIANCE TO ALLOW THE APPLICANT TO DIVIDE HIS 12.3 ACRE PROPERTY INTO TWO 6.15 ACRE LOTS.

Commissioner Anderson stated that the decision the Board of County Commissioners has to make is whether or not the Hearing Examiner was clearly erroneous in denying a variance to allow the applicant to divide his 12.3 acre property into two 6.15 acre lots. He feels the Hearing Examiner made the correct decision in denying the variance as the property is zoned Rural Reserve. This zoning, which was adopted in 1997, established a 10-acre minimum lot size.

Commissioner Dahlstedt agreed with Commissioner Anderson and reiterated the fact that the Commissioners' role is to determine if the Hearing Examiner's decision was erroneous and after looking through all of the materials, he feels it wasn't.

Chairman Munks concurred and said he reviewed all the materials used by the Hearing Examiner as criteria for making his decision and felt that he made the right decision based on those materials.

Commissioner Dahlstedt motioned to deny Appeal #PL05-0029 and affirm the decision of the Hearing Examiner to deny Variance #PL04-0651 to allow the applicant to subdivide his property into two 6.15 acre lots. Commissioner Anderson seconded the motion, which passed unanimously.

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Mr. Bush asked the Board to confirm what materials were actually given to them. He didn't think they had received all of the documents of record, at least not in a timely manner, as outlined by the County Code.

Commissioner Anderson said there isn't any provision in the County Code that would allow the property to be split into anything other than a 10-acre parcel. While he is sympathetic to Mr. Bush's reasoning, Commissioner Anderson said they can't make any decisions that would go against the Code. He said the Board may have the power to waive fees but they can't waive County Code.

Chairman Munks offered Mr. Bush the chance to meet with Oscar Graham and him to find a solution to the Bush's problem.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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