

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 9, 2008**

The Skagit County Board of Commissioners met in regular session on Tuesday, December 9, 2008, with Commissioners Don Munks, Kenneth A. Dahlstedt, and Sharon D. Dillon present.

I. CALL TO ORDER:

Chairman Munks called the proceedings to order at 8:06 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Munks led the gallery in the pledge to the flag.

III. AGENDA:

A. 8:00 a.m. - 8:30 a.m. Consent Agenda and Miscellaneous Items

B. 8:30 a.m. - 9:00 a.m. Adoption of the Skagit County 2009 Budget

Chairman Munks reconvened the proceedings at 8:31 a.m.

Budget and Finance Director Trisha Logue outlined the 2009 County budget process.

Ms. Logue stated if the budget is adopted by the Board of Commissioners today, the next step in the process will be to hold a public hearing on December 16, 2008, at 1:30 p.m. The purpose of the public hearing will be to consider the 2009 levy rates for the General Levy, Road Levy and Construction Levy.

The adoption of 2009 levy rates will be on December 23, 2008, at 8:00 a.m., which will be presented on the Consent Agenda.

The Commissioners thanked the Management Team and the Budget and Finance Department for their work on the 2009 County budget.

A motion was made by Commissioner Dahlstedt to approve a Resolution to adopt the Skagit County 2009 budget. **(Resolution No. R20080543)** Commissioner Dillon seconded the motion, which passed unanimously.

C. 9:00 a.m. - 9:30 a.m. Discussion - Animal Code Revisions

Chairman Munks reconvened the proceedings at 9:04 a.m.

Special Deputy Prosecutor Ryan Walters and Animal Control Officer Emily Diaz discussed proposed revisions to the Skagit County Code Title 7 - Animals.

Mr. Walters stated the proposed changes to Title 7 would enable the public to locate

particular rules within the Code more effectively.

The Commissioners stated the animal welfare portion of the Code is very important. They also mentioned that licensing was also a critical aspect of the Code.

Chairman Munks recessed the proceedings at 9:21 a.m.

- D. 9:30 a.m. - 10:00 a.m. Discussion/Possible Action - Resolution Extending the Deadline for Taxpayer Property Tax Petitions to the Skagit County Board of Equalization From 30 Days to 60 Days

Chairman Munks reconvened the proceedings to order at 9:32 a.m.

Commissioner Dillon stated this resolution has been brought forward as a result of several public meetings involving the Commissioners and the Assessor. She stated this resolution will help the public to extend the time necessary to file petitions appealing property tax assessments. She said it would also give the Board of Equalization sufficient time to process the appeals.

Commissioner Dahlstedt indicated this is a complex issue and it would be helpful to the public if the Assessor's office provided information on the property tax assessment process.

A motion was made by Commissioner Dahlstedt to approve a resolution extending the deadline for taxpayer property tax petitions to the Skagit County Board of Equalization from 30 days to 60 days. (**Resolution No. R20080544**) Commissioner Dillon seconded the motion, which passed unanimously.

Chairman Munks recessed the proceedings at 9:40 a.m.

- E. 10:00 a.m. - 10:30 a.m. Presentation - Skagit Conservation Education Alliance

Chairman Munks reconvened the proceedings at 10:04 a.m.

Steve Olsen from Skagit County Public Health and President of the Skagit Conservation Education Alliance presented the 2007 Skagit County Watershed Action Plan Implementation Review Committee's Five-Year Priority Action, and the Final 2007 Station Report for Samish Bay, Nookachamps Creek, Padilla Bay, and the Bay View Watershed Action Plans Addressing Non-Point Pollution.

The Commissioners thanked the Skagit Conservation Education Alliance for the update.

Chairman Munks recessed the proceedings at 10:29 a.m.

- F. 10:30 a.m. - 11:00 a.m. Discussion/Possible Action - Resolution Authorizing the Exploration of the Acquisition of the Christianson Seed Site as the Location for the Community Justice Center

Chairman Munks reconvened the proceedings at 10:33 a.m.

Chief Corrections Deputy Gary Shand stated the Skagit County jail is severely overcrowded. It was built to accommodate 83 inmates, and as of today's date, there are 262 people in the jail. Chief Shand said the County desperately needs a new facility.

Charlie Wend, State Department of Corrections official, discussed the recommendation of the Law and Justice Council to explore the acquisition of the Christianson Seed site as the location for the Community Justice Center.

Mr. Wend introduced members of the Law and Justice Council who were present in the gallery.

The Commissioners commended the members of the Law and Justice Council for moving forward with the site recommendation.

A motion was made by Commissioner Dahlstedt to approve authorizing the exploration of the acquisition of the Christianson Seed site as the location for the Community Justice Center. **(Resolution No. R20080545)** Commissioner Dillon seconded the motion, which passed unanimously.

Chairman Munks recessed the proceedings at 10:56 a.m.

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

Chairman Munks reconvened the proceedings at 11:30 a.m.

Several members of the Forest Advisory Board (FAB), including David Chamberlain; Paul Kreigal; Aubrey Stargell; Ken Osborn; Tim Raschko; and Gordon Iverson urged the Commissioners to include FAB's recommendations in the Critical Areas Ordinance.

Bill Vaux of 5108 Heather Court in Anacortes commented on the Bow Hill Mill Settlement.

A citizen calling himself Lazarus spoke about the fires in California and homeless issues.

Chairman Munks recessed the proceedings at 11:49 a.m.

H. 1:30 p.m. - 2:0 p.m. Public Hearing - To Consider Input on the 2009 Emergency Medical Services (EMS) Budget

Chairman Munks reconvened the proceedings at 1:32 p.m.

EMS Commission Manager Earl Klinefelter presented the preliminary budgets for Divisions 3 and 4, which include education support and training, and administrative support.

Ambulance Operations Manager for Central Skagit Medic One Bill Holstein

presented the preliminary budget for Division 1. Mr. Holstein stated the Ambulance Commission budget has a \$16,000 shortfall.

Chairman Munks opened the public hearing at 1:38 p.m.

Todd Gordon of Skagit County asked if facilities department services would continue to be contracted out.

Seeing no further public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 1:42 p.m. Commissioner Dillon seconded the motion. The motion passed unanimously.

The Commissioners indicated the Skagit County EMS Commission should do everything in their power to balance their budget before moving forward with a final budget.

Chairman recessed the proceedings at 1:44 p.m.

I. 2:00 p.m. - 3:00 p.m. Discussion/Possible Action - Critical Areas Ordinance Update

Chairman Munks called the proceedings to order at 2:09 p.m.

Director of Planning & Development Services Gary Christensen urged the Board to take action on this matter today. Senior Planner Betsy Stevenson acknowledged the individuals that have been involved in this project.

Senior Planner Leah Forbes provided an overview of discussions with the Planning Commission. Consultant Oscar Graham provided an overview of discussions with the Planning Commission regarding streams and riparian areas.

The Commissioners stated there should be a clear division between whether the County or the Department of Natural Resources is responsible for managing development lands and timber production lands. The Commissioners asked if there were assurances to get the Forest Practice Rules incorporated within the Critical Areas Ordinance.

Mr. Christiansen stated he was optimistic that if the Planning Department worked with the FAB and the State, they could bring a proposal before the Board early next year.

A motion was made by Commissioner Dahlstedt to approve the proposed amendments to Skagit County Code, Chapters 14.04, 14.16, 14.18 and 14.24 as recommended by the Planning and Development Services Department. The approval is subject to the Department working with legal counsel to draft an ordinance for the Board's review and signature; with a work plan with the Forest Advisory Board to come up with the necessary Forest Practice Rules. The ordinance would be considered by the Board of County Commissioners on December 23, 2008, during the Planning and Development Services Department regular agenda at 8:30 a.m.

Commissioner Dillon seconded the motion, which passed unanimously.

IV. CONSENT AGENDA FOR TUESDAY, DECEMBER 9, 2008, ITEMS 1 - 30:

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda items 1 through 19, 21 through 30, 33 and 34, Ratification Agenda items 31 and 32, vouchers, warrants, and miscellaneous items for Tuesday, December 9, 2008. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, November 25, 2008. **(Approved)**
2. Record of the Proceedings for Tuesday, December 2, 2008. **(Approved)**
3. Resolution appointing Vic Jenson as a member of Dike District 19, effective February 1, 2008, through January 31, 2014. **(Resolution No. R20080530)**
4. Resolution appointing Herb Waltner as a member of Drainage and Irrigation District No. 17, effective February 1, 2008, through January 31, 2014. **(Resolution No. R20080531)**
5. Resolution appointing Alan Messman as a member of Drainage and Irrigation District No. 22, effective February 1, 2008, through January 31, 2014. **(Resolution No. R20080532)**
6. Resolution appointing Fred DeVries as a member of Dike District No. 20 and Drainage and Irrigation District No. 20, effective February 1, 2008, through January 31, 2014. **(Resolution No. R20080533)**

b) HUMAN SERVICES:

7. Resolution appointing Sue Spencer to serve a three year term on the Skagit County Substance Abuse Board, effective December 1, 2008, through November 30, 2011. **(Resolution No. R20080534)**
8. Amendment #1 to Personal Services Agreement No. C20080331 with Chinook Enterprises, which allows reimbursement to staff at a rate of \$32 per hour for general program planning and contract reporting. This amount shall not exceed 25% of the total billed each month. Compensation is unchanged and all other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080224)**
9. Amendment No. 1 to Personal Services Agreement No. C20080521 with Compass Health, which authorizes the use of flex funds in the amount of \$1,500 to provide taxi cab fare for sub-acute detoxification clients as needed to travel between treatment facilities and appointments. All other terms and conditions of the original contract shall remain in effect. **(Amendment No.**

A20080225)

10. Personal Services Agreement with Michele Boudreau to provide mental health treatment services to clients participating in the Community Wellness Program. The agreement shall commence on January 1, 2009, and continue through December 31, 2009. Maximum compensation is not to exceed a total of \$10,000. **(Contract No. C20080689)**
 11. Personal Services Agreement with Cecile "CeCe" Thomas to provide mental health treatment services to clients participating in the Community Wellness Program. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Maximum compensation is not to exceed a total of \$10,000. **(Contract No. C20080690)**
 12. Personal Services Agreement with People 1st of Skagit County to provide training, networking, and advocacy opportunities to individuals with developmental disabilities in Skagit County. The contract shall begin on the date of execution and continue through December 31, 2009. Compensation is not to exceed a total of \$7,087. **(Contract No. C20080691)**
 13. Personal Services Agreement with Sea Mar Community Health to provide mental health treatment services to clients participating in the Community Wellness Program. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Maximum compensation is not to exceed \$20,000. **(Contract No. C20080692)**
 14. Personal Services Agreement with NAMI Skagit (National Alliance for the Mentally Ill) to provide education and outreach programs to mental health professionals, consumers, family members and high school students. The agreement shall commence on January 1, 2009, and continue through December 31, 2009. Compensation is not to exceed a total of \$15,000. **(Contract No. C20080693)**
- c) INFORMATION SERVICES:
15. Resolution authorizing the transfer of County surplus computer equipment to the Burlington-Edison School District. **(Resolution No. R20080535)**
- d) PARKS & RECREATION:
16. Amendment No. 1 to Interlocal Agreement No. C20080484 between Skagit County and the Town of Lyman, which authorizes additional compensation in the amount of \$15,000 for the new restroom facility that is located within close proximity of Cascade Trail and within the confines of Lyman's Town Park. The Town of Lyman anticipated to receive, but did not ultimately qualify for, a \$15,000 grant from USDA Rural Development. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080226)**
 17. Rafting Contact with the Boeing Employee Whitewater and Touring Club, which authorizes commercial float trips on the Skagit River and launching from and/or exiting onto County property commonly known as Howard

Miller Steelhead Park. The agreement shall commence on December 13, 2008, and continue through November 30, 2009. A non-refundable permit fee of \$150 shall be paid to the County. **(Contract No. C20080694)**

18. Rafting Contact with Northwest Adventure Center, which authorizes commercial float trips on the Skagit River and launching from and/or exiting onto County property commonly known as Howard Miller Steelhead Park. The agreement shall commence on December 14, 2008, and continue through November 30, 2009. A non-refundable permit fee of \$150 shall be paid to the County. **(Contract No. C20080695)**

e) PEST CONTROL:

19. Amendment No. 1 to Vendor Services Agreement No. C20080536 with Haines Spray Service, which increases compensation by \$2,000 for a new contract total of \$7,000. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20080227)**

f) PLANNING & DEVELOPMENT SERVICES:

20. Amendment No. 1 to Personal Services Agreement No. C20070675 with Kelly Services, Inc., which extends the contract through December 31, 2009, and adds additional compensation in the amount of \$15,000 for general clerical services as needed. This amendment changes the contract total from \$25,000 to \$40,000. All other terms and conditions of the original agreement shall remain in effect. **(This item was removed from the Consent Agenda pending further discussion)**
21. Amendment No. 3 to Personal Services Agreement No. C20050314 with Berryman and Henigar (BHC Consultants), which extends the length of the contract through December 31, 2009, for continued work on the Critical Areas Ordinance Update as needed. All other terms and conditions of the original contract, including the previous 2 amendments, shall remain in effect. **(Amendment No. A20080228)**

g) PUBLIC WORKS DEPARTMENT:

22. Resolution appointing the 2009 Solid Waste Advisory Committee (SWAC) membership. **(Resolution No. R20080536)**
23. Resolution awarding the bid for the Sinclair Dock Repair Project No. EO-402 to Diller Construction Enterprises, Inc., dba Whatcom Waterfront Construction for the low bid amount of \$59,468.24. **(Resolution No. R20080537)**
24. Resolution granting voting authority for the adoption of Bylaws for the Skagit County Solid Waste System Governance Board. **(Resolution No. R20080538)**
25. State of Washington - Washington State Parks and Recreation Commission Snowmobile and Winter Recreation Programs Cooperative/Collection

Agreement with the Skagit County Department of Public Works. The agreement allows the County to perform reimbursable maintenance work by plowing snow, grading and leveling, and installing appropriate highway signs. The agreement shall commence upon the date of execution and continue through May 31, 2009. Reimbursable revenue is not to exceed a total of \$2,715. **(Contract No. C20080696)**

26. Vendor Services Agreement with Maintenance Services LLC for installation of a leak detection system to the Concrete fuel facility. The Washington State Department of Ecology requires the system to be installed no later than February of 2009. Total compensation is not to exceed \$15,000. **(Contract No. C20080697)**

h) SENIOR SERVICES:

27. Personal Services Agreement with Visiting Nurse Home Care to provide hand and foot care clinics to clients at the Skagit County Senior Services Centers. The agreement shall commence on January 1, 2009, and continue through December 31, 2009. Clients will compensate the Contractor \$5 for hands and \$17 for feet per appointment. **(Contract No. C20080698)**

i) SHERIFF'S DEPARTMENT:

28. Resolution calling for a public hearing regarding the sale of County surplus vehicles and other equipment. The hearing will be held on Tuesday, December 23, 2008, at 1:30 p.m. **(Resolution No. R20080539)**

j) SUPERIOR COURT:

29. Personal Services Agreement with Northwest Family & Children's Services to provide guardian ad litem services, including legal representation in juvenile dependency proceedings that are filed and heard in Skagit County Superior Court. The Agreement shall commence on January 1, 2009, and continue through December 31, 2009. Compensation is not to exceed a total of \$163,360. **(Contract No. C20080699)**

k) YOUTH & FAMILY SERVICES:

30. Resolution amending Resolution No. R20020169 regarding policies for the Mentorship Program. **(Resolution No. R20080540)**

V. CONTRACT RATIFICATIONS FOR TUESDAY, DECEMBER 9, 2008, ITEMS 31 - 34:

l) PUBLIC WORKS DEPARTMENT:

31. Resolution ratifying a Personal Services Agreement with AMEC Geomatrix, Inc. **(Resolution No. R20080541)**
32. Personal Services Agreement with AMEC Geomatrix, Inc. to conduct a remedial investigation, per the requirements of the Washington State Model Toxics Control Act, for contamination related to the former Whitmarsh

(March Point) Landfill. The contract amount shall not exceed a total of \$665,336 and it is anticipated that these charges will be paid by Texaco, Inc., Shell Oil Company, the Washington Department of Natural Resources, and/or the County's insurance company/companies, and/or grant funds from the Washington State Department of Ecology. The agreement commenced on July 1, 2008, and shall continue through June 30, 2010. **(Contract No. C20080700)**

33. Resolution authorizing a small works roster award of contract (Vendor Services Agreement) with Fairbanks Scales. **(Resolution No. R20080542)**
34. Vendor Services Agreement with Fairbanks Scales for licensing calibration and maintenance on scales at County Transfer Stations. The agreement commenced on November 4, 2008, and shall continue through November 3, 2010. Compensation is not to exceed a total of \$15,000 per year. **(Contract No. C2008701)** *(Public Works Assistant Director Jeff Miller explained to the Commissioners this Contract actually commences upon the date of execution by the Commissioners)*

VI. 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. Warrants numbered 287096 through 287098 from Clearing Fund 696 in the total dollar amount of \$543,571.40 (Transmittal No. C-147-08); and
 - b. ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$111,673.32 (Transmittal No. C-148-08); and
 - c. Warrants numbered 287099 through 287551 from Clearing Fund 696 in the total dollar amount of \$932,097.50 (Transmittal No. C-149-08); and
 - d. Warrants numbered 287552 through 287764 from Clearing Fund 696 in the total dollar amount of \$436,041.72 (Transmittal No. C-150-08); and
 - e. Payroll Warrants numbered 236878 through 237697 in the total dollar amount of \$1,179,832.68 (Transmittal No. P-45-08); and
 - f. Payroll Warrants numbered 982634 through 981922 in the total dollar amount of \$293,186.51 (Transmittal No. P-46-08).
- 2) Marge Swint, Senior Planner, brought forth a proposal to discuss and take possible action on scheduling a closed record public meeting for final plat approval of the Plat of Shore View Estates (PL06-0762), an administrative long CaRD submitted by James Nelson. The proposal is to divide approximately 25 acres into 5 lots. The

property is located at Shorewood Heights Lane, along the east side of Snee-Oosh Road.

A motion was made by Commissioner Dahlstedt to approve scheduling a closed record public meeting on Tuesday, December 16, 2008, at 2:15 p.m., for the final plat approval of the Plat of Shore View Estates (PL06-0762), an administrative long CaRD submitted by James Nelson. Commissioner Dillon seconded the motion, which passed unanimously.

VII. ADJOURNMENT:

Chairman Munks adjourned the proceedings at 2:56 p.m.

**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