

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 22, 2008**

The Skagit County Board of Commissioners met in regular session on Tuesday, April 22, 2008, with Commissioners Don Munks, Kenneth A. Dahlstedt, and Sharon D. Dillon present.

I. AGENDA:

- A. 8:00 a.m. - 8:30 a.m. Consent Agenda and Miscellaneous Items
- B. 8:30 a.m. - 9:30 a.m. Public Works department - Jim Voetberg, Director

- 1. Discussion - Cascade River Road

Assistant Public Works Director Jeff Miller gave the Commissioners a brief update on the Hard Creek Bridge - Cascade River Road. Mr. Miller noted the bridge is damaged and cannot be reopened until the repairs are made. He stated the ownership of the roadway is complex because part of the area is located in the National Park system. Mr. Miller indicated Public Works will be meeting with the Federal Government today to discuss who is responsible for taking the lead role on getting the bridge repaired.

Mr. Miller indicated he would keep the Board informed as further developments occur.

- 2. Discussion - Public Works Projects Update

Mr. Miller gave the Commissioners an update on the Engineering Divisions' critical projects. He noted the division has approximately 80 ongoing projects, as follows: 1) Cockreham Island levy rehab, mitigation; 2) culvert replacements; 3) Best/McLean Road Roundabout; 4) Sinclair Dock; 5) Guemes Ferry Dolphin; 6) Guemes Ferry Terminal; 7) pavement overlay and micro seal; 8) Fruitdale/McGargile Road; 9) SR 9 sidewalks, 10) three bridge corridor; 11) South Shore Road; and 12) the Anderson LaVenture Road extension. Mr. Miller went on to discuss several challenges currently facing the Public Works Department.

- 3. Miscellaneous

There were no miscellaneous items to report on.

- C. 9:30 a.m. - 10:00 a.m. Public Health Department - Peter Browning, Director

- 1. Discussion - National Infant Immunization Week

Public Health Nurse Marjorie Reece noted April 19-26, 2008, is National Immunization week. She stated our Public Health Department plays a significant role in this community, both in giving immunizations and making

sure that physicians receive the state supplied vaccines and clear instructions on how to administer them.

2. Discussion - Proposed Marine Recovery Areas in Skagit County

Steve Olson of Skagit County Public Health gave a presentation on the proposed marine recovery areas in Skagit County.

3. Miscellaneous

Director Peter Browning indicated the State Board of Health has rated the Skagit County Health Department has very high on their standards review program. He also discussed the School Rules program.

D. 10:30 a.m. - 10:45 a.m. Public Hearing - 2008 Budget Amendment for Various Funds

Budget and Finance Director Trisha Logue outlined the first quarter 2008 budget amendments.

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

A motion was made by Commissioner Dahlstedt to approve a Resolution Authorizing the Supplemental Budget for 2008. (**Resolution No. R20080198**) Commissioner Dillon seconded the motion, which passed unanimously.

E. 11:00 a.m. - 11:30 a.m. Proclamation - Soil and Water Stewardship Week in Skagit County (April 27 - May 4, 2008)

Carolyn Kelly, Manager of the Skagit Conservation District, was present and introduced Kristi Carpenter, the Public Information and Education Coordinator for the Skagit Conservation District. Ms. Carpenter suggested a few things people can do to reduce their impact on the environment. Cindy Pierce of the Skagit Conservation District was present and introduced participants of the 2008 Soil and Water Stewardship poster contest. She said eleventh grade student Heather Tropak from Concrete High School was the overall winner for the contest. She went on to say the runner up was third grade student Morgan Elton from Edison Elementary School. Ms. Pierce also introduced Emily Trampton who was the grade nine winner from Concrete High School.

Commissioner Dahlstedt read a Proclamation declaring April 27 - May 4, 2008, as Soil and Water Stewardship Week in Skagit County.

F. 11:30 a.m. - 11:45 a.m. Public Comment Period

Kim Maurer of 35658 Lyman Hamilton Highway, Sedro-Woolley, said she was

appreciative of the Commissioners' dedication on the buffer issues. She went on to say she was opposed to agricultural land being converted to other uses.

Young Soo Kim of 2218 Old Highway 99 So. Road, Mount Vernon, spoke in support of preserving farmland for farming.

- G. 11:45 a.m. - 12:00 p.m. Discussion/Possible Action - Preliminary Plat Approval of the Plat of Ehrlich Estates (PL07-0429) Submitted by Cleeland-Roberson Construction and Development Corporation

Senior Planner Marge Swint presented the preliminary plat approval for the Plat of Ehrlich Estates (PL07-0429) submitted by Cleeland-Roberson Construction & Development Corporation. Ms. Swint indicated the request is to subdivide 61 acres into 23 residential lots and one open space lot through the CaRD process. She noted a standard County internal road, public sewer and water will serve the project. The property is located at the end of Lee Road off Highway 9 in the Big Lake area.

A motion was made by Commissioner Dahlstedt to approve, grant and sign the resolution for preliminary plat approval for the Plat of Ehrlich Estates (PL07-0429) submitted by Cleeland-Roberson Construction & Development Corporation. **(Resolution No. R20080200)** Commissioner Dillon seconded the motion, which passed unanimously.

- H. 1:30 p.m. - 2:30 p.m. Closed Record Appeal No. PL08-0101, by William A. Stiles, Jr. of the Hearing Examiner's Decision Regarding Appeal No. PL07-0912, Requesting a Reversal of the Denial of the Hearing Examiner's Decision

Senior Planner Grace Roeder gave a brief overview of the appeal of the Hearing Examiner's Decision regarding appeal no. PL-7-0912, requesting a reversal of the denial of the Hearing Examiner's Decision.

Ms. Roeder stated the staff of Planning and Development Services recommend that the Board uphold the Hearing Examiner's decision. She also noted additional comments in regard to Mr. Hayden's memorandum of the appellant to Skagit County Board of Commissioners.

Mr. Hayden made a brief statement on behalf of the appellant, Mr. Stiles. He noted his client ultimately seeks to develop a ten acre tract on Tract C of the Plat of Avery Lane, for residential purposes but Mr. Stiles does not want to apply for a residential building permit until the decision is made.

Chairman Munks noted the Commissioners will be back to make a decision on the appeal on Tuesday, May 6, 2008 at 10:00 a.m.

- I. 2:30 p.m. - 3:30 p.m. Closed Record Appeal of the Hearing Examiner's Decision on PL07-0698 Involving Skagit County's Request Under Skagit County Code 14.16.900 (2)(b)(iii) to Revoke, Rescind, or Modify Special Use Permit No. 92-006 for Continuing Violations of Conditions Regarding Hours of Operation for the Bow Hill Mill

Jeffrey Eustis gave an opening statement on behalf of the Bow Hill Mill Neighborhood Association.

Civil Deputy Prosecuting Attorney Arne Denny gave an opening statement on behalf of Skagit County.

Richard Langabeer gave an opening statement on behalf of Port Gardner Timber, dba Bow Hill Mill, Inc.

Mr. Denny gave a rebuttal statement on behalf of the County.

Mr. Eustis gave a closing statement.

Mr. Langabeer gave a closing statement.

Chairman Munks stated the closed record appeal is closed until Tuesday, May 6, 2008, at 10:30, at which time the Commissioners will to render a decision.

J. 3:30 p.m. - 4:00 p.m. Discussion/Possible Action - Final Adoption of Permanent Kennel Regulations

Gary Christensen, Director, gave a brief overview of the history of the proposed amendment.

Carly Ruacho, Senior Planner, noted that written comments from the public comment period have been forwarded to the Board for their review along with the Planning and Development Services Department's recommendations.

The Commissioners agreed this amendment is not a permanent solution but it is a good place to start.

A motion was made by Commissioner Dahlstedt to approve amendments to Skagit County Code 14.04.020, Definitions and 14.16, Zoning and add a new Chapter 7.02, Kennels as proposed with the following modifications:

- 1) An exemption from the solid wood fence/continuous vegetative barrier requirement for kennel use areas located more than 500 feet from all subject property lines; and
- 2) A requirement that an exercise plan be submitted at the time of permit application; and
- 3) An allowance that the Planning and Development Services Department may refuse issuance of a special use permit, or rescind an approved special use permit, if it is discovered that the applicant has been convicted of animal cruelty as defined in R.C.W. 16.52.

and further move that Planning and Development Services Department work with legal counsel to draft a provision that allows for existing kennels that meet the new requirements to apply for a County-initiated batch special use permit with the possibility of a reduced permit application fee and possible exemption from the property size requirements and siting criteria. The motion was seconded by Commissioner Dillon, which passed unanimously.

II. CONSENT AGENDA:

Commissioner Dahlstedt read a clarification statement for item #10 on the Consent Agenda.

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda for Tuesday, April 22, 2008, items 1 through 13. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, April 15, 2008. **(Approved)**

b) FACILITY MANAGEMENT:

2. Amendment No. 1 to Vendor Services Agreement No. C20070574 with Meyer Heating, which adds additional compensation in the amount of \$3,000 for additional furnace services and repairs as requested by the Facility Management Department. The new contract total is not to exceed \$9,400. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20080068)**

c) INFORMATION SERVICES:

3. Resolution authorizing the transfer of surplus computer equipment to Skagit Valley College. **(Resolution No. R20080192)**

d) HUMAN SERVICES:

4. Amendment No. 1 to Personal Services Agreement No. C20070211 with Connie Bonner-Britt, which extends the length of the contract through December 31, 2008. This will allow for the continuance of counseling services to clients participating in the Community Wellness Program. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080069)**

e) PARKS & RECREATION:

5. Resolution awarding the bid for the Howard Miller Steelhead Park Improvements Project No. PD97-7 to Lakeside Industries for the low bid of \$67,432, plus applicable sales tax. **(Resolution No. R20080193)**

f) YOUTH & FAMILY SERVICES:

6. Interlocal Cooperative Agreement between Skagit County and PASS Course Sales, Sunnyside School District, which will provide a mechanism by which Skagit County youth can participate in the Portable Assisted Study Sequence (PASS) program. This will enable those youth to make-up academic credits

through an Office of the Superintendent of Public Instruction endorsed program. The agreement commenced on April 1, 2008, and shall continue through March 31, 2009. Compensation is not to exceed a total of \$6,500. **(Contract No. C20080274)**

g) PUBLIC WORKS DEPARTMENT:

7. Resolution calling for bids for one new latest model four-axle dump truck. The bid opening will be held on Monday, May 12, 2008, at 11:30 a.m. **(Resolution No. R20080194)**
8. Resolution calling for bids for two new latest model two-axle oil distributor trucks. The bid opening will be held on Monday, May 12, 2008, at 11:00 a.m. **(Resolution No. R20080195)**
9. Vendor Services Agreement with Pacific Star Marine to overhaul two Ulstein outdrives for the Guemes Island Ferry. The agreement shall commence upon the date of execution and continue until the project is completed. Compensation is not to exceed a maximum of \$200,000. **(Contract No. C20080275)**
10. Resolution amending Resolution Nos. R20050298, R20050405 and R20060338 and establishing a summer surcharge on all single round trip cash fares for vehicles and passengers on the Guemes Island Ferry, inclusion of a senior and disabled coupon book category in the fare schedule, clarifying senior and disabled discounts and establishing other fare adjustments. (A similar resolution on the Consent Agenda for April 15, 2008, was removed. This resolution reflects necessary changes directed by the Commissioners as shown on Exhibit A) **(Resolution No. R20080196)**
11. Vendor Services Agreement with Rinker Materials West LLC for the purchase of gravel products from the Maintenance Materials Eligibility List for the period of April 1, 2008, through March 31, 2009. Maximum payable compensation under this contract shall be \$500,000. **(Contract No. C20080276)**
12. Resolution authorizing a Quit Claim Deed from Skagit County to the Washington State Department of Transportation for a County right-of-way within Martin Road, only within the project limits of State Route 9, Prairie Road to Thunder Creek Vic. The County holds the title to a portion of Martin Road and is transferring it to WSDOT for widening and construction on this project, as set forth in Turnback Agreement No. TB1-0204. **(Resolution No. R20080197)**
13. Quit Claim Deed from Skagit County to the Washington State Department of Transportation for a County right-of-way within Martin Road, only within the project limits of State Route 9, Prairie Road to Thunder Creek Vic. The County holds the title to a portion of Martin Road and is transferring it to WSDOT for widening and construction on this project, as set forth in Turnback Agreement No. TB1-0204. **(Contract No. C20080277)**

III. 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, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:
 - a) ACH Transfer Request Form and Certification to Trusteed Plans Services Corporation from Clearing Fund 696 in the total dollar amount of \$41,160.04 (Transmittal No. C-47-08); and
 - b) Warrants numbered 271364 through 271996 from Clearing Fund 696 in the total dollar amount of \$2,107,086.36 (Transmittal No. C-48-08).
- 2) Deputy Civil Prosecutor Stephen Fallquist brought forward a Personal Services Agreement with Perkins Coie LLP, for legal counsel, representation and negotiation services. The Agreement commenced on February 1, 2008, and will continue until December 31, 2008. Compensation is not to exceed \$100,000. **(Contract No. C20080278)**

ADJOURNMENT:

Chairman Munks adjourned the proceedings.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

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