

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 16, 2007**

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| 8:00 a.m. – 9:00 a.m. | Work Session – County Commissioners |
| 9:00 a.m. – 10:00 a.m. | Work Session – County Administrator/Deputy Administrator |
| *T 10:00 a.m. – 10:30 a.m. | Public Hearing – Consideration of Special Assessment Roll for the Newly Created Lake Management District No. 4 for Clear Lake and Beaver Lake |
| *T 10:30 a.m. – 10:45 a.m. | Bid Opening – Guemes Island Ferry Diesel Fuel Purchase for 2007-2009 |
| *T 10:45 a.m. – 11:00 a.m. | Public Hearing – Consideration of 2007 Budget Amendment |
| 11:00 a.m. – 11:30 a.m. | Consent Agenda and Miscellaneous Items |
| 11:30 a.m. – 11:45 a.m. | Public Comment Period |
| 11:45 a.m. – 12:00 p.m. | Executive Session – Litigation |
| *T 1:30 p.m. – 2:00 p.m. | Discussion - Bayview Ridge Stormwater Management Plan |
| 2:00 p.m. – 4:00 p.m. | Executive Session – Litigation |

The Skagit County Commissioners met in regular session on Monday, April 16, 2007, with Commissioners Sharon D. Dillon, Don Munks and Kenneth A. Dahlstedt present.

PUBLIC HEARING – CONSIDERATION OF SPECIAL ASSESSMENT ROLL FOR THE NEWLY CREATED LAKE MANAGEMENT DISTRICT NO. 4 FOR CLEAR LAKE AND BEAVER LAKE.

Mike See, Water Resources Technician, provided an overview of Lake Management District No. 4 and explained the role of the Advisory Committee. Mr. See said a letter was received from Alice Royer objecting to the special assessment.

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

It was moved and seconded by Commissioners Munks and Dahlstedt to approve a resolution confirming and approving the roll, rates and charges for Skagit Lake Management District No. 4 for Clear and Beaver Lakes. The motion passed with a unanimous vote. **(Resolution No. R20070215)**

BID OPENING – GUEMES ISLAND FERRY DIESEL FUEL PURCHASE FOR 2007-2009.

Ferry Manager Steve Cox was present to open three bids, which were received for the purchase of diesel fuel for the M/V Guemes for 2007-2009. They are as follows:

Reisner Distributing
310 Commercial Avenue
Anacortes, WA 98221
Total Bid Amount: \$242,528

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Nelson Distributing
1125 80th Street SW
Everett, WA 98203
Total Bid Amount: \$265,188

Petroleum Traders Corporation
7120 Pointe Inverness Way
Fort Wayne, Indiana 86404
Total Bid Amount: \$263,725

Mr. Cox indicated he would bring forth a recommendation following review of the bids.

PUBLIC HEARING – CONSIDERATION OF 2007 BUDGET AMENDMENT.

Budget/Finance Administrator Trisha Logue reviewed the amendment to the 2007 budget and noted that most of the adjustments are for cost of living raises that hadn't been approved prior to the adoption of the 2007 budget.

Chair Dillon opened the public hearing.

Superior Court Judges Michael Rickert and Susan Cook spoke in favor of approving \$63,360, which will be used to hire an additional Guardian Ad Litem. Judge Rickert said it was recently discovered that Skagit County is out of compliance with the statute, but will be brought into compliance with the hiring of another Guardian Ad Litem.

Maryann Yamashita, Guardian Ad Litem, said she has been providing services to children of dependency cases for ten years. There are more than 300 abused/neglected children in Skagit County at this time, so there is a definite need for an additional Guardian Ad Litem.

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.

A motion was made by Commissioner Munks to approve a supplemental budget, as outlined by Ms. Logue. The motion was seconded by Commissioner Dahlstedt and passed unanimously. **(Resolution No. R20070216)**

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Monday, April 16, 2007, items 1 through 28. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, April 9, 2007. **(Approved)**
2. Record of the Proceedings for Tuesday, April 10, 2007. **(Approved)**
3. Resolution calling for bids for Skagit County legal printing services for July 1, 2007, through June 30, 2008. **(Resolution No. R20070217)**

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BUDGET/FINANCE:

4. Work/Financial Plan in accordance with the Cooperative Service Agreement between Skagit County and the United States Department of Agriculture, Animal and Plant Health Inspection Service and Wildlife Services. The Work Plan sets forth objectives, activities, and a budget of the wildlife control activities during the period of May 2, 2007, through May 1, 2008. Compensation for services is not to exceed a total of \$28,515. **(Contract No. C20070242)**

FACILITY MANAGEMENT:

5. Standard Form of Agreement between Skagit County and Sink Combs Dethlefs to provide architect services in conjunction with the Skagit County Recreational and Event Center. The contract shall commence upon the date of signature and continue for 60 days following completion of the project. Total compensation is not to exceed \$206,490. **(Contract No. C20070243)**
6. Resolution authorizing service and repair to the Skagit County phone system by Siemens Communication. **(Resolution No. R20070218)**

HUMAN SERVICES:

7. Resolution authorizing an Interlocal Cooperative Agreement with the City of Burlington Parks and Recreation Department. **(Resolution No. R20070219)**
8. Interlocal Cooperative Agreement with the City of Burlington Parks and Recreation Department to provide youth of Skagit County substance abuse prevention programming, in the form of Late Night Open Gym, to be held at the Burlington-Edison High School Fieldhouse on Saturday evenings. The agreement shall commence upon the date of execution and continue through June 30, 2007. Compensation is not to exceed a total of \$2,000. **(Contract No. C20070244)**
9. Personal Services Agreement with Judy E. Farrar to provide mental health treatment services to clients participating in the Community Wellness Program. The agreement commences on the date of execution and continues through April 30, 2008. Compensation is not to exceed \$10,000. **(Contract No. C20070245)**
10. Personal Services Agreement with Sharil L. Follman of the Follman Agency to provide mental health treatment services to clients participating in the Community Wellness Program. The agreement commences on the date of execution and continues through April 30, 2008. Compensation is not to exceed \$10,000. **(Contract No. C20070246)**
11. Personal Services Agreement with James H. Follman of the Follman Agency to provide mental health treatment services to clients participating in the Community Wellness Program. The agreement commences on the date of execution and continues through April 30, 2008. Compensation is not to exceed \$10,000. **(Contract No. C20070247)**
12. Amendment No. 2 to Personal Services Agreement **No. C20050349** with Phoenix Recovery Services to include an additional service definition for Criminal Justice Treatment Account, in accordance with the County's Criminal Justice Plan. The amendment is for the period of April 1, 2007, through June 30, 2007. The contract amount is increased by \$5,000 for a new contract total of \$254,289. All other terms and conditions of the original contract, including Amendment No. 1, shall remain in effect. **(Amendment No. A20070053)**

PROSECUTING ATTORNEY:

13. Resolution ratifying a Personal Services Agreement with the Law Offices of Carl Munson. **(Resolution No. R20070220)**

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14. Personal Services Agreement with the Law Offices of Carl Munson to provide legal representation for the North Cascade Secure Treatment Facility in the capacity of a Skagit County Special Deputy Prosecuting Attorney, in all 14-day Involuntary Chemical Dependency Hearings pursuant to the Integrated Crisis Response and Secure Detox Pilot Program. The agreement commenced on January 1, 2007, and shall continue through April 15, 2007. Compensation shall be \$3,000 per month plus mileage. **(Contract No. C20070248)**
15. Personal Services Agreement with Elaine L. Spencer and Graham & Dunn PC to provide consultation, representation and legal services for the Lake Whatcom Litigation (Skagit County Cause No. 05-2-00246-1). The agreement commenced on January 1, 2007, and shall continue until December 31, 2007. Compensation is not to exceed a total of \$50,000. **(Contract No. C20070249)**
16. 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 regarding solid waste environmental issues and water rights litigation and regulation. The agreement commenced on January 1, 2007, and shall continue until December 31, 2007. Compensation is not to exceed a total of \$100,000. **(Contract No. C20070250)**

RISK MANAGEMENT:

17. Resolution ratifying a Personal Services Agreement with Daphne R. Schneider & Associates to provide investigative services for the Human Resources Department. **(Resolution No. R20070221)**
18. Personal Services Agreement with Daphne R. Schneider & Associates to provide investigative services for the Human Resources Department. The agreement commenced on March 16, 2007, and shall continue until December 31, 2007. Compensation is not to exceed a total of \$10,000. **(Contract No. C20070251)**

SENIOR SERVICES:

19. Resolution ratifying an Interlocal Cooperative Agreement between Skagit County and the Department of Corrections. **(Resolution No. R20070222)**
20. Resolution authorizing an Interlocal Cooperative Agreement between Skagit County and the Department of Corrections. **(Resolution No. R20070223)**
21. Interlocal Cooperative Agreement between Skagit County and the Department of Corrections, which will prepare and deliver frozen meals and dinner rolls for the Skagit Nutrition Program to the Anacortes Senior Center. The agreement became effective on January 1, 2007, and shall continue through December 31, 2007. Compensation is not to exceed a total of \$14,400. **(Contract No. C20070252)**

YOUTH & FAMILY SERVICES:

22. Federal Grant Application between Skagit County and the Washington State Department of Social & Health Services for the Community Juvenile Justice Coalition – Northwest Juvenile Justice Council Project, which facilitates the exchange of information and coordination of activities regarding juvenile justice systems in a four-County area of Washington State. The proposed project period is from July 1, 2007, through June 30, 2008. Compensation totals \$14,545. **(Contract No. C20070253)**

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PUBLIC WORKS:

23. Supplement No. 1 to Local Agency Standard Consultant Agreement **No. C20050181** with Otak, Inc., which extends the agreement to December 31, 2009, to allow the Consultant to continue assisting Skagit County with the Anderson/LaVenture Road Extension Project. The supplement also amends the payment schedule. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20070054)**
24. Resolution authorizing an Interlocal Cooperative Agreement between Skagit County and the State of Washington Department of Ecology for funding of the Community Litter Cleanup Program. **(Resolution No. R20070224)**
25. Interlocal Cooperative Agreement between Skagit County and the State of Washington Department of Ecology for funding of the Community Litter Cleanup Program. The agreement shall commence on July 1, 2007, and continue through June 30, 2009. Skagit County will receive \$76,900 for the removal of litter and illegally dumped material from public lands and/or provide litter and illegal dump prevention education to citizens and other organizations. **(Contract No. C20070254)**
26. Amendment No. 1 to Personal Services Agreement **No. C20050236** with Edge Analytical, which extends the contract to May 31, 2008, to accommodate ongoing surface and ground water quality sample analysis. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20070055)**
27. Resolution ratifying a Vendor Services Agreement with Industrial Resources, Inc. **(Resolution No. R20070225)**
28. Vendor Services Agreement with Industrial Resources, Inc. to provide labor, equipment, and materials necessary to repair the oil storage tank located at the Burlington Maintenance Shop. The agreement commenced on March 1, 2007, and shall continue through February 28, 2009. Compensation is not to exceed a maximum of \$9,500. **(Contract No. C20070255)**

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, April 16, 2007, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 246623 through 247055 from Clearing Fund 696 in the total dollar amount of \$1,270,586.31 (Transmittal No. C-58-07); and

Warrants numbered 247056 through 247080 from Clearing Fund 696 in the total dollar amount of \$261,727.74 (Transmittal No. C-59-07).

2. Staff brought forth a Resolution and Interlocal Agreement, which provides for the acceptance of a \$10,000 grant award from the National Association of County and City Health Officials. The grant duration is from the date of execution to July 31, 2007, and is for the purpose of building capacity of local Medical Reserve Corps Units.

Commissioner Munks motioned to approve the Resolution and Interlocal Agreement as presented. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20070226 AND Contract No. C20070256)**

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PUBLIC COMMENT PERIOD.

Donalda Wiggins, 16125 Little Mountain Road, Mount Vernon, complained about a Special Use Permit that Marjorie Sundberg has applied for. Apparently, Ms. Sundberg is operating an illegal puppy mill in the Little Mountain area. Skagit County Animal Control Officer Emily Diaz has visited the site four times and has counted approximately 300 dogs.

Ms. Wiggins asked the Board to consider an ordinance limiting the amount of dogs people can have, including a barking ordinance.

The Board agreed that after speaking with Planning and Development Services, the Department is considering an interim ordinance. All permits are pending at this time.

Commissioner Dahlstedt said the Humane Society has grave concerns themselves.

DISCUSSION – BAYVIEW RIDGE STORMWATER MANAGEMENT PLAN.

Gary Christensen, Director of Planning and Development Services, said the stormwater plan is Phase 1 of a two-part plan, titled: Bay View Watershed Stormwater Management Plan Phase 1 – The Bayview Ridge Urban Growth Area.

The Skagit County Planning Commission conducted a public hearing on the stormwater plan March 13, 2007. They recommended plan adoption with additional recommendations addressing financing equity and interlocal agreements with the drainage districts. These will be brought forward for approval following negotiations between the districts and the Public Works Department.

Mr. Christensen asked the Board to sign a resolution and ordinance so their action could be submitted to the Western Washington Growth Management Hearings Board in defense of an appeal of the Bayview Ridge Urban Growth Area.

The resolution adopts the plan and the ordinance authorizes the County to use the 2005 Department of Ecology Stormwater Management Manual for Western Washington in the Bayview Ridge Subarea only adoption of the updated manual is mandated by the National Pollution Discharge Elimination System Phase II permit.

Following a PowerPoint presentation given by Jeroldine Hallberg, Mr. Christensen acknowledged the work of Ms. Hallberg, and Jan Flagan, Assistant Stormwater Manager for Public Works.

Commissioner Munks read the following statement:

The Planning Commission has done an excellent job of coordinating public comment and deliberating on the Bayview Ridge Subarea Plan. This effort includes their recently completed work on the Bay View Watershed Stormwater Management Plan, Phase I. Phase I addresses stormwater improvements needed to accommodate the growth in the Bayview Ridge non-municipal urban growth area that was established on December 5, 2006.

The Planning Commission has made numerous findings and recommendations that explain their decisions. Some of the findings and recommendations address financing and budgetary issues, but none of these findings and recommendations amends the Stormwater Management Plan that was proposed to them in February 2007, or precludes its adoption as proposed. The Board accepts these findings and recommendations regarding financing and budgetary issues, including the suggestion for interlocal agreements, as advisory. The findings and recommendations are not official controls or amendments to the subarea plan.

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Commissioner Munks motioned to approve a resolution adopting the "Bay View Watershed Stormwater Management Plan Phase 1: The Bayview Ridge Urban Growth Area." Commissioner Dahlstedt seconded the motion, which passed. **(Resolution No. R20070227)**

It was moved and seconded by Commissioners Munks and Dahlstedt to adopt an ordinance amending Skagit County Code 14.32.110, adding Bayview Ridge as a "critical drainage area." The motion was carried. **(Ordinance No. O20070003)**

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