

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 25, 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 |
| 9:30 a.m. – 10:30 a.m. | Closed Record Appeal of Hearing Examiner’s Decision by the Citizens to Save Pilchuck Creek (PL05-0314) |
| 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. | Public Hearing – 2005 Budget Amendments |
| *T 1:30 p.m. – 2:30 p.m. | Work Session – Guemes Ferry Proposed Rate Increase |
| 2:30 p.m. – 4:30 p.m. | Executive Session – Personnel, Litigation and Land Acquisition |

The Skagit County Board of Commissioners met in regular session with Commissioners Kenneth A. Dahlstedt and Ted W. Anderson present. Commissioner Don Munks’ absence was excused.

CLOSED RECORD APPEAL OF HEARING EXAMINER’S DECISION BY THE CITIZENS TO SAVE PILCHUCK CREEK (PL05-0314).

David Hough, Special Projects Consultant for the Planning and Development Services Department, explained that this is a closed record appeal of the Hearing Examiner’s decision, which was made on May 23, 2005, to approve a Shorelines Substantial Development Permit and Variance; a Special Use Permit; and a Critical Areas Variance Permit issued for a proposed shooting range located between SR 9 and Lake Cavanaugh.

Mr. Hough continued to explain that the project was first approved in 1997. It was appealed and remanded back to Skagit County. The project being proposed is a rifle range; a shotgun trap and skeet range; an archery range; and associated facilities such as parking and a communications center. As approved by the Hearing Examiner, Mr. Hough said it does not include any enclosed structures.

Jeff Eustis, Attorney for the Citizens to Save Pilchuck Creek, discussed a letter that he had sent to the Board dated July 19, 2005, asking for documentation regarding any ex parte communications with interested parties on the shooting range proceedings. Mr. Eustis asked that they put any of those communications on the record as required by state law. Mr. Eustis questioned the Commissioners as to whether there were any ex parte issues they would like to share for the record.

Commissioner Anderson advised Mr. Eustis that he has not had any ex parte issues since this appeal was filed. Mr. Anderson also said that he had been asked questions and had received letters but does not believe that these are considered ex parte issues as they are almost identical to those issues already being presented in the appeal.

Commissioner Dahlstedt also advised Mr. Eustis that he too had no ex parte issues that he wished to put on the record. He, too, said he had received occasional letters from those citizens opposed to the gun range.

Mr. Eustis told Commissioner Dahlstedt that one of the reasons for the request is that a member of the SSTA heard that he had said he supported the gun range. Commissioner Dahlstedt responded that the County Commissioners have for supported the gun range for 12 years. Commissioner Dahlstedt then asked Mr. Eustis to move forward with the proceedings.

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Commissioner Anderson said he'd reviewed the record and wondered if all items, which were presented to the Hearing Examiner, were made available for the Board. He said he didn't recall seeing Exhibits R1 and R2. Commissioner Anderson also stated that Mr. Eustis included a noise center for the hard of hearing. He asked if these items were part of the appeal to the Hearing Examiner. When Mr. Eustis stated that they were not, Commissioner Anderson told Mr. Eustis that the Commissioners were only to consider evidence that was heard before the Hearing Examiner. Commissioner Anderson asked that those items be stricken from the record.

Mr. Reilly said Skagit County Code clearly states that, "no new evidence or testimony shall be given or received to the parties in which the appeals has been made." Mr. Reilly advised the Board that he would support a motion to strike the additional documents.

Commissioner Anderson made a motion to strike all five items listed on the addendum of the appeal submitted by Mr. Eustis. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Mr. Eustis said he feels the project is inconsistent with current zoning laws and the Comprehensive Plan. He argued that the plan is for 80 acres of a 400-acre site on land zoned Industrial Forest, which allows primitive recreation. According to Mr. Eustis, state law is clear that forest lands are to be preserved for timber productions and not for recreation.

Mr. Reilly argued that Mr. Eustis continues to address zoning issues, which were decided long ago. The only issues still up for debate are those surrounding the range's Shorelines Permit, which covers safety and environmental impacts. He said all the issues that Mr. Eustis has discussed are predictions and assertions. Mr. Reilly asked the Board to make the same finding as the Hearing Examiner did.

Mr. Eustis stated that in order for the shooting range to be developed, there needs to be a Special Use Permit, which also requires that there be consistency with zoning laws and the Comprehensive Plan. According to Mr. Eustis, the County knows this project cannot meet the requirements for the Special Use Permit.

Mr. Hough read the Hearing Examiner's decision dated May 23, 2005, which states that subject to the conditions set forth, the Special Use Permit, the Critical Areas Variance Permit, the Shorelines Substantial Development Permit, and the Shoreline Variance are all approved. Mr. Hough advised that he felt the issues of zoning that Mr. Eustis had discussed should have been dealt with when the zoning plan was adopted.

Commissioner Anderson motioned to render a decision on this matter on Monday, August 1, 2005, at 1:30 p.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Mr. Eustis noted for the record that he would be out of town and unable to attend the decision hearing, which is scheduled for Monday, August 1, 2005.

CONSENT AGENDA.

Commissioner Dahlstedt motioned to approve the Consent Agenda for Monday, July 25, 2005, items 1 through 30. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, July 11, 2005.
2. Record of the Proceedings for Tuesday, July 12, 2005.

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ADMINISTRATIVE SERVICES:

3. Resolution authorizing a call for a public hearing regarding the proposal for Skagit County and Douglas County to apply for a Community Development Block Grant to conduct a farmworkers housing needs assessment. The hearing will take place on Monday, August 8, 2005 at 1:30 p.m. **(Resolution No. R20050254)**
4. Vendor Service Agreements with the Skagit Valley Herald and Skagit Weekly News Group to provide advertising services for Skagit County. The agreements shall become effective July 1, 2005, and continue through June 30, 2006. Compensation is not to exceed a total of \$50,000 for each contract. **(Contract No. C20050298 AND C20050299)**

BUDGET/FINANCE:

5. Amendment No. 1 to Interlocal Agreement **No. C20040144** between Skagit County and the City of Mount Vernon. The amendment is to provide funding in the amount of \$5,876.40 for excess video production services for 2004, for a total revised contract total of \$23,876. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050131)**
6. Amendment No. 1 to Interlocal Agreement **No. C20040364** between Skagit County and Northwest Youth Services. The amendment will extend the expiration date to February 16, 2006, and changes the county address in section 5.1 to 1800 Continental Place, Suite 100, Mount Vernon, WA 98273. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. 20050132)**

COMMISSIONERS' OFFICE:

7. Resolution re-appointing Tommy Dellinger to the Skagit County Noxious Weed Control Board for a term of four years, effective August 1, 2005, and ending on July 30, 2009. **(Resolution No. R20050255)**
8. Resolution re-appointing Jim Hinton to the Skagit County Noxious Weed Control Board for a term of four years, effective August 1, 2005, and ending on July 30, 2009. **(Resolution No. R20050256)**
9. Resolution re-appointing Janet Loyd to the Darrington Library District Board of Trustees, effective February 20, 2005, and expiring on February 10, 2010. **(Resolution No. R20050257)**
10. Personal Service Agreement with Likkell & Associates to provide transcript services and key word indexing to the Skagit County Commissioner's Office for public hearings requiring such services on an as-needed basis. This agreement shall commence on July 27, 2005 and continue through December 31, 2006. Maximum consideration for these services shall not exceed \$10,000. **(Contract No. C20050300)**

FACILITY MANAGEMENT:

11. Resolution awarding the bid for the roof replacement project at 1800 Continental Place, Mount Vernon, to Scholten Roofing, Inc. for the low bid of \$102,000. **(Resolution No. R20050258)**

HEALTH DEPARTMENT:

12. Amendment No.2 to Interagency Agreement **No. C20050048** between Skagit County and the Washington State Department of Health to provide additional funding for the HCCW Infant/Toddler, EHP/Drinking Water and WIC programs, and removes from Focus B from PHEPR. The amendment increases the compensation amount by \$4,873 for a new contract total

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of \$816,951. All other terms and conditions of the original contract shall remain in effect.
(Amendment No. A20050133)

13. Amendment No. 3 to Interagency Agreement **No. C20050048** between Skagit County and the Washington State Department of Health, which adds funding in the amount of \$17,735 for the EHP/Drinking Water, Hospital Preparedness, Beach/Seawater and WIC programs. The boilerplate was changed to incorporate language about "Protected Health Information" as per HIPAA requirements and grantor liability for their subcontractors was added. The new contract total is \$834,686. All other terms and conditions of the original contract shall remain in effect.
(Amendment No. A20050134)

HUMAN RESOURCE: S

14. Resolution authorizing the amendment to Section 19 of the Skagit County Personnel Policies and Procedures Manual. **(Resolution No. R20050259)**
15. Resolution authorizing the purchase of annual commercial insurance. **(Resolution No. R20050260)**

PARKS AND RECREATION:

16. Vendor Services Agreement between Skagit County and Lyrch and Associates for the replacement of a failed gravity fed drain field serving a comfort station at Howard Miller Steelhead Park. The existing gravity bed is to be replaced with pressurized trenches. The agreement shall commence on June 1, 2005, and continue through May 31, 2006. Total compensation is not to exceed \$33,608. **(Contract No. C20050301)**

YOUTH AND FAMILY SERVICES:

17. Amendment No. 2 to Personal Services Agreement **No. C200400180** with YOUTHNET, which extends the period for the provision of Emerson High School Summer School to include the year 2005. All other terms and conditions of the original contract shall remain in effect.
(Amendment No. A20050135)

PUBLIC WORKS:

18. Resolution approving County Road Project #31010-3, which authorizes funding for planning, design, permits, right-of-way acquisition, construction engineering and day labor construction to construct and improve 0.6 miles of Farm to Market Road. Work will include road bed repair, asphalt overlay, shoulder repair, and survey monument adjustment. **(Resolution No. R20050261)**
19. Resolution authorizing a call for bids for the repair of the scour protection around Piers 4 and 5 of Bridge #40037 over the North Fork of the Skagit River located on Best Road in Skagit County. The bid opening is scheduled for August 16, 2005, at 11:00 a.m. **(Resolution No. R20050262)**
20. Resolution awarding the bid for one used three axle truck with bin roll-off system to Motor Trucks, Incorporated for the low bid of \$57,346. **(Resolution No. R20050263)**
21. Resolution awarding the bid for one latest model tractor with mower/brushcutter attachment to Coastline Tractor for the low bid of \$82,470.84. **(Resolution No. R20050264)**
22. Amendment No. 1 to Local Agency Standard Consultant Agreement **No. C20040222** with BERGER/ABAM Engineers, Inc., which adds additional Scope of Work for the North Fork Bridge Scour Repair project. It also increases compensation by \$23,496 for a new contract total of

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- \$66,200. All other terms and conditions of the original contract shall remain in effect.
(Amendment No. A20050136)
23. Resolution AND Interlocal Agreement between Skagit County and the City of Mount Vernon, which enables the County to provide materials, equipment rental and perform work on a reimbursable basis for roadway maintenance activities. The agreement shall commence on April 4, 2005, and continue through December 31, 2009. **(Resolution No. R20050265 AND Contract No. C20050302)**
24. Resolution AND Interlocal Agreement between Skagit County and the City of Mount Vernon. The purpose of this agreement is to outline the roles and responsibilities of the County and the City of Mount Vernon on the Anderson/LaVenture Road Extension Project. The Public Works Department will manage the funding, preliminary engineering, right of way acquisition and construction of this federally funded project. The agreement shall commence upon the date of execution. **(Resolution No. R20050266 AND Contract No. C20050303)**
25. Resolution awarding the contract for three new latest model diesel engines and reduction gears for the Guemes Island Ferry to Cummins Northwest, Inc., for the low bid of \$355,584.45. **(Resolution No. R20050267)**
26. Vendor Services Agreement with Cummins Northwest, Inc. to provide three new latest model diesel engines and reduction gears for the Guemes Island Ferry. The agreement shall commence upon the date of execution. Compensation is being paid at the total sum of \$355,584.45. **(Contract No. C20050304)**
27. Resolution awarding the contract for diesel fuel purchases for the Guemes Island Ferry to Reisner Distributor, Inc., for the low bid of \$170,050. **(Resolution No. R20050268)**
28. Vendor Services Agreement with Reisner Distributor, Inc., for diesel fuel purchases for the Guemes Island Ferry. The agreement shall commence upon the date of execution and continue through June 30, 2007. Compensation not to exceed a total amount of \$170,050. **(Contract No. C20050305)**
29. Resolution AND Interlocal Cooperative Agreement between Skagit County and the City of Mount Vernon. The purpose of this agreement is to share monetary, administrative and technical support between the County and the City to perform feasibility and needs assessment study for a multi-level park and ride facility in downtown Mount Vernon. The City and the County will equally provide 50% of the cost of the project, with a maximum contribution of \$50,000 each. The agreement shall commence on May 15, 2005, and continue through December 15, 2005. **(Resolution No. R20050269 AND Contract No. C20050306)**
30. Local Agency Standard Consultant Agreement with E.D. Hovee & Company to perform feasibility study for the Mount Vernon Parking Garage. The agreement shall commence upon the date of execution and continue through December 31, 2005. Total compensation not to exceed \$67,500. **(Contract No. C20050307)**

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, July 25, 2005, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

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Warrant numbered 201478 through 201877 from Clearing Fund 696 in the total dollar amount of \$1,864,653.35 (Transmittal No. C-92-05); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$33,801.51 (Transmittal No. C-93-05); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$142,267.09 (Transmittal No. C-94-05); and

Warrants numbered 201878 through 202336 from Clearing Fund 696 in the total dollar amount of \$1,456,047.51 (Transmittal No. C-95-05); and

Warrants numbered 169672 through 170625 from Clearing Fund 695 in the total dollar amount of \$1,109,135.42 (Transmittal No. P-27-05); and

Warrants numbered 967371 through 967201 from Clearing Fund 695 in the total dollar amount of \$196,695.37 (Transmittal No. P-28-05); and

Warrants numbered 11 through 11 from Clearing Fund 695 in the total dollar amount of \$1,772.88 (Transmittal No. P-29-05).

2. Gary Rowe, County Administrator, brought forth two letters for the Board's signatures, the first of which was addressed to Washington State Governor Christine Gregoire and the second to Mr. Bob Lohn, Regional Fisheries Administrator. These letters comment on the recent release of the Salmon Recovery Plan for Skagit Chinook salmon and include information about the plan that was developed by Fisheries Co-Managers. They believe the master fishery service should be sent back to the Skagit community. Support for this issue is being requested.

Commissioner Anderson motioned to approve the letters as outlined by Mr. Rowe. The motion was seconded by Commissioner Dahlstedt and passed. **(Approved)**

3. Commissioner Dahlstedt made a motion to ratify the action of the Prosecuting Attorney's Office and authorize the Civil Division to send a letter to outside counsel tendering defense and indemnification of the Hoyland-Smith matter to the professional liability insurer. Commissioner Anderson seconded the motion, which passed unanimously.

PUBLIC COMMENT PERIOD.

Glen Veal of the Guemes Island Ferry Committee expressed concerns regarding the fare increase proposal submitted by Public Works. He said he feels that the proposal is addressing a year in which there were lower revenues and higher fares. Mr. Veal also said the proposal is not fair as it will decrease revenues. Mr. Veal stated that at some point he had asked Mr. Martin to produce a fare model and was advised that it doesn't exist.

Victor Garcia, 6204 Guemes Island Road, Anacortes, read a letter from Carl Cady, another Guemes Island Ferry Committee member, who was unable to attend. Mr. Garcia also spoke of the apprehensions he has regarding an increase in ferry fares.

PUBLIC HEARING – 2005 BUDGET AMENDMENTS.

Trisha Logue, Budget & Finance Administrator, brought forth a resolution to approve a 2005 budget amendment. Ms. Logue went stated that Skagit County had received additional funds in the form of grants and payments for services subsequent to the budget adoption. She reviewed the list of approved funds.

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Commissioner Dahlstedt moved to approve the resolution as presented by Ms. Logue. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050270)**

WORK SESSION – GUEMES FERRY PROPOSED RATE INCREASE.

Chal Martin, Director of Public Works, advised the Board that the Guemes Island Ferry rate increase proposal, which was presented at the July 6, 2005, public hearing has been modified. Mr. Martin believes that revenues collected from fares should be applied to the actual, necessary costs of the operation; maintenance; repair; debt service; and negotiated management fees associated with the operation of the Ferry.

Mr. Martin said the RCW states that “Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1990.” Mr. Martin advised the Board that his staff has reviewed the fares dating back to 1990.

A question was asked regarding Federal funding. Mr. Martin indicated that he has been waiting to hear from contacts in Washington, D.C. and hoped to have more information at the time of this work session.

According to Mr. Martin, many citizens indicated that if the fares were raised substantially, they would circumvent the increase by parking their cars at the Anacortes lot and pay for a passenger only ticket. Questions were raised regarding truck fares. Mr. Martin said staff agreed that a greater adjustment to truck rates should be made; therefore, further adjustments were reflected in the fare proposal.

Public Works staff met with the Inlandboatmen’s Union, which represents the ferry crew, to determine how much it would cost to increase hours on the Ferry. During these meetings they exchanged proposals, which included hours of operation and shift staffing. Mr. Martin indicated that staff members have not responded to the union’s proposal as they are still involved in negotiations. The biggest cost issue is having a 3-man crew vs. a 4-man crew, which continues to be brought up by the islanders.

Commissioner Anderson noted that a fourth crew member has been used in the past and continues to be utilized on normal shifts.

Mr. Martin advised the Board he will bring two proposals forward regarding an extended schedule. One proposal will increase fares in the summer and one proposal will not.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

Melissa Collins, Assistant Clerk of the Board
Skagit County Board of Commissioners