

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 6, 2006**

- |                                   |  |
|-----------------------------------|--|
| 8:00 a.m. – 8:45 a.m.             | Work Session – County Commissioners  |
| 8:45 a.m. – 9:30 a.m.             | Work Session – County Administrator  |
| <b>*T</b> 9:30 a.m. – 10:00 a.m.  | Decision – An Ordinance Amending Chapter 7.01 (Animal Control Measures) of the Skagit County Code  |
| <b>*T</b> 10:00 a.m. – 10:30 a.m. | Consideration of the Hearing Examiner's Recommendation For Approval For the Following Open Space Applications: <ol style="list-style-type: none"><li>1. Ruby Lee Cleave For Approximately 9.72 Acres Located North of Bradley Road in the Plat of Samish River Acres (C/U TROS #2-2005)</li><li>2. Kelly and Heather Schols For Approximately 5.97 Acres Located Northwest of Highway 20 Bordering Gages Slough (C/U TROS #3-2005)</li></ol>   |
|                                   | Consideration of the Hearing Examiner's Recommendation For Approval For the Following Open Space Timber Applications: <ol style="list-style-type: none"><li>1. Parviz "Bryan" and Michelle Kazem For 8.6 Acres Located in a Portion of Lot 1, Short Plat #PL02-0011 Within Section 27, Township 33 North, Range 4 East, W.M. (C/U TMB #8-2004)</li><li>2. Shawn and Diane Moyer For Approximately 1.77 Acres Located Off of Gripp Road, Sedro-Woolley (C/U TRTMB #2-2005)</li><li>3. John and Elaine O'Mara For Approximately 19.74 Acres Located North and South of the South Skagit Highway and South of the Skagit River (C/U TMB #3-2005)</li><li>4. John and Elaine O'Mara For Approximately .26 Acre Located North of the South Skagit Highway and South of the Skagit River (C/U TMB #4-2005)</li><li>5. Michael and Terri Liberski For Approximately 19.48 Acres Located Off of Highway 20 in the Marblemount Area (C/U TRTMB #5-2005)</li><li>6. Donald and Ann Caldwell For Approximately 12.13 Acres Located West of Deception Pass State Park, South of Ginnett Road and East of Cottage Lane (C/U TMB #6-2005)</li><li>7. Thomas and Judy Andre For Approximately 5.93 Acres Located Northeast of Old Day Creek Road and Clear Lake (C/U TMB #7-2005)</li><li>8. Jon Leif Corkery, Et Al For Approximately 3.38 Acres Located on Samish Island, West of Samish Point Road (C/U TMB #8-2005)</li><li>9. Larry and Claire Pinnow For Approximately 38.48 Acres Located on Guemes Island, East of West Shore Drive (C/U TRTMB #9-2005)</li></ol> |
| 10:30 a.m. – 10:45 a.m.           | Bid Opening – Overhaul of Model 370 DF Out-Drive Unit For the M/V Guemes Island  |
| 11:00 a.m. – 11:30 a.m.           | Consent Agenda and Miscellaneous Items   |
| 11:30 a.m. – 11:45 a.m.           | Public Comment Period  |

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\*T 1:30 p.m. – 2:00 p.m.

Decision – Closed Record Appeal No. PL05-0722 by Skagit County Dike District Nos. 1, 12, and 17, the City of Mount Vernon, and the City of Burlington Regarding Hydropower Shoreline Exemption No. PL05-0295, Submitted by Puget Sound Energy

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, February 6, 2006, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

On Wednesday, February 1, 2006, the Commissioners approved an emergency resolution regarding the flooding of Walker Creek at Walker Valley Road. **(Resolution No. R20060035)**

**DECISION – AN ORDINANCE AMENDING CHAPTER 7.01 (ANIMAL CONTROL MEASURES) OF THE SKAGIT COUNTY CODE.**

Civil Deputy Prosecutor Arne Denny briefed the Commissioners on a suggested technical change to the proposed ordinance regarding due process when animals are impounded. Due to time constraints, Mr. Denny said amendments to the ordinance were not incorporated, but will be done in the near future.

Commissioner Munks said the intent of the ordinance was to allow the Skagit County Sheriff's Department to resolve dog barking issues after several complaints. He said it doesn't show responsible ownership of an animal when it barks constantly. Commissioner Munks said the Sheriff's Office spends too much time addressing nuisance animals. They are currently able to give only warnings to repeat offenders; however, this will allow them to deal with the issue more seriously.

Commissioner Anderson suggested that the new ordinance amendment allow for a warning before a fine is issued. After the initial warning, the second violation would be a Class 2 civil infraction with a monetary penalty of \$125. The third violation within a one year period would carry a \$250 penalty. A fourth or subsequent violation by a person within one year would be a criminal misdemeanor punishable with a fine up to \$1,000, ninety days in jail or both.

Commissioner Anderson asked that the language be changed to reflect that such noise is presumed to be a public disturbance if the noise continues for a period of 30 minutes or more, no matter what time of day it is.

Chairman Dahlstedt said the Commissioners have the ability to change the ordinance if it isn't working or isn't serving the interest of the public. Both sides of the issue will be monitored.

Commissioner Anderson motioned to approve the ordinance, including the suggested amendments. Commissioner Munks seconded the motion, which passed unanimously. **(An Ordinance adopting the approved amendments will be forthcoming)**

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR TIMBER OPEN SPACE AND OPEN SPACE APPLICATIONS FOR: RUBY CLEAVE; KELLY AND HEATHER SCHOLS; PARVIZ "BRYAN" AND MICHELLE KAZEM; SHAWN AND DIANE MOYER; JOHN AND ELAINE O'MARA; MICHAEL AND TERRI LIBERSKI; DONALD AND ANN CALDWELL; THOMAS AND JUDY ANDRE; JON LEIF CORKERY, ETAL; AND LARRY AND CLAIRE PINNOW.**

Kiffen Saben of the Assessor's Office was present to answer questions.

Commissioner Anderson stated that the San Juan Island County Assessor's Office has begun reviewing all timber open space applications. They are monitoring whether or not the applicants are actually applying for the exemption to harvest the timber on their property or taking advantage of a tax break.

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After a brief discussion, Commissioner Anderson said he wanted the chance to consider the open space and timber open space applications further. Therefore, he motioned to defer the vote, which was seconded by Commissioner Munks and passed.

**BID OPENING – OVERHAUL OF MODEL 370 DF OUT-DRIVE UNIT FOR THE M/V  
GUEMES ISLAND.**

Ferry Manager Steve Cox opened the following bids for the overhaul of an out-drive unit for the Guemes Island Ferry:

Pacific Star Marine, Inc.  
9913 B Odell Street  
Maple Ridge, BC Canada V2W1M5  
Bid Bond Attached  
Total Bid Amount: \$49,000 (US FUNDS)

Dakota Creek Industries  
P. O. Box 218  
Anacortes, WA 98221  
Bid Bond Attached  
Total Bid Amount: \$42,712

Puglia Engineering, Inc.  
Dba Fairhaven Shipyards  
201 Harris Avenue  
Bellingham, WA 98225  
Bid Bond Enclosed  
Total Bid Amount: \$108,928.55

Mr. Cox indicated that the bids would be reviewed and a recommendation would be forthcoming.

**CONSENT AGENDA.**

Commissioner Anderson motioned to approve the Consent Agenda for Monday, February 6, 2006, items 1 through 21 and items 25 through 36. Commissioner Munks seconded the motion, which passed unanimously. Items 22, 23 and 24 were removed from the agenda pending further information.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, January 23, 2006.

**ADMINISTRATIVE SERVICES:**

2. Resolution authorizing a Personal Services Agreement with Resource Consulting Service, LLC for work related to the establishment of a Northwest Agricultural Center. **(Resolution No. R20060036)**
3. Personal Services Agreement with Resource Consulting Service, LLC for work related to the establishment of a Northwest Agricultural Center. The agreement shall commence on October 1, 2005, and continue until March 17, 2006. Compensation will be at an hourly rate of \$95.00, with a not-to-exceed limit of \$10,000. **(Contract No. C20060048)**

**BUDGET & FINANCE:**

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4. Resolution authorizing an interfund loan in the amount of \$500,000 from the General Fund to the Salmon Recovery Fund to provide necessary cash flow for the newly created Clean Water (Shellfish Protection) Program. **(Resolution No. R20060037)**

**EMERGENCY MANAGEMENT:**

5. Amendment "A" to Homeland Security Grant **No. C20040449** between the Skagit County Department of Emergency Management and the Department of Homeland Security, the Washington State Military-Emergency Management Division, and the Snohomish County Department of Emergency Management. The amendment increases the original allocation for the purpose of purchasing equipment to establish a regional communications cache in the amount of \$44,120. It also moves \$10,000 from the Personnel Fund to the Equipment Fund, extends the expiration date of the contract to May 30, 2006, and revises the budget to reflect the changes noted. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060004)**

**FACILITY MANAGEMENT:**

6. Vendor Services Agreement with Waste Management to provide weekly recycling services at Skagit County Facilities. The agreement shall commence on February 1, 2006, and continue until January 31, 2007. Total compensation is not to exceed \$6,000. **(Contract No. C20060049)**
7. Resolution calling for bids to remodel a portion of the second floor of the Skagit County Courthouse for the purpose of providing additional space for the Court Commissioner's Hearing Room. The bid opening will be held on Monday, February 27, 2006, at 10:30 a.m. **(Resolution No. R20060038)**

**FAIRGROUNDS:**

8. Resolution authorizing the establishment of a Revolving Fund in the amount of \$1500 for the "Garage Sale, Antiques & More" event being held at the Skagit County Fairgrounds from April 1 – 30, 2006. **(Resolution No. R20060039)**

**HUMAN RESOURCES:**

9. Personal Services Agreement with HR Answers, Inc. to provide, as requested by the Human Resource Director/Risk Manager, professional services and all required materials pertaining to Risk Management and Human Resource matters and training. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Total compensation is not to exceed \$15,000. **(Contract No. C20060050)**
10. Collective Bargaining Agreement between Skagit County and Teamsters Local #231 representing Juvenile Correction Employees for the period January 1, 2005, through December 31, 2007. **(Contract No. C20060051)**

**HUMAN SERVICES:**

11. Resolution re-appointing John Doyle to the Skagit County Developmental Disabilities Advisory Board for a three year term beginning on January 10, 2006, and expiring on January 9, 2009. **(Resolution No. R20060040)**
12. Resolution re-appointing Peter Browning to the Skagit County Substance Abuse Board for a three year term beginning February 14, 2006, and expiring on February 13, 2009. **(Resolution No. R20060041)**

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13. Resolution authorizing payment of 15% liquor profits and taxes for the provision of substance abuse treatment and prevention services. This resolution supersedes Resolution No. R20040326. **(Resolution No. R20060042)**
14. Personal Services Agreement with Washington Vocational Services for a continuation of a monthly inclusive recreational and social activity for Skagit County residents who have a developmental disability, specifically transitional youth. The agreement shall become effective on January 1, 2006, and continue until December 31, 2006. Compensation is not to exceed a total of \$6,000. **(Contract No. C20060052)**

**INFORMATION SERVICES:**

15. Amendment No. 7 to Personal Services Agreement **No. C20020325** with ImageSource, Inc., which provides compensation in the amount of \$37,372.31 for software and hardware maintenance and support for the Superior Court Clerk's imaging system from January 31, 2006, through January 30, 2007. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060005)**

**PARKS & RECREATION:**

16. Rafting Contract between Skagit county and Downstream River Runners. This agreement allows launching and exiting onto Skagit County property, commonly known as Howard Miller Steelhead Park. The contractor must provide a \$75 non-refundable permit fee, proof of valid insurance, trip dates, a signed application and a signed contract. At the end of the season, the rafting company will be required to complete an actual use form detailing usage dates and gross revenues for these guided tour rafting trips, submitting full payment of 3% of their gross revenue to Skagit County Parks and Recreation. The agreement shall commence on December 1, 2005, and continue through November 30, 2006. **(Contract No. C20060053)**

**PLANNING & DEVELOPMENT SERVICES:**

17. Resolution waiving permit fees for the Jim Schols and Gerald Spraitzar Short Plat (PL05-0915). **(Resolution No. R20060043)**
18. Resolution re-appointing Jan Ellingson to the Skagit County Planning Commission for a period of four years beginning March 27, 2006, and expiring on March 26, 2010. **(Resolution No. R20060044)**
19. Renewal of Interim Ordinance O20050010 establishing interim controls on the permitting of single family residences in the Industrial Forest-Natural Resource (IF-NRL) zone that are located outside of existing fire district boundaries. **(Ordinance No. O20060001)**

**PROSECUTING ATTORNEY:**

20. Partial Satisfaction and Release of Judgment in the Halverson, et al. v. Skagit County case as it relates to Cliff and Linda Jagger, who shall pay \$1,415.29 for said release. **(Approved)**
21. Partial Satisfaction and Release of Judgment in the Halverson, et al. v Skagit County case as it relates to Richard and Shelly Van Pelt, who shall pay \$1,418.55 for said release. **(Approved)**
22. Personal Services Agreement with Davis Wright Tremaine, LLP., to provide consultation, representation and services relating to the review and possible litigation matter described as the Relicensing of the Baker Dam Project. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Total compensation is not to exceed \$240,000. **(This item was removed from the Consent Agenda pending further information)**

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23. Personal Services Agreement with Bart Freedman and Preston Gates & Ellis to provide legal counsel, representation and negotiation services, including the services of Bart Freeman and Theodore J. Angelis, as special deputies for the Skagit County Prosecuting Attorney's Office. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Total compensation is not to exceed \$71,000. **(This item was removed from the Consent Agenda pending further information)**
24. Personal Services Agreement with Joseph P. Mentor, Jr. and Mentor Law Group PLLC., to provide legal counsel, representation, and services relating to the review and/or possible litigation matter described as: 1. Solid Waste Environmental Issues; 2. Water Rights Litigation and Regulation. Total compensation shall not exceed \$617,500. **(This item was removed from the Consent Agenda pending further information)**

**PUBLIC DEFENDER:**

25. Personal Services Agreement with The Language Exchange, Inc. to provide interpreting and translation services for the Skagit County Public Defender. The agreement shall commence on January 1, 2006, and continue until December 31, 2007. Compensation will be based on the Interpreting and Translation schedule provided by the Contractor. **(Contract No. C20060054)**

**RISK MANAGEMENT:**

26. Personal Services Agreement with Evergreen Safety Council to provide qualified instructors and materials necessary for various safety trainings as requested by the Risk Management Department. The agreement shall commence on January 15, 2006, and continue until December 31, 2006. Total compensation is not to exceed \$5,000. **(Contract No. C20060055)**
27. Personal Services Agreement with Excel Training and Rescue Scenarios, LLC to provide professional services as requested by the Risk Management Department for mandated and elective training. They will also provide consultation for safety and security related matters throughout various County offices. The agreement shall commence on January 15, 2006, and continue through December 31, 2006. Total compensation is not to exceed \$10,000. **(Contract No. C20060056)**

**SENIOR SERVICES:**

28. Resolution AND Interlocal Agreement between Skagit County and the Department of Corrections to prepare and deliver frozen meals and dinner rolls to the Skagit County Nutrition Project. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Total compensation is not to exceed \$32,860. **(Resolution No. R20060045 AND Contract No. C20060057)**
29. Amendment No. 2 to Contract No. **C20050031** between the Skagit County Senior Services Nutrition Program and Northwest Regional Council Area Agency on Aging, which adds additional compensation in the amount of \$6,371 for a new contract total of \$222,270. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060006)**

**TREASURER:**

30. Resolution authorizing 2005 property tax refunds. **(Resolution No. R20060046)**

**YOUTH & FAMILY SERVICES:**

31. Interlocal Cooperative Agreement, per Resolution No. R20020039, between Skagit County and Anacortes School District #103; Burlington-Edison School District #100; Concrete School District; La Conner School District #311; and Mount Vernon School District #320, which awards

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funding of 50% of the salary for a Truancy Specialist position to serve the School Districts and the County Juvenile Court in implementing the truancy portion of the "BECCA BILL". The agreement shall commence on September 1, 2005, and continue through August 1, 2006. **(Contract No. C20060058)**

32. Personal Services Agreement with Kathy Mohebbi (dba: Planning & Meeting Management Services) to provide support and facilitation to the Skagit County Law and Justice Council. In conjunction with this agreement, Council Members will participate fully in Law and Justice Council meetings, provide input and review of drafted plans, policies, and other documents as required and designate a Council Chair as the primary contact point. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Total compensation shall not exceed \$35,000. **(Contract No. C20060059)**
33. Personal Services Agreement with Protect-A-Child-Today, to provide parents with specific and practical skills to promote the optimal development of children and foster close parent-child relationships as well as open honest communication. The specialized programs are designed to teach the skills necessary to strengthen families referred by the County and accepted for services by the contractor. The agreement shall commence on January 1, 2006, and continue until December 31, 2007. Total compensation shall not exceed \$17,000. **(Contract No. C20060060)**

**PUBLIC WORKS DEPARTMENT:**

34. Resolution establishing the 2006 Miscellaneous Ferry Terminal Project, FEMP-1, for Improvements needed at the Guemes Island and Anacortes Terminal Parking lots. **(Resolution No. R20060047)**
35. Personal Services Agreement with E.D. Hovee & Company, LLC to develop a capacity analysis, market feasibility and economic assessment for the Anderson-LaVenture Road Extension Project. The agreement shall commence on January 23, 2006, and continue until December 31, 2007. Compensation is not to exceed a total of \$13,500. **(Contract No. C20060061)**
36. Amendment No. 1 to Vendor Services Agreement **No. C20050215** between Skagit County and United Rentals, which increases the maximum compensation by \$50,000, for a new contract total of \$100,000. This is due to unanticipated equipment rental usage, including stock piling rock at Marblemount. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060007)**

**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 6, 2006, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 214892 through 215029 from Clearing Fund 696 in the total dollar amount of \$3,031,472.46 (Transmittal No. C-11-06); and

Warrants numbered 215030 through 215566 from Clearing Fund 696 in the total dollar amount of \$1,348,281.11 (Transmittal No. C-12-06); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$86,101.16 (Transmittal No. C-13-06); 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 \$48,482.07 (Transmittal No. C-14-06); and

Warrants numbered 215567 through 215856 from Clearing Fund 696 in the total dollar amount of \$567,164.92 (Transmittal No. C-15-06); and

Payroll warrants numbered 179800 through 180598 in the total dollar amount of \$1,013,177.99 (Transmittal No. P-03-06); and

Payroll warrants numbered 969139 through 969306 in the total dollar amount of \$217,035.92 (Transmittal No. P-04-06).

2. Department of Emergency Management Director Tom Sheahan briefed the Commissioners about power outages and subsequent damage that took place throughout Skagit County over the weekend.

**PUBLIC COMMENT PERIOD.**

Becky Sumner of Bow Hill Road spoke about her opposition to the barking dog ordinance.

Craig Cole, Sedro-Woolley, asked if the ordinance also covered penalties for dangerous or potentially dangerous dogs.

Lynn Curley, Avon-Allen Road, expressed her pleasure with the passing of the ordinance.

**DECISION – CLOSED RECORD APPEAL NO. PL05-0722 BY SKAGIT COUNTY DIKE DISTRICT NOS. 1, 12, AND 17, THE CITY OF MOUNT VERNON, AND THE CITY OF BURLINGTON REGARDING HYDROPOWER SHORELINE EXEMPTION NO. PL05-0295, SUBMITTED BY PUGET SOUND ENERGY.**

Commissioner Anderson stated that this is an emotionally charged issue with strong feelings on both sides. Even though the Hearing Examiner's ruling was very narrow, Commissioner Anderson said he didn't find his decision clearly erroneous.

Commissioner Munks concurred and said the Hearing Examiner determined that this was a jurisdictional issue.

Chairman Dahlstedt said he had spent a considerable amount of time reviewing the records that the Hearing Examiner based his decision on. Chairman Dahlstedt said he thinks there are significant impacts that should have been considered and believes staff from Planning and Development Services acted properly when they issued the permit for a special use.

After a brief discussion, Commissioner Anderson made a motion to deny appeal number PL05-0294 related to Puget Sound Energy's Shoreline Exemption Permit PL05-0154, and affirming the Hearing Examiner's decision. Commissioner Munks seconded the motion, which carried. Chairman Dahlstedt voted against the decision. **(Resolution No. R20060048)**

**MISCELLANEOUS.**

County Administrator Gary Rowe brought forth a letter addressed to Skagit County EMS Commission President Shane Sanderson regarding a response to a strategic planning workshop, which is being held on Thursday, February 9, 2006.

Commissioner Anderson motioned to approve the letter as outlined. Commissioner Munks seconded the motion, which passed unanimously. **(Approved)**



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**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Kenneth A. Dahlstedt, Chairman

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Ted W. Anderson, Commissioner

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Don Munks, Commissioner

ATTEST:

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