

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 19, 2007**

- 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 9:30 a.m. – 10:00 a.m. Public Hearing: Consideration of: 1) Establishment of Lake Shannon Road, No.97229, as a County Road; 2) Establishment of Tom Higgins Lane, No. 97250; as a County Road; 3) Consideration of Designation of Lake Shannon Road, No.97229, and Tom Higgins Lane, No.97250, as Primitive Roads and Amending Skagit County Code 11.30.010, Primitive Roads; and 4) Consideration of Vacation of Unopened County Right-of-Way Near Lake Shannon
- *T 10:00 a.m. – 11:00 a.m. Public Works Department - W. Eugene Sampley, P.E., Director/County Engineer
1. Public Hearing: Vacation of 24-Foot Road Right-of-Way on Fir Island
 2. Consideration of Signature - Resolution Regarding the Matter of Policy Direction to Skagit County Staff Regarding the Skagit County Solid Waste Recycling and Transfer Station Facility
 3. Consideration of Signature - Personal Services Agreement with URS Corporation – Development of Transfer Station Design Criteria and Alternate Layouts
 4. 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
- 1:00 p.m. – 3:00 p.m. Executive Session – Personnel and Litigation

The Skagit County Board of Commissioners met in regular session on Monday, March 19, 2007, with Commissioners Sharon D. Dillon, Don Munks and Kenneth A. Dahlstedt present.

PUBLIC HEARING – CONSIDERATION OF: 1) ESTABLISHMENT OF LAKE SHANNON ROAD, NO. 97229, AS A COUNTY ROAD; 2) ESTABLISHMENT OF TOM HIGGINS LANE, NO. 97250; AS A COUNTY ROAD; 3) CONSIDERATION OF DESIGNATION OF LAKE SHANNON ROAD, NO. 97229, AND TOM HIGGINS LANE, NO. 97250, AS PRIMITIVE ROADS AND AMENDING SKAGIT COUNTY CODE 11.30.010, PRIMITIVE ROADS; AND 4) CONSIDERATION OF VACATION OF UNOPENED COUNTY RIGHT-OF-WAY NEAR LAKE SHANNON.

Dave Sheridan, Engineering Services Manager for Public Works, outlined the proposal and showed vicinity maps of the location. He noted that with the exception of one property owner, all others had agreed to grant right-of-way easements for the project. The Department’s recommendation is to move forward.

Chair Dillon opened the public hearing.

Monte Lennox, 47329 Everett Lake Road, Concrete, said he owns a significant portion of the proposed road that winds through his property. Mr. Lennox thought he would agree to the changes, however, he has since discovered the documents have errors in them and are quite prejudicial to the public at large when Puget Sound Energy is the beneficiary. He feels it is inappropriate for the taxpayers to be obligated to pay the expense.

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Joanne Lennox, 47329 Everett Road, Concrete, described in detail why she strongly opposes the proposals.

There being no further public testimony forthcoming, Commissioner Munks motioned to close the public hearing, which was seconded by Commissioner Dahlstedt. The public hearing was closed.

Commissioner Munks said he would prefer delaying a decision on this matter until the questions raised by the Lennox's could be addressed.

Commissioner Dahlstedt inquired about the costs and who would be responsible for paying them. He suggested holding another public hearing in the near future.

A representative from Glacier Northwest, Inc. also asked the Board to look at the liability of Tom Higgins Road, including maintenance.

PUBLIC WORKS DEPARTMENT – W. EUGENE SAMPLEY, P.E., DIRECTOR/COUNTY ENGINEER

1. Public Hearing – Vacation of 24-Foot Road Right-of-Way on Fir Island.

Public Works Engineer Dave Sheridan reviewed the proposed vacation and provided a photograph of the area. The right-of-way vacation is being petitioned from the adjacent property owner Hubert Johnson. Because no correspondence or phone calls were received in objection to the vacation, Mr. Sheridan said the Department recommends approving it for a fee of \$325.

Chair Dillon opened the public hearing. As no testimony was forthcoming, Commissioner Munks motioned to close the public hearing, which was seconded by Commissioner Dahlstedt. The public hearing was closed.

It was moved and seconded by Commissioners Munks and Dahlstedt to accept the vacation of the 24-foot road right-of-way on Fir Island. A final order of vacation will be brought forward under the next consent agenda.

2. Consideration of Signature – Resolution Regarding the Matter of Policy Direction to Skagit County Staff Regarding the Skagit County Solid Waste Recycling and Transfer Station Facility.

Dave Brookings, Assistant Public Works Director, stated the Board of Skagit County Commissioners resolved in 2006 that the condition of the current Transfer Station building and loading equipment had reached the end of its useful life and needed to be replaced to process municipal waste volumes projected over the next twenty years, requires construction of a new Transfer Station, and further resolved for the purpose of potential efficiency and cost savings to solicit private proposals to design, construct, operate, and maintain a new Transfer Station.

According to Mr. Brookings, no responsive proposals were received as a result of a Request for Proposals. Therefore, the Commissioners have directed the Skagit County Public Works Department Director to carry out the following four tasks:

1. Coordinate with the Solid Waste Advisory Committee and the Municipalities Committee to amend the Solid Waste Management Plan and Skagit County Code 12.18 accordingly to reflect the Board of Skagit County Commissioners' desire that the County-owned Transfer Station be the primary designated site within Skagit County for the purpose of collection, processing, and transferring of municipal solid waste provided, however, that the County may invite proposals for private operation of the County solid waste system or privately owned alternative technologies, which compliment a comprehensive solid waste system.

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2. Contract with a qualified technical consultant to review previous above-referenced studies and to further develop appropriate options for either remodeling the existing Transfer Station or designing and constructing a new Transfer Station, including the potential for recycling and materials recovery, to meet the projected municipal waste volumes over the next twenty years.
3. Review the options, consult with both the Solid Waste Advisory Committee and the Municipalities Committee, and recommend to the Board of Skagit County Commissioners a preferred alternative for the most cost-effective system that provides the necessary efficiency, capacity, and customer service for a minimum of twenty years.
4. Prepare bid documents (plans, specifications, and estimate) for the alternative determined by the Board of Skagit County Commissioners, which meets the projected solid waste management needs for Skagit County.

Chair Dillon thanked staff for putting together language that everyone can work with, including municipalities, so the County doesn't have to go it alone.

According to Mr. Brookings, URS Corporation was selected by a Request of Qualifications through the Request for Proposals process and will review the existing recommendations.

A motion was made by Commissioner Munks to approve a resolution giving direction to Skagit County staff regarding the Solid Waste Transfer Station Facility. The motion was seconded by Commissioner Dahlstedt and passed unanimously. **(Resolution No. R20070141)**

3. Consideration of Signature – Personal Services Agreement with URS Corporation – Development of Transfer Station Design Criteria and Alternate Layouts.

Public Works Director Gene Sampley asked the Commissioners to sign a Personal Services Agreement with URS Corporation to develop Transfer Station design criteria and alternative layouts, with a limit of \$50,000 for Tasks 1 and 2, as previously outlined. The agreement commenced on February 20, 2007, and would continue through December 31, 2008.

It was moved and seconded by Commissioners Munks and Dahlstedt to authorize a Personal Services Agreement with URS Corporation. **(Contract No. C20070175)**

4. Miscellaneous.

There were no miscellaneous Public Works items to present.

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Monday, March 19, 2007, items 1 through 36. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, March 12, 2007. **(Approved)**
2. Record of the Proceedings for Tuesday, March 13, 2007. **(Approved)**

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BUDGET AND FINANCE:

3. Ratification Resolution authorizing execution of a Personal Services Agreement with Skagit County Community Action Agency. **(Resolution No. R20070142)**
4. Personal Services Agreement between Skagit County and Skagit County Community Action Agency (SCCAA). SCCAA shall provide services to low-income and homeless residents as well as veterans' relief services. The Agreement commenced on January 1, 2007 and shall continue until December 31, 2007. Compensation shall not exceed \$105,959. **(Contract No. C20070176)**

INFORMATION SERVICES:

5. Ratification Resolution authorizing execution of an Interlocal Agreement with the Upper Indian Skagit Tribe. **(Resolution No. R20070143)**
6. Interlocal Cooperative and Customer Service Agreement with the Upper Skagit Indian Tribe to provide services to the Upper Skagit Indian Tribe Police Department. This Agreement is effective upon the date of execution and shall remain in full force and effect until terminated. **(Contract No. C20070177)**
7. Amendment No. 1 to an Interlocal Cooperative Services Agreement with the Upper Skagit Indian Tribe. The Amendment provides public safety computer system support to the Upper Skagit Indian Tribe Police Department. The Amendment is effective upon the date of execution. **(Amendment No. A20070035)**

EMERGENCY MANAGEMENT:

8. Grant Agreement between Northwest Clean Air Agency and Skagit County for the reimbursement costs related to a supplement environmental project (SEP) to enhance the Skagit and Island County Joint Fire Warden Program infrastructure. The Agreement was effective until February 28, 2007. The maximum that the County may be reimbursed by the Agency is \$23,000. **(Contract No. C20070178)**

FACILITY MANAGEMENT:

9. Resolution to authorize the ratification of a lease agreement with George Theodoratus. **(Resolution No. R2007144)**
10. Amendment No. 1 to Lease Agreement **No. 05163** with George Theodoratus to extend the lease agreement on a month-to-month basis for property located at 44511 Concrete Sauk Valley Road, Concrete, WA. The Amendment commenced on January 1, 2007. The lease amount payable on a month-to-month basis will be at the original monthly lease amount of \$100 per month plus applicable Leasehold Tax (currently 12.84%). **(Amendment No. A20070036)**
11. Resolution ratifying a Vendor Services Agreement with Waste Management. **(Resolution No. R20070145)**
12. Vendor Services Agreement with Waste Management to provide weekly recycling services at Skagit County facilities. The Agreement commenced on February 1, 2007, and shall continue until January 31, 2008. Compensation shall not exceed \$6,000. **(Contract No. C20070179)**

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FARMLAND LEGACY:

13. Resolution to appoint Nels Lagerlund to serve a three-year term on the Skagit County Agricultural Advisory Board. The term commenced on March 1, 2007, and shall expire on April 1, 2010. **(Resolution No. R20070146)**
14. Permanent Agricultural Conservation Easement granted by Double N Properties to Skagit County. The easement will retire four (4) development rights on 183.03 acres on Field Road in Bow at a cost of \$393,000. Half of the cost of the easement is being paid with a 2004 grant USDA-NRCS through the Federal Farm and Ranchland Protection Program. **(Contract No. C20070180)**
15. Permanent Agricultural Conservation Easement granted by Nelson Brothers Properties, LLC to Skagit County. The easement will retire one (1) development right on 90.49 acres on Samish Island Road at a cost of \$91,000. Half of the cost of the easement is being paid with a 2004 grant from USDA-NRCS through the Federal Farm and Ranchland Protection Program. **(Contract No. C20070181)**

HEALTH DEPARTMENT:

16. Amendment No. 1 to the 2007-2011 Consolidated Contract **No. C20070142** with the Washington State Department of Health. This Contract provides additional funding for Childhood Immunization, Tuberculosis Prevention, On-Site Enhancement, and Group B Water System programs. The Contract commenced on January 1, 2007 and shall continue until December 31, 2011. This Amendment adds \$60,376 in additional contract funds, bringing the total consideration to \$806,487. **(Amendment No. A2007037)**
17. Resolution AND County Program Agreement with the State of Washington Department of Social and Health Services (DSHS), which provides for the continuation of Passport Program services within Skagit County. The Agreement commenced on February 18, 2007, and shall continue until June 30, 2007. Compensation shall not exceed \$9,000. **(Resolution No. R20070147 AND Contract No. C20070182)**

PARKS AND RECREATION:

18. Resolution to re-appoint Colleen Fisher, Jeri Krampetz, Liz McNett Crawl, John Semrau, and Peter Swanson to continue to serve three-year terms on the Skagit County Parks and Recreation Advisory Committee. Their three-year terms commenced on January 1, 2007, and shall expire on December 31, 2010. **(Resolution No. R20070148)**

PROSECUTING ATTORNEY:

19. Resolution to provide a defense to Corrections Chief Gary Shand, and (former) Deputy Sheriff Chris Dormer, in a lawsuit filed by Terrance Jon Irby. **(Resolution No. R20070149)**

RISK MANAGEMENT:

20. Personal Services Agreement with Evergreen Safety Council to provide various safety trainings as requested by the Risk Management Department. The Agreement commenced on March 15, 2007, and shall continue until December 31, 2007. Compensation shall not exceed \$5,000. **(Contract No. C20070183)**

SENIOR SERVICES:

21. Resolution authorizing the ratification of a Personal Services Agreement with Visiting Nurse Home Care. **(Resolution No. R20070150)**

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22. Personal Services Agreement with Visiting Nurse Home Care to provide hand and foot care clinics to clients at the Skagit County Senior Services Center. The Agreement commenced on January 1, 2007, and shall continue until December 31, 2007. Clients will compensate Contractor at the rate of \$5.00 for hands, and \$17.00 for feet per appointment, paid by the participator to Visiting Nurse Home Care. **(Contract No. C20070184)**

YOUTH AND FAMILY SERVICES:

23. Personal Services Agreement with James Erno-Pearce, MFT to provide specialized child, adolescent, adult and/or family assessment, evaluation, and treatment (group and/or individual and/or families) consultation, education classes, monitoring with written reports as required and training as referred by the County and accepted for services by the Contractor. The Agreement commenced on January 1, 2007, and shall continue until December 31, 2009. Compensation shall not exceed \$10,000. **(Contract No. C20070185)**
24. Personal Services Agreement with Antioch University to provide intensive training and system consultation to mental health professionals and professionals involved in Skagit County Dependency Court proceedings and subsequent services. The Agreement shall commence on May 1, 2007, and continue until April 30, 2008. Compensation shall not exceed \$24,480. **(Contract No. C20070186)**

PUBLIC WORKS:

25. Resolution amending Resolution **No. R20060304**, FEMA Applicant Agent Designation for the flood of October 2003. **(Resolution No. R20070151)**
26. Resolution amending Resolution **No. R20070042**, FEMA Applicant Agent Designation for the flood of November 2006. **(Resolution No. R20070152)**
27. Resolution authorizing a call for update of Vendor Lists for Maintenance Material and Rental Equipment. **(Resolution No. R20070153)**
28. Resolution initiating a County Road Project (C.R.P.) PD08350-2 for the Sauk Prairie Road Project. **(Resolution No. R20070154)**
29. County Road Administration Board (CRAB) Rural Arterial Program Project Agreements for Farm To Market Road, Project No.2900-01, MP 00.00 to 00.77 and Project No.2900-03, MP 00.77 to 01.80. **(Contract Nos. C20070 AND C20070187)**
30. Right-of-Way Easement for approximately 2.21 acres between Skagit County Public Works and Sierra Pacific Holding Company, in conjunction with the establishment of Lake Shannon Road. **(Contract No. C20070155)**
31. Right-of-Way Easement for approximately 1.46 acres between Skagit County Public Works and Sierra Pacific Holding Company, in conjunction with the establishment of Tom Higgins Lane for the Lake Shannon Road Project. **(Contract No. C20070156)**
32. Amendment No. 1 to Vendor Services Agreement **No. C20060473** with ZF Marine, LLC, to provide for transmission service and parts for the Guemes Island Ferry. The Amendment extends the contract through December 31, 2008. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20070038)**

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33. Vendor Services Agreement with Van's Equipment Co., to provide equipment rental for various projects. The Agreement shall commence on April 1, 2007, and continue through May 31, 2008. Compensation shall not exceed \$100,000. **(Contract No. C20070188)**
34. Amendment No. 2 to Personal Services Agreement **No. C20050316** with Cedarock Consultants, Inc. to increase the hourly wage rate to \$115.00 per hour for biological evaluation reports. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A2007039)**
35. Local Agency Standard Consultant Agreement with Leonard, Boudinot & Skodje, Inc., to provide engineering services for the Fruitdale Road and McGarigle Road Improvement Project. The Agreement commenced on February 13, 2007, and shall continue through December 3, 2010. Compensation shall not exceed \$229,200. **(Contract No. C20070189)**
36. Amendment No. 1 to Vendor Services Agreement **No. C20050305** with Reisner Distributor, Inc., which adds an additional \$50,000 to the original contract for a new contract total of \$220,050. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A2007040)**

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 19, 2007, 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 Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$19,436.74 (Transmittal No. C-36-07); and

Warrant numbered 244746 from Clearing Fund 696 in the total dollar amount of \$5,000 (Transmittal No. C-37-07); and

Warrants numbered 244747 through 245225 from Clearing Fund 696 in the total dollar amount of \$1,358,323.79 (Transmittal No. C-39-07).

2. Staff brought forth a resolution appointing Paul Chaplik to the Civil Service Commission to serve the remaining term of Gene Ash, which was approved. **(Resolution No. R20070157)**
3. Staff brought forth a resolution appointing Frank Kendall to the Civil Service Commission to serve the remaining term of Ray Sizemore, which was approved. **(Resolution No. R20070158)**
4. Commissioner Munks read a letter from the Skagit River Bald Eagle Awareness Team thanking the Commissioners for their support.

PUBLIC COMMENT PERIOD.

Steven W. Johnson, 3728 192nd SW, Lynnwood, spoke to the Commissioners regarding problems he has incurred working with Planning & Development Services regarding a parcel of property he owns that he would like to build a home on.

After a brief discussion, Chair Dillon asked Commissioner Munks if he would look into the problem further with the Planning Department since the property lies within his district. Commissioner Munks agreed to follow up with the Department and report back to Mr. Johnson on his findings.

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ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chair

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

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