

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 8, 2008**

The Skagit County Board of Commissioners met in regular session on Tuesday, July 8, 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 - James E. Voetberg, Director
 - 1. Consideration of Signature - a) Ratification Resolution and b) Interlocal Agreement with Skagit Conservation District - Public Education and Outreach Services for County Compliance with national Pollution Discharge Elimination System Phase II (NPDES II)

Jim Voetberg, Director, stated the Public Works Department needs more time to review the Interlocal Agreement between County and the Skagit Conservation District. He informed the Board the Interlocal Agreement will be brought back before them at a later date.

Ric Boge, Surface Water Management, gave a PowerPoint presentation and provided some background on the County's permit for stormwater coverage. He stated on January 17, 2007, some geographic areas under Skagit County jurisdiction became subject to stormwater regulations under the federal Clean Water Act, known as the National Pollution Discharge Elimination System Phase II (NPDES II).

Mr. Boge also stated the regulations have strict timelines for implementation as well as strict penalties for failure to comply, which include failure to meet the timelines. Mr. Boge noted the deadline for compliance is August 2009.

Chairman Munks urged Mr. Boge to keep the Commissioners informed of the expenses involved in implementing the Stormwater Management Plan.

- 2. Discussion - Update on the Interlocal Agreement with Skagit River System Cooperative Regarding Bryson Road Area Property Acquisitions

Devon Smith, Skagit River System Cooperative, updated the Commissioners on the mitigation of flood and erosion hazards and on the partial re-establishment of free-flowing conditions of the Sauk River near Bryson Road.

Mr. Smith stated grant funds were applied for and have been awarded for the Salmon Recovery Funding Board to purchase properties along the river. He went on to say four properties have been purchased to date.

The Commissioners thanked Mr. Smith for the update.

- 3. Miscellaneous

There were no miscellaneous items for Public Works.

C. 9:30 a.m. - 10:30 a.m. Planning & Development Services - Gary Christensen, Director

1. Set Closed Record Public Meeting for Final Plat Approval for the Plat of Nookachamp Hills Phase 3 & 4 (PL07-0870) Submitted by Nookachamp Hills, LLC

Marge Swint, Senior Planner, requested the Commissioners set Tuesday, July 22, 2008, at 9:30 a.m. for a closed record public meeting for the final plat approval of the Plat of Nookachamp Hills Phases 3 & 4 (PL07-0870) submitted by Nookachamp Hills LLC.

A motion was made by Commissioner Dahlstedt to approve setting Tuesday, July 22, 2008, at 9:30 a.m. for a closed record public meeting for the final plat approval of the Plat of Nookachamp Hills Phases 3 & 4 (PL07-0870) submitted by Nookachamp Hills LLC. Commissioner Dillon seconded the motion, which passed unanimously.

Ms. Swint requested the Commissioners set Tuesday, July 22, 2008, at 9:30 a.m. for a closed record public meeting for the final plat approval of the Plat of River Valley Estates II (PL07-0318) submitted by Jason Lenz.

A motion was made by Commissioner Dahlstedt to approve setting Tuesday, July 22, 2008, at 9:30 a.m. for a closed record public meeting for the final plat approval of the Plat of River Valley Estates II (PL07-0318) submitted by Jason Lenz. Commissioner Dillon seconded the motion, which passed unanimously.

Ms. Swint requested the Commissioners set Tuesday, July 22, 2008, at 9:30 a.m. for a closed record public meeting for the final plat approval of the Plat of Mangat Estates (PL06-0442) submitted by Hapi Mangat.

A motion was made by Commissioner Dahlstedt to approve setting Tuesday, July 22, 2008, at 9:30 a.m. for a closed record public meeting for the final plat approval of the plat of the Plat of Mangat Estates (PL06-0442) submitted by Hapi Mangat. Commissioner Dillon seconded the motion, which passed unanimously.

2. Discussion/Possible Action - Proposed Code Amendments Relating to School-Siting Within the Bayview Ridge Urban growth Area Community Center Zone

Carly Rucho, Senior Planner, noted the modifications requested by the Commissioners to Skagit County Code 14.16.155 Bayview Ridge Community Center (BR-CC) subsection (4).

3. Miscellaneous

There were no miscellaneous items for Planning and Development Services.

D. 10:30 a.m. - 11:30 a.m. Update - Skagit County Human Services

Director of Skagit County Human Services Maile Keli'ipio-Acoba and staff provided an update of the mental health program.

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

Carol Ehlers of West Fidalgo Island in Anacortes encouraged the Commissioners to visit the Nelson Atkins Museum when they attend the National Association of County Officials conference in Kansas City. She went on to comment on the need for County departments to work together.

Ralph Gregory a representative of Sinclair Island, asked when the repair or replacement of the Sinclair Island dock would take place.

Chairman Munks assured Mr. Gregory he would take a look at the issue and get back to him.

F. 11:45 a.m. - 12:00 p.m. Proclamation - National Probation, Parole and Community Supervision Week - July 13-19, 2008

Linda Eiford, Director of Skagit County District Court Probation, invited the Commissioners to an open house to recognize District Court Probation staff on July 18, 2008, at 11:00 a.m. to 2:00 p.m. Ms. Eiford and Nancy Brown of Youth and Family Services introduced staff from their respective departments.

Commissioner Dahlstedt read a proclamation declaring July 13 to 19, 2008 as National Probation, Parole and Community Supervision Week.

F. 2:00 p.m. - 2:30 p.m. Decision - School Siting for Bayview Ridge

Carly Ruacho provided a brief overview of the Bayview Ridge Community Center zoning district, which is located in the Bayview Ridge Urban Growth Area. Ms. Ruacho stated the zoning district provides a community center where employees, residents and others can obtain and utilize public service and facilities.

Ms. Ruacho also noted two minor modifications to the language to Skagit County Code 14.16.210.

A motion was made by Commissioner Dahlstedt to approve the amendments to Skagit County Code 14.16.155 and 14.16.210 as proposed by staff and amended by the County Commissioners. Commissioner Dillon seconded the

motion, which passed unanimously.

Ms. Ruacho indicated the Planning and Development Services Department would draft an ordinance and bring it before the Commissioners at a later date.

G. 2:30 p.m. - 3:00 p.m. Discussion - Financing Opportunities for McIntyre Hall Enhancements for 2008

President of the Skagit County Public Facilities District (PFD) Board John Janicki stated the PFD is asking the Commissioners to support the PFD in issuing bonds to fund the 2008 enhancements to McIntyre Hall.

Mark Estvold of 3302 Oakes Avenue in Anacortes, Director of Skagit County PFD, provided an overview of the proposed improvements to McIntyre Hall. He indicated the enhancements to McIntyre Hall include additional ticketing booths and work space; additional storage areas; expansion of the conference area; and a full-scale kitchen to support the conference area. Mr. Estvold indicated the expected cost for the enhancements is approximately three million dollars.

Michael Crawford of 206 Rocky Ridge Drive in Sedro-Woolley, a member of the PFD, commented on the reason for the expansion.

The Commissioners stated they were in support of the expansion of the facility and they also encouraged the PFD to work with County staff to prepare an Interlocal Agreement.

II. CONSENT AGENDA FOR TUESDAY, JULY 8 - 38 ITEMS:

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda for Tuesday, July 8, 2008, items 1 through 38. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, June 24, 2008. **(Approved)**
2. Record of the Proceedings for Thursday, June 26, 2008. **(Approved)**

b) ADMINISTRATIVE SERVICES:

3. Resolution re-appointing Dennis Edmonds and John Janicki to the Skagit County Public Facilities District Board effective September 1, 2008, and continuing through August 31, 2012. **(Resolution No. R20080309)**

c) ASSIGNED COUNSEL:

4. Personal Services Agreement with Jenifer Howson, Attorney at Law, to provide indigent defense services for defendants referred by the Office of Assigned Counsel deemed to be conflict of interest cases for the Skagit County Public Defender's Office. The agreement commenced on February 1,

2008, and shall continue through December 31, 2010. Compensation is not to exceed a total of \$75,000. **(Contract No. C20080411)**

5. Personal Services Agreement with Roy Howson, Attorney at Law, to provide indigent defense services for defendants referred by the Office of Assigned Counsel deemed to be conflict of interest cases for the Skagit County Public Defender's Office. The agreement commenced on February 1, 2008, and shall continue through December 31, 2010. Compensation is not to exceed a total of \$75,000. **(Contract No. C20080412)**

d) FACILITY MANAGEMENT:

6. Amendment No. 1 to Personal Services Agreement No. C20070694 with Roger S. Howard, dba Howard Consulting, LLC, which deletes Exhibit A of the Scope of Work in the original agreement and adds a new Exhibit A of the Scope of Work as follows: Contractor shall provide on-call training and advisory consulting services to Skagit County by telephone, email, or in-person as requested by Skagit County. Contractor shall not manage or be responsible for any County capital projects. Purpose of services is to provide capital facility project management training to Facility Management staff. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20080128)**
7. Amendment No. 1 to Vendor Services Agreement No. C20080288 with Electric West, Inc., which allows the contractor to locate one additional 30' Class 3 pole placed on property adjacent to and east of 1800 Continental Place and locate one additional 35' Class 2 pole with associated guy hardware at 1700 East College Way. Additional compensation in the amount of \$5,224 is added for a new contract total of \$40,224. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080129)**

e) HEALTH DEPARTMENT:

8. Resolution ratifying an Interlocal Cooperative Agreement between Skagit County and Skagit County Public Hospital District No. 1 to allow work on the Chronic Disease Prevention Project. **(Resolution No. R20080310)**
9. Interlocal Cooperative Agreement between Skagit County and Skagit County Public Hospital District No. 1 to allow work on the Chronic Disease Prevention Project, which is funded with the new 5930 Blue Ribbon Funds in the amount of \$40,000. The contract commenced on January 1, 2008, and shall continue through December 31, 2008. **(Contract No. C20080413)**

f) HUMAN SERVICES:

10. Personal Services Agreement with Skagit Valley College to implement a 40-hour Mental Health Peer Counselor training. The contract shall commence on the date of execution and continue through August 31, 2008. Compensation is not to exceed a total of \$8,050. **(Contract No. C20080414)**

g) INFORMATION SERVICES:

11. Dark Fiber Optic Contract with Black Rock Cable to connect and service two fiber optic lines from 700 South Second Street to 2911 College Way in Mount Vernon. The agreement shall commence upon the date of signature and continue for one year. Compensation is not to exceed a total of \$36,720. **(Contract No. C20080415)**

h) NATURAL RESOURCES:

12. Resolution ratifying an Interlocal Agreement between Skagit County and the Skagit Conservation District for projects relating to Title III funding. **(Resolution No. R20080311)**
13. Interlocal Agreement between Skagit County and the Skagit Conservation District for projects relating to Title III funding. The County will reimburse the contractor for assistance in meeting Title III funding priorities through the development of a countywide Community Wildfire Protection Plan and Firewise Communities/USA Program implementation. The agreement commenced on January 1, 2008, and shall continue through July 1, 2009. Maximum reimbursement is not to exceed a total of \$141,000. **(Contract No. C20080416)**
14. Personal Services Agreement with North Cascades Institute, which will provide forest related education for the Kulshan Creek Community, thereby creating meaningful outdoor experiences for K-12 Latino residents. The agreement commenced on July 1, 2008, and shall continue for one year at a cost of \$12,000. **(Contract No. C20080417)**

i) PLANNING & DEVELOPMENT SERVICES:

15. Resolution denying Appeal No. PL08-0257 of Marjorie Sundberg and upholding the Hearing Examiner's decision denying Special Use Permit No. PL06-0994 and Request for Reconsideration No. PL08-0181. **(Resolution No. R20080312)**

j) PROSECUTING ATTORNEY:

16. Resolution ratifying a Personal Services Agreement with Joseph P. Mentor, Jr. and Mentor Law Group PLLC to provide legal counsel and services. **(Resolution No. R20080313)**
17. Personal Services Agreement with Joseph P. Mentor, Jr. and Mentor Law Group PLLC to provide legal counsel and services pertaining to solid waste environmental issues and water rights litigation and regulation. The agreement commenced on January 1, 2008, and shall continue through December 31, 2008. Compensation is not to exceed a total of \$30,000. **(Contract No. C20080418)**

k) SHERIFF'S DEPARTMENT:

18. Resolution ratifying a Personal Services Agreement with David V. McNeill of McNeill Polygraph and Investigating. **(Resolution No. R20080314)**
19. Personal Services Agreement with David V. McNeill of McNeill Polygraph and Investigating to perform polygraph and interview services. The agreement commenced on May 1, 2008, and shall continue through December 31, 2012. Compensation is not to exceed \$175 per screening, plus any mailing/delivery fees. **(Contract No. C20080419)**
20. Resolution declaring a sole source purchase for maintenance of the Cross Match Fingerprint Systems from Cross Match Technologies. **(Resolution No. R20080315)**
21. Resolution ratifying a Personal Services Agreement with New Beginnings Horse Rescue. **(Resolution No. R20080316)**
22. Personal Services Agreement with New Beginnings Horse Rescue to provide shelter services for horses and donkeys. The agreement commenced on June 1, 2008, and shall continue through December 31, 2012. Compensation is not to exceed \$750 per horse or \$500 per donkey. **(Contract No. C20080420)**

l) YOUTH & FAMILY SERVICES:

23. Resolution ratifying a Personal Services Agreement with Leanne Lunsford-Haywood, M.S. **(Resolution No. R20080317)**
24. Personal Services Agreement with Leanne Lunsford-Haywood, M.S. to provide specialized child, adolescent, adult and family assessments, evaluation and treatment consultations, education classes and other services requested by the department. The agreement commenced on July 1, 2008, and shall continue through June 30, 2010. **(Contract No. C20080421)**
25. Amendment No. 2 to Interlocal Cooperative Agreement No. C20070639 with the Mount Vernon School District, which adds an additional \$150 in reimbursement costs to transport students by bus to Leadership Program events. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080130)**

m) PUBLIC WORKS DEPARTMENT:

26. Resolution awarding the bid for the purchase of two new latest model oil distributor trucks to Motor Trucks, Inc. for the low bid price of \$278,225.39. **(Resolution No. R20080318)**
27. Resolution awarding the bid for one new latest model two axle dump truck to Motor Trucks, Inc. for the low bid price of \$86,799.18. **(Resolution No. R20080319)**
28. Temporary Construction and Detour Easement of 20 feet located within a portion of real property owned by Ms. Frances E. Fowler. The purpose is for

constructing a new water crossing on the Sauk Prairie Road at Gravel Creek. No consideration is being paid for said easement. **(Contract No. C20080422)**

29. Resolution calling for a public hearing regarding the proposed 2008 amendment to the 2005 Comprehensive Solid Waste Management Plan. The hearing will be held on August 12, 2008, at 9:00 a.m. **(Resolution No. R20080320)**
30. Local Agency Standard Consultant Agreement with Kleinfelder West, Inc. to provide inspection and testing of materials for various Public Works projects. The agreement shall commence upon the date of execution and continue through July 1, 2010. Compensation is not to exceed a total of \$25,000. **(Contract No. C20080423)**
31. Local Agency Standard Consultant Agreement with Northwest Hydraulic Consultants to provide professional design and engineering services related to the development of flood damage reduction alternatives for the Skagit River Basin. The agreement shall commence upon the date of signature and continue through June 30, 2012. The project will be completed in phases. Phase 1 had an authorized budget not to exceed \$250,000. If it is determined to be necessary, succeeding phases requiring additional expenditures will be authorized by written amendments to this agreement within the confines of the total amount payable of \$1,000,000. Expenditures under this contract will not exceed \$250,000 in any 12 month period. **(Contract No. C20080424)**
32. Resolution ratifying an Intergovernmental Agreement between Skagit County and the Washington State Department of Ecology. **(Resolution No. R20080321)**
33. Intergovernmental Agreement between Skagit County and the Washington State Department of Ecology, which has offered grant funding in the amount of \$20,000 for a proposed amendment to add Task 14 of Grant Agreement No. G080009. The grant award will pay for various water quality projects. **(Amendment No. A20080131)**
34. Amendment No. 1 to Personal Services Agreement No. C20070300 with Lauren Freitas, now known as Lauren Tracy. The amendment reflects her name change, extends the duration of the agreement from March 31, 2009, to June 30, 2009, and increases the maximum amount payable from \$15,000 to \$30,000. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080132)**
35. Local Agency Standard Consultant Agreement with GeoTest Services, Inc., which will provide material testing services for Skagit County road and bridge projects. The agreement shall commence upon the date of execution and continue through December 31, 2010. Compensation is not to exceed a total of \$50,000. **(Contract No. C20080425)**
36. Construction Contract with Lakeside Industries for the 2008 Asphalt Overlay Project No. PDAO-08 in the amount of \$669,293.80. The agreement shall

become effective on the date of execution. **(Contract No. C20080426)**

37. Resolution ratifying Grant Agreement No. G0800577 between Skagit County and the Washington State Department of Ecology. **(Resolution No. R20080322)**
38. Grant Agreement No. G0800577 between Skagit County and the Washington State Department of Ecology, which will provide funding in the amount of \$250,000 to conduct a feasibility study for providing enhanced treatment of wastewater from Skagit County Sewer District #2 and reclaiming the wastewater to augment stream flows in Nookachamps Creek. The agreement commenced on January 31, 2008, and shall continue through June 30, 2011. **(Contract No. C20080427)**

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 Service Corporation from Clearing Fund 696 in the total dollar amount of \$52,750.60 (Transmittal No. C-76-08); and
 - b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$83,406.17 (Transmittal No. C-77-08); and
 - c) ACH Transfer Request Form and Certification to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$506.00 (Transmittal No. C-78-08); and
 - d) Warrants numbered 276430 through 276905 from Clearing Fund 696 in the total dollar amount of \$2,144,836.16 (Transmittal No. C-79-08); and
 - e) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$144,363.28 (Transmittal No. C-80-08); and
 - f) Warrants numbered 276906 through 277328 from Clearing Fund 696 in the total dollar amount of \$1,297,844.70 (Transmittal No. C-81-08).
- 2) David Asia, Substance Abuse Program Coordinator for Skagit County Human Services, brought forward a resolution authorizing lodging for seven County employees from the Skagit County Family Treatment Court Team, as a component of Statewide Family Treatment Court Training, on the nights of July 16 and July 17, 2008, at the Skagit Valley Casino Resort, in an amount not to exceed \$2,000.

Commissioner Dahlstedt made a motion to approve the resolution, which was

seconded by Commissioner Dillon and passed unanimously. **(Resolution No. R20080323)**

- 3) Arne Denny, Deputy Prosecuting Attorney, brought forward a resolution identifying the legislative history for the amendment of Skagit County's Comprehensive Plan to establish a mineral resource overlay on property adjacent to the Cascade Ridge residential development.

Commissioner Dahlstedt moved to adopt the resolution identifying the legislative history for the adoption of mineral resource overlay under CPA05-18, which was seconded by Commissioner Dillon and passed unanimously. **(Resolution No. R20080324)**

- 4) Division Manager of Operations Cliff Butler presented Amendment No. 1 to Vendor Services Agreement No. C20080275 between Skagit County and Pacific Star Marine to overhaul two Ulstein outdrives for the Guemes Island Ferry. One outdrive requires a replacement of gears and repair to mounting block, estimated under \$35,000, bringing the contract total to an amount not to exceed \$235,000. All other terms and conditions of the original contract shall remain in full force and effect.

Commissioner Dahlstedt moved to approve the amendment, which was seconded by Commissioner Dillon and passed unanimously. **(Amendment No. A20080133)**

IV. 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