

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 31, 2005**

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| 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. | Work Session – Skagit River Feasibility Study |
| 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. | Public Hearing – Amending the Burning Permit Fees and Civil Infraction Schedule Proposed by the Skagit County Fire Marshal’s Office |
| 1:15 p.m. – 1:30 p.m. | Bid Opening – Diesel Fuel for the Guemes Island Ferry |
| *T 1:30 p.m. – 2:30 p.m. | <u>Public Works Department – Chal Martin, Director</u> <ol style="list-style-type: none">1. Public Hearing – Revision No. 2 to the Adopted Comprehensive Six-Year Transportation Improvement Program for 2005 – 20102. Presentation - Certificate of Good Practice from the Washington State County Road Administration Board3. Discussion - Policy for Setting Fare Revenue Requirements for the Guemes Island Ferry System4. Discussion/Possible Action – Interim Site Designation for Cimarron Transfer & Recycling5. Miscellaneous |
| 2:30 p.m. – 2:45 p.m. | Discussion/Decision – Settlement Agreement between Skagit County and SRV |
| 2:45 p.m. – 3:45 p.m. | Executive Session - Personnel, Litigation and Land Acquisition |

The Skagit County Board of Commissioners met in regular session on Tuesday, May 31, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

WORK SESSION – SKAGIT RIVER FEASIBILITY STUDY.

Staff from the Skagit County Public Works Department updated the Board regarding the Skagit River Feasibility Study.

CONSENT AGENDA.

COMMISSIONERS’ OFFICE:

1. Record of the Proceedings for Monday, May 16, 2005.
2. Record of the Proceedings for Tuesday, May 17, 2005.

BUDGET & FINANCE:

3. Personal Services Agreement with the Skagit County Community Action Agency to provide a variety of services to low-income residents of Skagit County. The contract shall begin on January 01, 2005, and continue through December 31, 2005. Total compensation for this contract is \$105,959. **(Contract No. C20050223)**

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4. Work Plan/Financial Plan between Skagit County and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to protect human health and safety, livestock health, crops, and property by removing or reducing populations of European starlings, blackbirds, cowbirds, and pigeons. The contract shall commence on May 2, 2005 and continue through May 01, 2006. The total contract amount totals \$22,418. **(Contract No. C20050224)**
5. Resolution to approve an Interfund loan in an amount not to exceed \$2 million dollars from Fund 341 to Fund 340. **(Resolution No. R20050184)**

FACILITY MANAGEMENT:

6. Amendment No. 2 to Family Resource Center Lease Agreement **No. 3635** with Skagit County Community Action, Skagit/Island Head Start, Catholic Community Services, and Skagit Preschool and Resource Center. The original contract amount was \$10,980. per month; therefore, making the new contract amount \$12,982, to commence May 1, 2005, through October 1, 2013. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A2005101)**

INFORMATION SERVICES:

7. Resolution authorizing the execution of an Interlocal Cooperative Agreement between Skagit County; the Cities of Anacortes, Burlington, Mount Vernon, Sedro-Woolley; Public Utility District #1 of Skagit County; and The Port of Skagit County regarding the creation of a communications Network throughout the County. **(Resolution No. R20050185)**
8. Microsoft Software Purchase Agreement, which allows Skagit County to purchase Microsoft software licensing at a discounted rate previously bid between Microsoft and the Department of Information Services. The contract shall commence June 1, 2005, and continue through May 31, 2008. **(Contract No. C20050225)**
9. Contract for procurement and maintenance of Decision Support Panel Portal Edition Software. This product will provide high level budget analysis tools to Department Heads and Elected Officials for expenditures and revenues. The contract shall commence upon the date of execution. Total compensation is expected to be \$5,994. **(Contract No. C20050226)**

PLANNING & DEVELOPMENT SERVICES:

10. Resolution upholding the Hearing Examiner's Findings of Fact, Conclusions of Law and Decision Regarding Special Use Permit Application No. PL04-0176 by Cimarron Transfer and Recycling Company in regard to Appeal No. PL05-0143, submitted by Roger Pederson. **(Resolution No. R20050186)**
11. Resolution denying Appeal No. PL04-0878 of the Hearing Examiner's Decision No. PL04-0560, denying a request for a reduction in setbacks, submitted by Charles Scheid (PL03-0732). **(Resolution No. R20050187)**
12. Resolution pertaining to Closed Record Appeal Nos. PL05-0159 and PL05-160, regarding a Special Use Permit Application Modification No. PL04-0167 for the Bow Hill Mill. **(Resolution No. R20050188)**

PUBLIC HEALTH DEPARTMENT:

13. Resolution authorizing the execution of an Interlocal Cooperative Agreement between Skagit County and the Washington State Department of Ecology for funding of the "Skagit Septic System

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Improvement Pilot Project” to expand and increase the effectiveness of the existing Septic System Operations & Maintenance Program. **(Resolution No. R20050189)**

14. Centennial Clean Water Fund Grant Agreement between Skagit County and the Washington State Department of Ecology to provide funding for the “Skagit Septic System Improvement Pilot Project”. This contract provides \$152,976 to expand and increase the effectiveness of the existing Septic System Operations & Maintenance Program. The project includes monetary incentives to encourage homeowners in target areas to obtain septic system inspections and improvements. The contract shall commence upon the date of execution and continue until December 31, 2008. **(Contract No. C20050227)**

RISK MANAGEMENT:

15. Personal Services Agreement with the Evergreen Safety Council, which will provide various safety trainings as requested. This agreement shall commence on May 1, 2005, and continue until December 31, 2005. Compensation is not to exceed a total of \$5,000. **(Contract No. C20050228)**

YOUTH AND FAMILY SERVICES:

16. Agreement between Skagit County Youth and Family Services and Inslee and Maxwell, Associates, who will provide specialized juvenile offender, adolescent, adult and or family assessment, evaluation and treatment, group consultation, education classes and monitoring with written reports as referred by Skagit County. The contract shall begin May 1, 2005, and continue through April 30, 2007. Compensation is not to exceed a total of \$10,000. **(Contract No. C20050229)**
17. Amendment No. 1 to Vendor Services Agreement **No. C20050130** with Julian Byrd, which provides an additional amount of \$950 for transportation and meal reimbursement, for a new contract total of \$41,110. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050102)**

PUBLIC WORKS:

18. Contract Amendment No. 2 to Vendor Services Agreement **No. C20030300** with Reisner Distributors, Inc., which adds and additional \$24,000 to the contract to cover unanticipated increases in fuel market prices for the Guemes Island Ferry, for a new contract total of \$152,500. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050103)**
19. Resolution accepting and awarding the three latest model diesel engines and reduction gears for the Guemes Island Ferry to Cummins Northwest, Inc. These engines will be installed during the fall of 2005 M/V Guemes haul-out and dry docking. Compensation shall total \$355,584.45. **(Resolution No. R20050190)**
20. Resolution establishing a County Road Project, ES40152-4 for work needed to repair and maintain the Guemes Ferry Transfer Span bearings. This repair is listed as No. 13 on the 2005 Annual Construction Program and local funds will be used for this project in the amount of \$103,750. **(Resolution No. R20050191)**
21. Resolution declaring a sole source purchase for the Guemes Island Ferry bearing assemblies fabricated by Jesse Engineering. Skagit County desires to have the bearings fabricated and available for installation before the ferry haul-out scheduled for September 2005. **(Resolution No. R20050192)**

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22. Resolution authorizing the closure of Fir Island Road to through traffic at the South Fork Bridge in Conway (Milepost 0.41) in order to mill and repave the bridge deck. The expected roadway closure should not exceed fourteen calendar days and will commence from June 13, 2005, through June 24, 2005, or dates to be determined by the County Engineer. **(Resolution No. R20050193)**
23. Resolution AND Contract awarded to Rinker Materials for the 2005 Aggregate Crushing Project, CCP-122-9. Total compensation shall amount to \$540,472.04. **(Resolution No. R20050194)**
24. Agreement with the Rural Arterial Program Project from CRAB. Skagit County has been awarded \$93,975 for the grading, drainage, widening and resurfacing of Prairie Road at Milepost 01.10 to 02.21 (Old Hwy 99 N. to the Samish River Bridge). **(Contract No. C20050231)**
25. Agreement with Rural the Arterial Program Project from CRAB. Skagit County has been awarded \$400,000 for widening, grading and resurfacing of Kelleher Road at Milepost 00.00 to 00.90. This project is listed on the 2005-2010 Six Year TIP. **(Contract No. C20050232)**
26. Vendor Services Agreement with Industrial Mowing & Spraying, which allows the Contractor to mow vegetation at the closed Inman Sanitary Landfill twice a year during 2005 and 2006. The agreement shall commence on June 1, 2005, and continue through December 31, 2006. Compensation is not to exceed a maximum amount of \$9,500. **(Contract No. C20050233)**
27. Amendment No. 1 to Local Agency Standard Consultant Agreement **No. C20030420** with Shearer Design LLC for the design of the Burlington Alger Bridge Replacement. The amendment revises the Scope of Work to include bridge widening and permit and utility coordination and adds an additional \$17,810 for a new contract total of \$87,810. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050104)**
28. Local Agency Standard Consultant Agreement with Abeyta & Associates to provide right-of-way services for various Skagit County projects. The agreement shall commence on April 13, 2005, and continue through April 13, 2007. Compensation shall total \$99,000. **(Contract No. C20050234)**
29. Amendment No. 1 to Vendor Services Agreement **No. C20040210** with Alpine Heating and Cooling, which increases the contract amount by \$500 for a new contract total of \$5,500. This amendment covers unanticipated repairs needed on the heating and cooling system. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050105)**
30. Vendor Services Agreement with Kamps Painting Company, Inc. to provide the installation of pavement markings, in conjunction with the Main Street Reconstruction Project, which includes the Concrete Senior Center Parking Lot Project. The agreement shall commence on April 18, 2005, and continue through April 18, 2006. Compensation shall total \$7,000. **(Contract No. C20050235)**
31. Personal Services Agreement with Edge Analytical to provide services for the Solid Waste and Surface Water Management sections of the Public Works Department and for the Health Department. Services include analyzing water, soil, sediment, and/or sludge samples submitted by the County as directed. The agreement shall commence June 1, 2005, and continue through May 31, 2007. Compensation is not to exceed \$225,000. **(Contract No. C20050236)**

MISCELLANEOUS.

1. County Administrator Gary Rowe presented a Resolution to provide defense to David Svaren in a lawsuit by the State of Washington, filed by the Skagit County Prosecutor's Office.

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Commissioner Dahlstedt motioned to approve the Resolution as outlined by Mr. Rowe. The motion was seconded by Commissioner Anderson and passed unanimously. **(Resolution No. R20050200)**

2. Chris Hagedorn, Public Works Construction Manager, presented a Resolution authorizing the closure of Morford Road, #05550, for the purpose of installing drainage pipe from Judy Reservoir under Morford Road by Public Utility District #1.

Commissioner Dahlstedt motioned to approve the road closure as outlined by Mr. Hagedorn. The motion was seconded by Commissioner Anderson and passed unanimously. **(Resolution No. R20050196)**

3. Staff presented a Resolution authorizing the execution of an Interlocal Agreement between Skagit County and the United States Department of Agriculture.

Commissioner Dahlstedt motioned to approve the Resolution as outlined. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050197)**

4. 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, May 31, 2005, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 197424 through 197873 from Clearing Fund 696 in the total dollar amount of \$2,044,143.50 (Transmittal No. C-65-05); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$114,588.25 (Transmittal No. C-66-05); and

Warrants numbered 197874 through 197942 from Clearing Fund 696 in the total dollar amount of \$106,687.03 (Transmittal No. C-67-05); and

ACH Transfer Request Form and Certification to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$264. (Transmittal No. C-68-05); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$33,670.03 (Transmittal NO. C-69-05); and

Warrants numbered 197943 through 198326 from Clearing Fund 696 in the total dollar amount of \$2,959,748.26 (Transmittal No. C-70-05); and

Warrants numbered 198327 through 198388 from Clearing Fund 696 in the total dollar amount of \$61,735.96 (Transmittal No. C-71-05); and

Payroll warrants numbered 966586 through 966747 in the total dollar amount of \$189,901.89 (Transmittal No. P-10-05); and

Payroll warrants numbered 166262 through 167057 from Clearing Fund 696 in the total dollar amount of \$951,772.49 (Transmittal No. P-20-05).

PUBLIC COMMENT PERIOD.

During the public comment period, Jim Bucknell of 16890 Colony Road in Bow thanked the Board for their decision regarding the Bow Hill Mill appeals. Mr. Bucknell urged the Board to take a close, hard look at the Mill's sound mitigation plan after a 12-month period to assess whether or not the plan has been successful.

PUBLIC HEARING – AMENDING THE BURNING PERMIT FEES AND CIVIL INFRACTION SCHEDULE PROPOSED BY THE SKAGIT COUNTY FIRE MARSHAL'S OFFICE.

Fred Wefer, Fire Marshal, asked for the Board's approval to amend Ordinance No. O20020005 and Chapter 12.6 of the Skagit County Code regarding burn permits and illegal burning. Mr. Wefer said the amendment includes references to the International Fire Code, rather than the Uniformed Fire Code. The International Fire Code was adopted by Skagit County, via Skagit County Code 15.04.020(6), to replace the previously adopted Uniformed Fire Code. In addition, by updating the Ordinance, Mr. Wefer said the Department will be correcting some errors in the Ordinance and will be paving the way for Skagit County to keep some of the revenue at the local level.

Mr. Wefer also requested the Board's approval to amend Resolution No. R20020310, which outlines burning permit fees and the civil infraction schedule. The amendment will allow the Department to correct some inconsistencies in the Resolution, as well as reducing the civil infraction rate, which was incorrectly outlined in that Resolution.

Chairman Munks opened the public hearing. There being no public testimony forthcoming, Commissioner Dahlstedt motioned to close the public hearing. Commissioner Anderson seconded the motion, which passed. The public hearing was closed.

Commissioner Dahlstedt motioned to approve the Ordinance as outlined by Mr. Wefer. Commissioner Anderson seconded the motion, which passed unanimously. **(Ordinance No. O20050008)**

Commissioner Dahlstedt motioned to approve the Resolution as outlined by Mr. Wefer. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050198)**

BID OPENING – DIESEL FUEL FOR THE GUEMES ISLAND FERRY.

Steve Cox, Ferry Manager, reported that no bids were received for diesel fuel for the Guemes Island Ferry. Mr. Cox indicated that the project would be re-submitted for bids within the next week.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Public Hearing – Revision No. 2 to the Adopted Comprehensive Six-Year Transportation Improvement Program (TIP) for 2005-2010.

Steve Flude, Assistant Public Works Engineer, stated that the revision to the TIP is being made primarily to include three important new projects: the Mount Vernon College Way/Riverside Drive Intersection Project, the Hodgkin Street/SR 20 to Cook Road Connector Arterial, and replacement of the Guemes Island Ferry.

A brief discussion ensued regarding concerns Commissioner Anderson raised in connection with the Mount Vernon College Way/Riverside Drive project.

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

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Commissioner Dahlstedt motioned to authorize a Resolution approving the revision to the Six-Year Transportation Improvement Program for 2005-2010 as outlined by Mr. Flude. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050199)**

2. Presentation – Certificate of Good Practice From the Washington State County Road Administration Board.

The Commissioners awarded a Certificate of Good Practice from the Washington State County Road Administration Board (CRAB) to the Skagit County Public Works Department. The Certificate will assure the continued distribution of monthly State gas tax allotment from the Office of the State Treasurer. Mr. Flude accepted the award on behalf of the Department. The Commissioners gave accolades to all staff members that were involved.

3. Discussion – Policy for Setting Fare Revenue Requirements for the Guemes Island Ferry System.

Mr. Flude next discussed Guemes Island Ferry System ridership projections and system-wide expenditures through 2020. Mr. Flude stated that fares paid by riders fall well short of paying for operations of the ferry, much less the capital improvements that have been made over the past few years.

Public Works Director Chal Martin indicated that fares need to be increased; however, he doesn't yet have a specific proposal for how much. Mr. Martin said the Guemes Island Ferry Committee would like to see a roundtable process to discuss the fare situation. He said in the short term, the system's revenues need to increase by 25% this year, and then another 25% next year.

Commissioner Anderson said it is also time to begin saving money for a replacement ferry. Mr. Martin stated that the target date for replacement would be between 10 and 20 years; however, the issue needs to be studied further.

4. Discussion/Possible Action – Interim Site Designation for Cimarron Transfer and Recycling.

Dave Brookings, Public Works Administrator, presented a Resolution granting an interim site designation to Cimarron Transfer and Recycling Company for the development of an MSW composting and recycling facility. Mr. Brookings stated that the Department feels the Resolution should be reviewed by the Municipalities Committee in accordance with Interlocal Cooperative Agreement No. C20040228, which states that changes to the solid waste system should be submitted to a committee of city officials for review before the County Commissioners make their decision. Mr. Brookings said the Committee is scheduled to meet on June 15, 2005.

Commissioner Dahlstedt made a motion to delay action on the proposal until June 28, 2005, at 9:00 a.m. The motion was seconded by Commissioner Anderson and passed with a unanimous vote.

5. Miscellaneous.

- 1) Gary Stoyka of the Skagit County Public Works Department asked the Commissioners to sign a letter addressed to the Whatcom County Council in support of the WRIA 1 Watershed Management Plan as it applies to areas within Whatcom County. Mr. Stoyka said staff has reviewed the plan and consider it to be a notable step forward in addressing water resource issues for the areas of WRIA 1 located within Whatcom County. He indicated that the plan does not require financial or policy input from the County for areas of WRIA 1 that are located within Skagit County.

Bruce Roll, Assistant Director of the Whatcom County Public Works Department, explained that part of the process of passing Whatcom County's Watershed Plan requires that all counties with

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territory lying within WRIA 1 to support the plan. Mr. Roll said that although nothing is planned for Skagit County's portion, a letter of support is needed by the Commissioners.

Mr. Stoyka indicated that Joe Mentor of Mentor Law Group has reviewed the letter and had no objection to it.

Commissioner Dahlstedt motioned to approve the letter as presented by Mr. Stoyka. Commissioner Anderson seconded the motion, which passed unanimously. **(Approved)**

2. Mr. Martin briefly discussed the Blanchard and Edison SRT (Self Regulating Tidegate) projects.

DISCUSSION/DECISION – SETTLEMENT AGREEMENT BETWEEN SKAGIT COUNTY AND SRV CONSTRUCTION, INC.

Paul Reilly, Civil Prosecutor, presented a final Settlement Agreement between Skagit County and SRV Construction, Inc. Mr. Reilly indicated that Commissioner Anderson was a member of the negotiating team.

Commissioner Dahlstedt made a motion to approve the Settlement Agreement with SRV as outlined by Mr. Reilly. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. C20050237)**

MISCELLANEOUS.

Mr. Reilly brought forth a Resolution to provide a defense to Ed Goodman, George A. Smith, B. W. Bowers, David Corrión, Todd Oakes, and K. Garl Long in a lawsuit filed by Gordon Henderson.

Commissioner Dahlstedt motioned to approve the Resolution as outlined by Mr. Reilly, which was seconded by Commissioner Anderson. The motion passed with a unanimous vote. **(Resolution No. R20050201)**

Mr. Reilly next presented a Resolution to provide a defense to Deanna Randall in a lawsuit filed by John T. Lallas and Irene Lallas.

Commissioner Dahlstedt made a motion to approve the Resolution as outlined by Mr. Reilly. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050202)**

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

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Ted W. Anderson, Commissioner

ATTEST:

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