

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 21, 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
- \*T 10:00 a.m. – 11:00 a.m. Public Works Department – Chal Martin, Director
1. Consideration of Signature – Letter to the Washington State Department of Transportation Supporting Local Access Changes, Quiet Cove Road Vicinity, SR 20 Spur Safety Improvement Project
  2. Update – County Liability Regarding the Bow-Blanchard Railroad Quiet Zone
  3. Update – Hazard Mitigation Grant Program Home Elevation Project
  4. Discussion – FEMA Flood Insurance Study
  5. Discussion/Possible Action – Skagit County Response to the Draft Puget Sound Chinook Salmon Recovery Plan
  6. 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
- 1:30 p.m. – 3:30 p.m. Executive Session – Personnel, Litigation and Land Acquisition
- \*T 3:30 p.m. – 4:00 p.m. Decision - Closed Record Appeal No. PL05-0918 by Karen Blanton of the Hearing Examiner's Decision on Appeal No. PL05-0566 and Reconsideration Request No. PL05-0847
- \*T 4:00 p.m. – 4:30 p.m. Decision - Closed Record Appeal No. PL05-0916 of the Hearing Examiner's Decision to Deny Appeal No. PL05-0427 and Approve an Administrative Special Use Permit No. PL05-0941 For a Temporary Manufactured Home For Farm Worker Housing

The Skagit County Board of Commissioners met in regular session on Tuesday, February 21, 2006, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

**PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR**

**1. Consideration of Signature – Letter to the Washington State Department of Transportation Supporting Local Access Changes, Quiet Cove Road Vicinity, SR 20 Spur Safety Improvement Project.**

Ann Marie Gutwein, Programs Manager, indicated that a request was received from the Washington State Department of Transportation (WSDOT) asking the County Commissioners to support safety improvements planned for State Route 20 between the Quiet Cove Road vicinity and the State Route 20 Spur. Ms. Gutwein showed several maps of the area and noted that Skagit County has numerous intersecting roads along this section of State Route 20.

Commissioner Munks asked if WSDOT has contacted any of the affected property owners. Ms. Gutwein said they have already held one meeting and another is scheduled in March.

Commissioner Anderson motioned to send a letter to WSDOT in support of the safety improvement project. Commissioner Munks seconded the motion, which passed unanimously. **(Approved)**

**2. Update – County Liability Regarding the Bow-Blanchard Railroad Quiet Zone.**

Ms. Gutwein apprised the Board of the situation concerning the Bow-Blanchard Quiet Zone, which was proposed by the Bow-Blanchard Quiet Zone Committee. A map was presented showing the five railroad crossings currently located in the Quiet Zone. Mr. Gutwein said several questions still remain such as: what liability the County has; who will act as the lead agency; what will the time period of restriction be; and who will pay the estimated cost of \$13,000 for upgrades at the Bow Hill crossing.

Ron Marshall, Civil Deputy, indicated that Skagit County would not be liable under either State or Federal laws; however, it would be necessary for the County to act as the lead agency on this project.

Commissioner Munks motioned to proceed as the lead agency, restrict the quiet zone hours from 10:00 p.m. to 7:00 a.m. and pay the \$13,000 in upgrade fees from the County Road Fund. The motion was seconded by Commissioner Anderson and passed with a unanimous vote.

**3. Update – Hazard Mitigation Grant Program Home Elevation Project.**

Ms. Gutwein next discussed the Home Elevation Project. She provided a vicinity map showing the location of the four houses, which are left in the project. Ms. Gutwein said the original grant amount was \$275,000; however the bids that were received to raise the homes were much higher than anticipated. The grant amount would no longer be enough to pay for expenses.

According to Ms. Gutwein, the Federal Emergency Management Agency (FEMA) and the State of Washington Military Department – Emergency Management Division (EMD) are in disagreement over several issues.

Public Works Director Chal Martin said it is important that the County is satisfied with what the State and Federal agencies say they are willing to do for this project before folks become involved with the bureaucratic process.

Ms. Gutwein stated the new Project Manager for EMS, Marty Best, will recalculate the benefit cost ratio and if it is less than one (1), the project may be terminated.

**4. Discussion – FEMA Flood Insurance Study.**

Mr. Martin stated that on February 10, 2006, Carl Cook, FEMA Region X Director of Mitigation, provided a formal letter and report to Skagit County in response to a request made by the Skagit County Commissioners to review the hydrologic analysis prepared by Pacific International Engineering (PIE) related to the flood project.

Mr. Martin said the County needs to respond to the FEMA letter regarding the points made by Wilbert Thomas in his report. To do so would require additional money, because it was PIE that made the arguments for the County and; therefore, it would be up to them to write the rebuttal.

Commissioner Anderson said he wondered if it's worth the additional money to have PIE respond. He said the analysis by FEMA's consultant was pretty thorough and eventually, the County will have to reach an agreement with the Federal agencies.

Commissioner Munks agreed and said it is a waste of money to challenge what mistakes PIE might have made. Mr. Martin said the letter from Mr. Cook needs to be responded to. Commissioner Munks argued that PIE needs to respond to Mr. Cook's letter. He said he objects to the County spending additional money to justify the data compiled by PIE.

Chairman Dahlstedt asked when the FEMA maps would be available for review.

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Lorna Ellestad, Public Works, said FEMA was supposed to distribute the preliminary mapping by February 15, 2006; however, they have encountered some serious delays. Therefore, the date has been pushed back to April 1, 2006.

The Commissioners said they would like to schedule a work session, preferably with an official from FEMA, before deciding how to proceed.

**5. Discussion/Possible Action – Skagit County Response to the Draft Puget Sound Chinook Salmon Recovery Plan.**

Tom Karsh, Public Works, discussed a draft letter prepared in response to the Puget Sound Chinook Salmon Recovery Plan. Mr. Karsh asked the Commissioners if the letter characterized the County's position on this project.

The Commissioners agreed that the County needs to be involved in the process to the fullest degree that it can.

A motion was made by Commissioner Anderson authorizing staff to send a letter to the National Marine Fisheries Service - Salmon Recovery Division, as outlined by Mr. Karsh. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Approved)**

An unidentified audience member stepped to the podium to discuss his view regarding flood issues. He said he is terribly disappointed that after spending \$2 million, the County has done nothing and feels that nothing will ever be done.

**6. Miscellaneous.**

There were no miscellaneous Public Works items to discuss.

**CONSENT AGENDA.**

Commissioner Anderson motioned to approve the Consent Agenda for Tuesday, February 21, 2006, items 1 through 30. Commissioner Munks seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, February 13, 2006.
2. Record of the Proceedings for Tuesday, February 14, 2006.

**ASSIGNED COUNSEL:**

3. Personal Services Agreement with Kelli Armstrong-Smith, Attorney at Law, to provide defense/legal services to client for cases considered to be a conflict of interest for the Skagit County Public Defender's Office and cases that have been determined to be within the scope of indigent defense. The agreement shall commence on January 1, 2006, and continue until December 31, 2008. Compensation shall vary depending on the services being rendered. **(Contract No. C20060085)**

**BUDGET & FINANCE:**

4. Resolution modifying Skagit County's Cost Assessment Policy. **(Resolution No. R20060058)**
5. Resolution establishing 2005 Cost allocations to County funds. **(Resolution No. R20060059)**

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6. Resolution creating Skagit County's Insurance Cost Assessment Policy for fiscal year 2005. **(Resolution No. R20060060)**

**HEARING EXAMINER:**

7. Personal Services Agreement with Wick Dufford to serve as Hearing Examiner and to conduct administrative hearings and issue decisions and recommendations on land use matters. The agreement shall commence on January 1, 2006 and continue until terminated. Compensation will be \$5,000 per month/\$60,000 annually. **(Contract No. C20060086)**

**HUMAN SERVICES:**

8. Resolution AND Interlocal Agreement between Skagit County and La Conner School District to provide a weekly social skills training class through their Special Services department in collaboration with other school districts and agencies for up to eight Skagit County young adults with development disabilities. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Total compensation shall not exceed \$5,000. **(Resolution No. R20060061 AND Contract No. C20060087)**
9. Resolution re-appointing Anna Dayan to the Mental Health Advisory Board for a three-year term beginning March 4, 2006, and ending March 3, 2009. **(Resolution No. R20060062)**
10. Personal Services Agreement with Inslee, Maxwell & Associates, who shall act as an active member of the Jail Transition Team and provide the team with consultation on mental health issues and provide mental health assessments and/or evaluations of jail transition program clients as requested. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Total compensation shall not exceed \$9,000. **(Contract No. C20060088)**
11. Amendment No. 1 to County Program Agreement **No. C20050282** with the State of Washington Department of Social and Health Services – Division of Alcohol & Substance Abuse to provide additional funding in the amount of \$2,212,802 for a Secure Acute Detoxification Pilot Program within Skagit County for the period of January 1, 2006, through June 30, 2007. An additional \$39,000 shall be allocated for a professional chemical dependency outreach person to provide training and technical assistance to Child Protective Services (CPS) staff and chemical dependency assessments to CPS clients for the period of February 1, 2006, through June 30, 2007. This brings the new contract total to \$4,620,227. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060010)**

**PROSECUTING ATTORNEY:**

12. Partial Satisfaction and Release of Judgment in the Halverson, et al. v. Skagit County case as it relates to Kathryn Tewalt, who shall pay \$1,421.82 for said release. **(Approved)**

**PUBLIC DEFENDER:**

13. Purchase of Client Services Contract with The Office of Public Defense to provide case distribution services for indigent parents' representation in dependency and termination cases in Skagit County Juvenile Court. The agreement commenced on December 1, 2005, and shall continue through June 30, 2007. Compensation shall not exceed \$9,333 per month. **(Contract No. C20060089)**

**SHERIFF'S OFFICE:**

14. Resolution authorizing a change in the Sheriff's Office advance travel funds. **(Resolution No. R20060063)**

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15. Ordinance adopting amendments to Chapter 7.01 of the Skagit County Code. **(Ordinance No. O20060002)**

**YOUTH & FAMILY SERVICES:**

16. Amendment No. 1 to Personal Services Agreement **No. C20040519** with Charles M Britt, MA, which provides a contract increase in the amount of \$15,000 to cover currently and anticipated annual expenses during the contract period. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060011)**
17. Personal Services Agreement with Stephen J. Ruhl, M.S., which will provide specialized child, adolescent, adult and family assessment, evaluation and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony, and training as referred by the County. The agreement shall commence on January 1, 2006, and continue through December 31, 2007. Total compensation shall not exceed \$10,000. **(Contract No. C20060090)**
18. Amendment No. 1 to Personal Services Agreement **No. C20050144** with the Center for Research and Learning (Laura Collins, PhD) for evaluation efforts – Phase II, Fetal Alcohol Spectrum Disorders, which extends the term of the agreement to end on November 30, 2006 and provide additional funding in the amount of \$31,310. This brings the new contact total to \$40,548. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060012)**

**PUBLIC WORKS DEPARTMENT:**

19. Resolution calling for bids for road maintenance materials with annual purchases expected to exceed \$25,000. The bid opening will be held on Monday, March 20, 2006, at 10:30 a.m. **(Resolution No. R20060064)**
20. Resolution authorizing funding for the 2006 Asphalt Overlay Project, which is included in the 2006-2011 Transportation Improvement Program, Revision #1 and the 2006 Annual Construction Program, Revision #1. **(Resolution No. R20060065)**
21. Resolution amending Resolution **No. R20050364** appointing members to the Skagit County Marine Resources Committee. **(Resolution No. R20060066)**
22. Resolution authorizing the ratification of a Vendor Services Agreement with Skagit River Steel & Recycling Inc., which is necessary for continuation of service prior to contract signing. The previous contract expired on December 19, 2005. **(Resolution No. R20060067)**
23. Vendor Services Agreement with Skagit River Steel & Recycling Inc., to process recyclables received at the Skagit County Recycling and Transfer Facility, the Clear Lake Compactor Site, and the Sauk Transfer Station. The agreement shall commence on January 1, 2006, and continue until December 18, 2006. Compensation shall not exceed \$50,000. **(Contract No. C20060091)**
24. Local Agency Standard Consultant Agreement with Webb Group to develop a historical interpretive display for the Guemes Ferry Parking Lot Project. The agreement shall commence upon the date of execution and continue through December 31, 2006. Compensation shall total \$5,840. **(Contract No. C20060092)**
25. Easement Deed granting Morgan Turner Properties LP right-of-entry through Skagit County property on the existing landfill perimeter road in order to access Morgan Turner Properties LP property located to the West of County property. **(Contract No. C20060093)**

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26. Resolution authorizing the ratification of a Vendor Services Agreement with Larry's Auto & Truck Parts, Inc., which is necessary for continuation of service prior to contract signing. The previous contract expired on December 31, 2005. **(Resolution No. R20060068)**
27. Vendor Services Agreement with Larry's Auto & Truck Parts, Inc., for processing recyclable rubber products collected at various Skagit County Solid Waste sites. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Total compensation shall not exceed \$15,000. **(Contract No. C20060094)**
28. Addendum No. 1 to Purchase and Sale Agreement **No. C20050356** with Morgan Turner Properties LP, which modifies the closing cost provision with regard to a boundary line adjustment. All other terms and conditions of the original contract shall remaining effect. **(Amendment No. A20060013)**
29. Resolution declaring sole source for services provided by Intolight, a division of Puget Sound Energy, to provide lighting services for the Guemes Island Ferry Terminal Parking Lot on Guemes Island. **(Resolution No. R20060069)**
30. Overhead Area/Flood Light Contract with Intolight, a division of Puget Sound Energy, which includes the monthly usage charge for poles and installation at the Guemes Island Ferry Terminal Parking Lot on Guemes Island. Compensation is expected to total \$10,260.48. **(Contract No. C20060095)**

**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 21, 2006, 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 \$244,292.62 (Transmittal No. C-19-06); and

Warrants numbered 216338 through 216852 from Clearing Fund 696 in the total dollar amount of \$848,123.19 (Transmittal No. C-20-06).

2. Mr. Martin stated that in accordance with a recent decision by the Public Employment Relations Commission, it is his duty to read a notice, which he provided a copy of, during a public meeting in front of the Skagit County Commissioners. After reading the notice, Mr. Martin said it would be posted at both the Anacortes and Guemes Island Ferry Terminals.

**PUBLIC COMMENT PERIOD.**

No one was present for the public comment period.

**DECISION – CLOSED RECORD APPEAL NO. PL05-0918 BY KAREN BLANTON OF THE HEARING EXAMINER'S DECISION ON APPEAL NO. PL05-0566 AND RECONSIDERATION REQUEST NO. PL05-0847.**

Commissioner Munks motioned to uphold the Hearing Examiner's decision and deny Appeal No. PL05-0918, which was filed by Karen Blanton. Commissioner Anderson seconded the motion, which passed unanimously. **(A resolution will be forthcoming)**

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**DECISION – CLOSED RECORD APPEAL NO. PL05-0916 OF THE HEARING EXAMINER'S  
DECISION TO DENY APPEAL NO. PL05-0427 AND APPROVE AN ADMINISTRATIVE  
SPECIAL USE PERMIT NO. PL05-0941 FOR A TEMPORARY MANUFACTURED HOME FOR  
FARM WORKER HOUSING.**

The Commissioners agreed that the existing Skagit County Code currently allows for the use of temporary farm worker housing.

Commissioner Anderson motioned to deny Appeal No. PL05-0916 and affirm the decision of the Hearing Examiner to approve the Administrative Special Use Permit No. PL04-0941 for a temporary manufactured home for farm worker housing. The motion was seconded by Commissioner Munks and passed with a unanimous vote. **(A resolution will be forthcoming)**

**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