

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 28, 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
- 9:30 a.m. – 10:00 a.m. Work Session – Operations Division Manager/Road District
Maintenance Supervisors
- *T 10:00 a.m. – 11:00 a.m. Public Works Department – Chal Martin, Director
1. Public Hearing – Consideration of Revision of the Six-Year
 Transportation Improvement Program (TIP) 2005-2010
2. 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. Bid Opening – Maintenance Materials
- *T 1:30 p.m. – 2:30 p.m. Work Session – Potential Impacts of the Washington Department of
Ecology’s Proposed Amendment to the Skagit River Instream Flow Rule
(Chapter 173-503 WAC)
- *T 6:30 p.m. Public Hearing – Placement of a Proposition for the Creation of a Rural
Partial-County Library District Within the Unincorporated Areas of the
Anacortes, Burlington-Edison, Conway, Mount Vernon, and Sedro-
Woolley School Districts on a Special Election Ballot

The Skagit County Board of Commissioners met in regular session on Monday, February 28, 2005, with Commissioners Don Munks and Ted W. Anderson present. Commissioner Dahlstedt’s absence was excused.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

**1. Public Hearing – Consideration of Revision of the Six-Year Transportation
Improvement Program (TIP) 2005-2010.**

Steve Flude, Assistant County Engineer, advised the Board that a revision to the TIP is being made primarily to include an important new project, the Mount Vernon College Way/Riverside Drive Intersection Project. Mr. Flude stated that by adding the project to the TIP, it would have no affect on the County at this time as we would only be partnering with the City of Mount Vernon.

Commissioner Anderson said he is against spending County Road Funds to improve city intersections when there isn’t a County road that empties into it.

Chairman Munks indicated that College Way and Riverside Drive are two state highways. While he agrees that it is a heavily used intersection, he doesn’t feel the project should be added to the TIP as it would obligate the County to provide funding. Chairman Munks said he doesn’t mind supporting the City of Mount Vernon if it were in a minor roll.

Chairman Munks opened the public hearing. There being no public testimony forthcoming, Commissioner Anderson motioned to close the public hearing, which was seconded by Chairman Munks and carried. The public hearing was closed.

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Chal Martin, Public Works Director, stated that this is the number one intersection in the County and he doesn't think Mount Vernon can fund it on their own, at least not without help from the County.

The Board suggested to Mr. Martin that he bring the project proposal back when more information is available.

2. Miscellaneous.

- a) Mr. Brookings, Public Works Administrator, said the Department was recently notified by the Northwest Straits Commission of an opportunity to apply for a \$150,000 grant to continue work that the Marine Resource Committee has been undertaking. No match is required for this grant and the funds would be used to pay for administration, education and monitoring. Approximately \$80,000 would be specifically earmarked for restoration work. Mr. Brookings said that with the Board's approval, his Department would send a letter of intent, including a completed application, to the Straits Commission by the end of March.

Commissioners Anderson and Munks said they are supportive of efforts to obtain the grant.

- b) Mr. Martin updated the Board on the status of a joint letter signed by the cities, the County, and the dike districts.
- c) Mr. Martin provided a schedule for an upcoming trip to Washington, D. C. for the National Association of Counties 2005 Legislative Conference.

CONSENT AGENDA.

Commissioner Anderson motioned to approve the Consent Agenda for Monday, February 28, 2005, items 1 through 13. Chairman Munks seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, February 22, 2005.

BUDGET & FINANCE:

2. Resolution accepting the terms and conditions set forth by the Washington State Community Revitalization Board (CERB) in its offer of financial aid for the economic feasibility study. **(Resolution No. R20050073)**
3. Resolution authorizing the diversion of approximately \$698,100 of the \$10,295,000 of the Road Levy for the purpose of Traffic Law Enforcement as authorized by RCW 36.33.220. **(Resolution No. R20050074)**

HUMAN RESOURCES:

4. Labor Agreement between Skagit County and the Skagit County Public Works Department, Local 176, Council #2, AFSCME. The agreement shall commence on January 1, 2004, and continue through December 31, 2006. **(Contract No. C20050116)**

HUMAN SERVICES:

5. Amendment No. 1 to Personal Services Agreement **No. C20040343** with Skagit Domestic Violence and Sexual Assault Services, which extends the expiration date of the agreement from December 31, 2004, to June 30, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050045)**

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INFORMATION SERVICES:

6. Resolution authorizing the execution of an Interlocal Cooperative Agreement with the City of Sedro-Woolley to provide technology support services. **(Resolution No. R20050075)**
7. Supplement No. 2 to Interlocal Cooperative and Customer Service Agreement **No. 004685** between Skagit County and the City of Sedro-Woolley. The amendment modifies service terms and conditions for the Spillman Public Safety System. It shall commence upon the date of execution and continue through January 1, 2008. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050046)**

PLANNING & DEVELOPMENT SERVICES:

8. Resolution waiving fees for Fire District 10, Birdsvie Fire Department. **(Resolution No. R20050076)**
9. Ordinance adopting a Comprehensive Plan/Zoning Map amendment to re-designate the property known as 12 acres of RMI to Rural Reserve and a corresponding Comprehensive Plan language change. **(Ordinance No. O20050005)**

RISK MANAGEMENT:

10. Personal Services Agreement with Dumas and Associates to provide facilitation, mediation and training services for the Risk Management Department as requested. The agreement shall commence on February 1, 2005, and continue through December 31, 2005. Compensation is not to exceed a total of \$5,000. **(Contract No. C20050117)**

PUBLIC WORKS DEPARTMENT:

11. Resolution authorizing an order to vacate an unopened County right-of-way located east of Old Highway 99 North and south of the Samish River. **(Resolution No. R20050077)**
12. Resolution calling for bids for the South Fork Skagit River Bridge, #40008, Deck Overlay. The bid opening is scheduled for Tuesday, March 22, 2005, at 8:45 a.m. **(Resolution No. R20050078)**
13. Amendment No. 2 to Vendor Services Agreement **No. C20040208** with The Wizards of Ooze. The amendment corrects the Terms of Agreement, Section 5 to read, "This contract shall commence May 1, 2004, and continue until either party terminates by giving 30 days notice in writing, either delivered or mailed, postage prepaid, by certified mail, return receipt requested, to the party's last known address, but in no event shall the contract continue for more than two years from date of execution." All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050047)**

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 28, 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 Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$100,686.12 (Transmittal No. C-24-05); and

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ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$70,747.92 (Transmittal No. C-26-05); and

Warrants numbered 191467 through 192224 from Clearing Fund 696 in the total dollar amount of \$1,460,613.19 (Transmittal No. C-27-05); and

Payroll warrants numbered 161539 through 162305 in the total dollar amount of \$951,544.22 (Transmittal No. P-07-05); and

Payroll warrants numbered 965669 through 965820 in the total dollar amount of \$177,879.46 (Transmittal No. P-08-05).

2. Carly Ruacho, Associate Planner, asked the Board to set a date and time to hear the Planning Commission's Recorded Motion on an amendment to the Skagit County Parks Comprehensive Plan.

Commissioner Anderson motioned to authorize a public meeting on March 22, 2005, at 10:00 a.m., to review the Planning Commission's recommendation on an amendment to the Parks and Recreation Comprehensive Plan for Skagit County. The motion was seconded by Chairman Munks and carried.

PUBLIC COMMENT PERIOD.

Scott MacMurchie, 15255 South Blanchard Road, said a large portion of Colony Creek runs through the middle of his farm. Due to this, his driveway is ruined and he is concerned because the property is subject to severe flooding. Mr. MacMurchie feels a bigger culvert should be installed to prevent any further damage.

Chairman Munks said he would contact the Public Works Department and arrange a meeting to discuss the issue, which would include Mr. MacMurchie and himself.

Thomas Wake, Blanchard, also spoke of the flooding situation at Colony Creek. He feels that the deterioration of the gates should be addressed sooner rather than later. Mr. Wake said it bothers him to see his neighbors so stressed about this issue. He said it would be a shame if the Board doesn't take preventative action very quickly to solve the problems once and for all.

Chairman Munks said concerns have been addressed with areas lying even beyond Colony Road. Although a compromise has been reached regarding the tidegate issue, Chairman Munks said he is hopeful that staff will continue to find a resolution that all property owners can agree on.

Lynn Lennox, Blanchard, asked the Board if there was any likelihood that there would be a resolution by June of 2005. She said the timing for the project is critical at this point.

Chairman Munks replied that he wasn't sure what the timeframe would be on the project; however, Natural Resource Lands Policy Administrator Tom Karsh has been checking on self-regulating tidegates and is optimistic that all of the problems are in the process of being resolved.

Mike Youngquist, Mount Vernon, asked the Board if they would agree to sign a 2005 Community Development Block Grant (CDBG) Planning-Only Grant Pre-Application. Mr. Youngquist stated that counties would contract with the Washington State Farmworker Housing Trust to conduct a survey of farmworkers to determine their housing needs and preferences. The survey would be conducted in Yakima, Benton, Franklin, Grant, Chelan, Douglas, Okanogan, Adams, Walla Walla, Skagit, Whatcom and Snohomish Counties, where 92% of the State's farmworkers are employed.

Mr. Youngquist also asked the Commissioners if Skagit County would be willing to join Chelan County in sponsoring the proposal. He said that in the event Skagit County agrees to partner with them, the

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Community, Trade and Economic Development (CTED) would increase the amount of the award for the project, from \$15,000 to \$45,000.

Commissioner Anderson said he has been very supportive of farmworker housing for some time and said he thinks this project is worthwhile. Chairman Munks concurred.

BID OPENING – MAINTENANCE MATERIALS.

Greg Dennis of the Public Works Department opened the following bids for maintenance materials with purchases expected to exceed \$25,000:

Lakeside Industries
P. O. Box 729
Anacortes, WA 98221
Product Type: Gravel, Rock, Specialty Mixed Asphalt

Concrete Norwest
P. O. Box 280
Mount Vernon, WA 98273
Product Type: Gravel

McAsphalt Industries
19770-101 Avenue
Langley, B. C. V1M3GH
Product Type: Liquid Asphalt

Meridian Aggregate Company
20411 E. Hickox Road
Mount Vernon, WA 98274
Product Type: Gravel and Rock

Cunningham Crushing, Inc.
P. O. Box 8
Hamilton, WA 98255
Product Type: Gravel

Aggregate West, Inc.
9151 Van Buren Road
Everson, WA 98247
Product Type: Gravel and Rock

Day Creek Sand and Gravel
30881 South Skagit Highway
Sedro-Woolley, WA 98284
Product Type: Gravel

Rinker Materials
P. O. Box 2037
Everett, WA 98213
Product Type: Specialty Mixed Asphalt

Mr. Dennis indicated that a specific pricing list will be available to the public.

PUBLIC HEARING – PLACEMENT OF A PROPOSITION FOR THE CREATION OF A RURAL PARTIAL-COUNTY LIBRARY DISTRICT WITHIN THE UNINCORPORATED AREAS OF THE ANACORTES, BURLINGTON-EDISON, CONWAY, MOUNT VERNON, AND SEDRO-WOOLLEY SCHOOL DISTRICTS ON A SPECIAL ELECTION BALLOT.

Gary Rowe, County Administrator, stated that on November 12, 2004, the Skagit County Auditor received a petition from residents within the unincorporated areas of the Anacortes, Burlington-Edison, Conway, Mount Vernon, and Sedro-Woolley School Districts, requesting that a proposition be placed upon the ballot for the formation of a rural partial-county library district, in accordance with RCW 27.12.040.

An Affidavit of Sufficiency, dated January 4, 2005, verified that the petition contained the signatures of more than 10% of the registered voters within the area proposed to be included in the rural partial-county library district. Mr. Rowe said the issue before the Skagit County Board of Commissioners is whether or not to place a proposition on the April 26, 2005, Special Election ballot, which would be conducted by mail. Mr. Rowe advised the Board that they should review the proposed boundaries, which could be adjusted if deemed necessary; however, if that were to occur, another public hearing would need to be scheduled.

Chairman Munks opened the public hearing.

Ken Winkes, 18562 Main, Conway, stated that most statewide residents are served by libraries, with the exception of approximately 55,000 people. Of that number, 37,000 live in Skagit County. Mr. Winkes said that could very well be the reason why almost 3,000 folks signed a petition for a rural partial-county library district. He discussed the plan, proposed boundaries, a proposed sample budget, examples of databases, and additional benefits. He also noted that this is a three-phased approach, which encompasses initiation, integration and implementation. Mr. Winkes reported that there is countywide support of the partial-county library concept and eventually, city libraries would share existing materials and online resources.

Eldeen Simmons, 865 Peterson Road, Burlington, asked if the new property tax would be applicable to only those living in the new district or would it be a tax that would apply to everyone.

Mr. Rowe indicated that the property tax would be on all properties located within the five school districts.

Ms. Simmons said she called four libraries to obtain information regarding charges for library cards for non-city dwellers. She said it appears that the public would be paying less for a card than they would for taxes. Ms. Simmons said she doesn't feel it is right that people who have undeveloped property in the County would also be responsible for paying additional taxes. Ms. Simmons said she would rather give a library card as a gift to someone that cannot afford it rather than pay increased property taxes.

Sara Holahan, 1511 38th Street, Anacortes, stated that the people who need libraries the most may not be able to afford the fee for a library card. It is the general consensus in the United States that libraries are free and Ms. Holahan said that is simply not the case. She quoted former County Commissioner Bob Hart as saying, "people really don't care where the funding is coming from, they just expect the service." Ms. Holahan said getting our youth to read early in their lives is very important and that is the basis for this tax-supported public library.

Roger Mercer, 16867 Peterson Road, Burlington, urged the Commissioners to provide more information on this ballot measure so the public can determine what exactly is being considered.

There being no further public testimony, Commissioner Anderson motioned to close the public hearing. Chairman Munks seconded the motion, which carried. The public hearing was closed.

Commissioner Anderson asked Mr. Rowe if the Board has the power to set the levy rate. Mr. Rowe said the statutory limit for the library district is a levy rate of 50 cents per thousand. Once the library district is

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formed, the County Commissioners are responsible for appointing the Library District Commissioners, which in turn set the levy rate for the library district. Mr. Rowe said that once the levy rate is set it is subject to the 101% limitation of the law.

Chairman Munks said he has read several letters and e-mails that have been sent in, both for and against the proposal. He feels the County is at a point where there needs to be closure with the library issue and that can only be accomplished by a vote of the people.

Commissioner Anderson said he supported the proposal the first time it was put on the ballot and he continues to support the measure. He said the east County folks looked on the measure favorably as well and developed their own library district. Commissioner Anderson said the County has been subsidizing the libraries for several years, in the amount of \$100,000 per year, in order to keep the costs down for library cards. In recent years that amount has been reduced to \$50,000 due to the pinch that everyone is feeling. While he is sensitive to the concerns of the taxpayers, Commissioner Anderson said reading is the key ingredient to education as it helps develop the creative side of a child's mind.

Commissioner Anderson moved to approve a resolution placing the question of a rural partial-county library district within the unincorporated areas of the Anacortes, Burlington-Edison, Conway, Mount Vernon, and Sedro-Woolley School Districts on the 2005 Special Election ballot, to be conducted by mail. Chairman Munks seconded the motion, which passed. **(Resolution No. R20050079)**

ADJOURNMENT.

Commissioner Anderson made a motion to adjourn the proceedings. Chairman Munks 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