

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 20, 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> 10:00 a.m. – 10:15 a.m. | Consideration of the Hearing Examiner’s Recommendation For Approval For the Following Open Space Applications:<br><br><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><br>Consideration of the Hearing Examiner’s Recommendation For Approval For the Following Open Space Timber Applications:<br><br><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 #PLO2-0011 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> |
| <b>*T</b> 10:15 a.m. – 10:30 a.m. | Proclamation – National Ag Week in Skagit County  |
| 10:30 a.m. – 11:00 a.m.           | Bid Opening – 2006 Maintenance Materials  |
| 11:00 a.m. – 11:30 a.m.           | Consent Agenda and Miscellaneous Items  |

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- 11:30 a.m. – 11:45 a.m.                    Public Comment Period
- 11:45 a.m. – 12:00 p.m.                   Bid Opening – Burlington Alger Bridge Replacement Project
- 1:30 p.m. – 3:30 p.m.                    Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks.

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR THE FOLLOWING OPEN SPACE APPLICATIONS.**

Linda White, Current Use Specialist and Wes Hagen, Deputy Assessor, reviewed the following open space applications:

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) **(Resolution No. R20060101)**
2. Kelly and Heather Schols For Approximately 5.97 Acres Located Northwest of Highway 20 Bordering Gages Slough (C/U TROS #3-2005) **(Resolution No. R20060102)**

Commissioner Anderson motioned to adopt the Hearing Examiner's recommendations for each of the aforementioned applications. Commissioner Munks seconded the motion, which passed unanimously.

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR THE FOLLOWING OPEN SPACE TIMBER APPLICATIONS.**

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) **(Resolution No. R20060103)**
2. Shawn and Diane Moyer For Approximately 1.77 Acres Located Off of Gripp Road, Sedro-Woolley (C/U TRTMB #2-2005) **(Resolution No. R20060104)**
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) **(Resolution No. R20060105)**
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) **(Resolution No. R20060106)**
5. Michael and Terri Liberski For Approximately 19.48 Acres Located Off of Highway 20 in the Marblemount Area (C/U TRTMB #5-2005) **(Resolution No. R20060107)**
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) **(Resolution No. R20060108)**
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) **(Resolution No. R20060109)**
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) **(Resolution No. R20060110)**
9. Larry and Claire Pinnow For Approximately 38.48 Acres Located on Guemes Island, East of West Shore Drive (C/U TRTMB #9-2005) **(Resolution No. R20060111)**

Commissioner Anderson motioned to adopt the Hearing Examiner's recommendations for each of the aforementioned applications. Commissioner Munks seconded the motion, which passed unanimously.

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**PROCLAMATION – NATIONAL AG WEEK IN SKAGIT COUNTY.**

Commissioner Anderson read the proclamation declaring March 19 – 25, 2006, as National Ag Week in Skagit County and motioned to approve it. Commissioner Munks seconded the motion, which carried.

**BID OPENING – 2006 MAINTENANCE MATERIALS.**

Greg Dennis from the Public Works Department opened the following bids for 2006 Maintenance Materials:

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 and Specialty & Mixed Asphalt

Ericksen-Svendsen Inc.  
P.O. Box 752  
La Conner, WA 98257  
Product Type: Gravel

Aggregates West  
P.O. Box 1466  
Sumas, WA 98295  
Product Type: Gravel and Rock

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

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

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

Mr. Dennis 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, March 20, 2006, items 1 through 29. The motion was seconded by Commissioner Munks and passed unanimously.

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**COMMISSIONERS' OFFICE:**

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

**ASSIGNED COUNSEL:**

3. Personal Services Agreement with Jennifer Bouwens, Attorney at Law, to provide defense/legal services to clients 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 January 31, 2007. Compensation shall vary depending on the services being rendered. **(Contract No. C20060130)**

**DISTRICT COURT:**

4. Interlocal Agreement, per Resolution No. R20020210, between Skagit County and the City of Anacortes to provide various probation services through Skagit County District Court Probation. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. The City agrees to compensate the County up to \$5,000 for these services. **(Contract No. C20060131)**
5. Interlocal Agreement, per Resolution No. R20020210, between Skagit County and the City of Sedro Woolley to provide various probation services through Skagit County District Court Probation. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. The City agrees to compensate the County \$92.17 per service unit. **(Contract No. C20060132)**

**FAIRGROUNDS:**

6. Resolution authorizing payment to Spencer Roofing Company for work performed at the Skagit County Fairgrounds in the amount of \$46,688.33. **Resolution No. R20060112)**

**HEALTH DEPARTMENT:**

7. Interlocal Agreement, per Resolution No. R20040082, between Skagit County and Skagit Valley Hospital to provide funding for the continuation of the Mount Vernon Healthy Communities Project, aka Obesity Prevention. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. This agreement is funded by the Washington State Department of Health Consolidated Contract #C13047. Compensation is not to exceed \$46,000. **(Contract No. C20060133)**
8. Interlocal Agreement, per Resolution No. R20040059, between Skagit County and Skagit Valley Hospital to provide funding for the continuation of the Skagit County Healthy Communities Project, aka Physical Activity Coalition. The agreement shall commence on January 1, 2006, and continue through September 30, 2006. This agreement is funded by the Washington State Department of Health Consolidated Contract #C13047. Compensation is not to exceed \$21,000. **(Contract No. C20060134)**

**HUMAN SERVICES:**

9. Amendment No. 1 to Personal Services Agreement **No. C20050320** between Skagit County and Skagit Recovery Center, which adds \$23,053 for the support of outstationing a Chemical Dependency Professional at the Mount Vernon Office of the Division of

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Children & Family Services to provide training, consultation and technical assistance to DCFS social workers and staff on substance abuse issues during the period of February 1, 2006, through June 30, 2006. The amendment also adds an additional \$89,891 for additional Criminal Justice Treatment Account services during the period ending June 30, 2007. The maximum amount of the contract increases to \$1,334,694.00. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060019)**

**PROSECUTING ATTORNEY:**

10. Personal Services Agreement with Bart Freedman and Preston Gates & Ellis, to provide legal counsel, representation and negotiation services, including the services of Bart Freedman 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. **(Contract No. C20060135)**

**RISK MANAGEMENT:**

11. Personal Services Agreement with Dumas & Associates, Inc., to provide professional facilitation, mediation and training services for the Risk Management and Human Resource Department as requested. The agreement shall commence on March 1, 2006, and continue until December 31, 2006. Total compensation is not to exceed \$8,000. **(Contract No. C20060136)**

**SHERIFF'S OFFICE:**

12. Contract between Skagit County and the Humane Society of Skagit Valley to provide shelter services for a 72-hour period of all animals impounded and delivered to the facility; keep a current list of all potentially dangerous and dangerous dogs and the disposal of all animals in compliance with the provision of the County Ordinance, State and Federal Laws. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Compensation shall total \$72,000 plus additional fees as needed on a per animal basis beyond a 72-hour period. **(Contract No. C20060137)**
13. Resolution authorizing the transfer of surplus radio equipment to the Upper Skagit Indian Tribe. **(Resolution No. R20060113)**
14. Resolution AND Interlocal Cooperative Agreement between Skagit County and Whatcom County to provide use of the Plantation Rifle Range to the Sheriff's Department Patrol and Correctional staff. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Compensation shall total \$7,370.25 plus negotiated additional fees for any days beyond the annual 15 day period, if any. **(Resolution No. R20060114 AND Contract No. C20060138)**

**TREASURER:**

15. Application for Tax Title Property by Wayne E. Keeton described as Assessor's Parcel No. P63750 and Cascade River Park Lot 197. **(Signature Only)**

**YOUTH & FAMILY SERVICES:**

16. Personal Services Agreement with Center for Research and Learning, Laura Collins, PH.D., to lead evaluation activities of Phase II of the Skagit County Fetal Alcohol Spectrum Disorders Juvenile Court Initiative, including ongoing evaluation planning,

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implementation, and review meetings with Initiative staff necessary to ensure an accurate and comprehensive evaluation of the project. The agreement shall commence on September 1, 2005, and continue until November 30, 2006. Compensation shall not exceed \$31,310. **(Contract No. C20060139)**

**PUBLIC WORKS DEPARTMENT:**

17. Signature for the 2005 Certificate of Good Practice for the County Road Administration Board. **(Signature Only)**
18. Signature for the 2005 Certification of Road Fund Expenditures for Fish Passage Barrier Removal for the County Road Administration Board. **(Signature Only)**
19. Resolution awarding the bid for rental equipment to three vendors effective April 1, 2006 through March 31, 2007. **(Resolution No. R20060115)**
20. Resolution awarding the bid for the 2006 Asphalt Overlay Project to Lakeside Industries, Inc., for the low bid of \$555,676.50. **(Resolution No. R20060116)**
21. Resolution authorizing the write off uncollectible debts in the amount of \$1,253.29 for the Solid Waste Division. **(Resolution No. R20060117)**
22. Possession and Use Agreement for right-of-way acquisition for the Helmick Road Project. The County's offer to the property owner of Parcel No. P38685, Allen K. Fair, is \$15,700 which includes land, improvements and an administrative settlement. This property is required by the County for the construction of the Helmick Road Project. **(Contract No. C20060140)**
23. Amendment No. 1 to Vendor Services Agreement **No. C20050293**, which adds an additional \$5,000 to the Guemes Ferry commuter ticket and booklet contract with PrintWise, Incorporated. All other terms and conditions of the original contract remain in effect. **(Amendment No. A20060020)**
24. Personal Services Agreement with Robert K. Weidner who will serve as a Washington, D.C. government relations advisor to Skagit County and other counties of the Rural Lands County Council. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Compensation shall not exceed \$27,500. **(Contract No. C20060141)**
25. Vendor Services Agreement with Mettler-Toledo Northwest, LLC to provide maintenance and licensing calibration on the scales at the Skagit County Recycling and Transfer Station and the Sauk Transfer Station every six months, meeting the requirements set by the State of Washington Department of Licensing, Business & Professions Division for licensing the scales. The agreement shall commence on April 1, 2006, and continue until March 31, 2007. Compensation shall not exceed \$15,000. **(Contract No. C20060142)**
26. Public Utility District Utility Easement between Skagit County and the Sedro-Woolley Sub Flood Control Zone (Grantors) and Public Utility District No. 1 of Skagit County for the construction and maintenance of water and communication lines affecting Parcel Nos. P37305 and P37313. **(Contract No. C20060143)**
27. Easement for sewer lines between Skagit County and the Sedro-Woolley Sub Flood Control Zone (Grantors) and the City of Sedro-Woolley. **(Contract No. C20060144)**

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28. Vendor Services Agreement with GEOTEST to provide material testing and special inspection services as needed by the County for various road and bridge construction projects. The agreement shall commence on March 20, 2006, and continue until December 31, 2008. Maximum compensation is not to exceed \$100,000. **(Contract No. C20060145)**
29. Resolution AND Interlocal Agreement between Skagit County and the City of Mount Vernon. The purpose of the agreement is to cooperate on the East Hickox Road portion of the County's 2006 Asphalt Overlay Project. The County will provide the administrative and technical support to pave the City's portion of East Hickox Road from mile post 0.00 to 0.208. The agreement shall commence upon the date of execution and continue until March 1, 2007. **(Resolution No. R20060118 AND Contract No. C20060146)**

**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, March 20, 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 \$118,913.12 (Transmittal No. C-31-06); and

Warrants numbered 218708 through 219122 from Clearing Fund 696 in the total dollar amount of \$1,071,802.10 (Transmittal No. C-32-06); and

Warrants numbered 219123 through 219124 from Clearing Fund 696 in the total dollar amount \$6,736.61 (Transmittal No. C-34-06).

1. Janice Marlega from the Public Works Department brought forth 3 resolutions authorizing Condemnation of Property for the Helmick Road Project, ES95510-2. Ms. Margela explained that The Helmick Road Project was declared a public necessity under Resolution No. 18001 and is Line item No. 22 on the county's annual construction program which was adopted on February 7, 2006. She said that in order to acquire the property and property rights for the improvement of Helmick Road, it is necessary for Skagit County to condemn lands and property rights from Parcels P38684, P38686, and P38687 (one acquisition) and P38665 and P38682.

Commissioner Anderson motioned to approve the resolutions as outlined by Ms. Marlega. Commissioner Munks seconded the motion, which carried. **(Resolution No. R20060119, R20060120 AND R20060121)**

2. Tom Karsh from the Public Works Department presented a draft letter to the Board that would go out to the Mayors/Dike District Commissioners regarding Countywide Flood Control Funding Strategy. Mr. Karsh requested the boards' approval to send the letters, 40 letters in all.

Commissioner Anderson motioned to approve the letter as outlined by Mr. Karsh. Commissioner Munks seconded the motion, which passed unanimously.

3. Gary Rowe, County Administrator, had a request from Prosecuting Attorney, Don Anderson to get the Board's signature regarding the Settlement Agreement between the

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Washington Environmental Council, Conservation Northwest, the National Audubon Society, and the Olympic Forest Coalition, Douglas Sutherland, Commissioner of Public Lands, the Board of Natural Resources (BNR), the Department of Natural Resources (DNR), American Forest Resource Council, Pacific County, Skamania County, City of Forks, Quillayute Valley School District No. 402, Toutle Lake School District No. 130, Willapa Valley School District No. 160, Pacific County Hospital District No. 2, Snohomish County, Skagit County and Castle Rock School District No. 401.

Commissioner Anderson motioned to sign the agreement as presented. Commissioner Munks seconded the motion, which carried.

**PUBLIC COMMENT PERIOD.**

During the public comment period the following citizens spoke:

Murray Benjamin, 31127 Walberg Rd, Sedro Woolley, discussed his concerns regarding the Wetland Litigation.

Ken Johnson, 12917 Magnolia Lane, Mount Vernon, discussed drainage issues east of Clearlake and also shared concerns regarding the wetlands.

Larry Gadbois, 22416 Mud Lake Road, Mount Vernon, also shared his concerns of the wetlands and also expressed concerns with drainage issues on his road.

**BID OPENING – BURLINGTON ALGER BRIDGE REPLACEMENT PROJECT.**

Kelly Kendrick and Barb Hathaway from the Public Works Department opened the following bids for Burlington Alger Bridge Replacement Project:

Advanced Construction Inc.  
4620 Campus Place, Suite 240  
Mukilteo, WA 98275  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,753,710.00

\*Minor corrections were calculated using Advanced Construction's Unit Price bid amount adjusting their original bid of \$1,653,710.00 to \$1,753,710.00.

BOSS Construction, Inc.  
4945 Guide Meridian  
Bellingham, WA 98266  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,277,204.91

\*Minor corrections were calculated using BOSS Construction's Unit Price bid amount adjusting their original bid of \$1,274,706.71 to \$1,277,204.91

Pacific Road & Bridge Co.  
P.O. Box 3393  
Arlington, WA 98233  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,292,688.00



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Five Rivers Construction, Inc.  
1331 Baltimore Street  
Longview, WA 98632  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,238,923.65

Strider Construction Co., Inc.  
4721 Northwest Road  
Bellingham, WA 98226  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,235,723.50

TEK Construction, Inc.  
4167 Mitchell Way  
Bellingham, WA 98226  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,336,250.70

\*Minor corrections were calculated using TEK Construction's Unit Price bid amount adjusting their original bid of \$1,336,106.21 to \$1,336,250.70.

Wilder Construction Company  
3876 Hannegan Road  
Bellingham, WA 98226-9103  
Bid Bond Acknowledged  
Addendum 1 & 2 Acknowledged  
Total Bid: \$1,230,699.50

Ms. Kendrick indicated the bids would be reviewed and a recommendation would 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

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ATTEST:

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