

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 20, 2009**

The Skagit County Board of Commissioners met in regular session on Tuesday, January 20, 2009, with Commissioners Kenneth A. Dahlstedt, Sharon D. Dillon, and Ron Wesen present.

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 10:17 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

A. 10:15 a.m. - 11:00 a.m. Presentation by FEMA Regarding the Status of the FEMA Reasonable and Prudent Alternatives and Possible Effects of the National Marine Fisheries Service Biological Opinion on the National Flood Insurance Program

Mark Carey, Mitigation Division Director for the Federal Emergency Management Agency (FEMA) Division 10, presented information regarding the requirement for FEMA to review actions they undertake to determine whether they may affect endangered species or their habitats. Mr. Carey also spoke about the Endangered Species Act and its relationship with the National Flood Insurance Program.

Mr. Carey went on to discuss the possible impacts to Skagit County from the biological opinion recently issued to FEMA by the National Marine Fisheries Service on the National Flood Insurance Program.

Mr. Carey stated the new regulations will not take effect until September 2010, but FEMA would need to work with the County to identify whether development in the floodplain may affect endangered species or their habitat.

Will Honea, Chief Civil Prosecutor for Skagit County, asked what the ramifications would be if Skagit County did not participate with FEMA's biological requests.

Mr. Carey stated how local jurisdictions comply with FEMA's requests are currently under legal consultation.

Kurt Miller a resident of Fir Island, asked Mr. Carey to explain what funds are available to help with habitat restoration.

Mr. Carey stated FEMA is currently exploring the funding options.

Bob Boudinot of 603 1st Street in Mount Vernon, asked if the court ruling would affect the release date elevation on the flood maps. Mr. Carey indicated it would not affect ongoing mapping projects.

Tom Lane of Anacortes asked why the County is allowing development in the floodplain.

Lauren Tracy with the Hamilton Public Development Authority, asked if there would be technical assistance provided to local communities after development has occurred.

Mr. Carey indicated local assistance would primarily come from FEMA at this point but he is currently exploring additional information.

The Commissioners thanked Mr. Carey for the presentation.

Chairman Dahlstedt recessed the proceedings at 11:04 a.m.

- B. 11:00 a.m. - 11:30 a.m. Consent Agenda and Miscellaneous items
- C. 11:30 a.m. - 11:45 a.m. Public Comment Period

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

Elfa Gisla of 18444 Spruce Street in Conway, stated she still does not have a Certificate of Occupancy for the Conway Muse. Ms. Gisla said she felt she was being treated unfairly by Skagit County Planning & Development Services.

The following members of the public spoke in favor of the Conway Muse obtaining a Certificate of Occupancy: Gayle Steritt of Sedro-Woolley; Andromitus Betz of Skagit County; Lynn Mcjunken of Conway; Mark Warrent of Skagit County; Lloyd Houston of Skagit County; Peggy Wendell of Snohomish County; and Lindsey Bowen of Skagit County.

Ray Tryznka, Manager of Government Affairs and Community Relations for Puget Sound Energy, invited the Commissioners to the upcoming Skagit County Bald Eagle Festival, which will be taking place on January 24, through 25, 2009. Mr. Tryznka also thanked the County for their help in restoring power to the upper Skagit Valley during the recent storm event.

Mr. Tryznka introduced Terry Cox of Electric First Response. Ms. Cox thanked the Skagit County Emergency Management Department for their hard work during the recent storm event.

- D. 1:30 p.m. - 3:30 p.m. Executive Session - Potential Litigation

The executive session commenced at 1:30 p.m. and adjourned at 3:30 p.m. There was not action taken during executive session.

IV. CONSENT AGENDA:

A motion was made by Commissioner Wesen to approve the consent agenda items 1 through 12, and 14, and Ratification Agenda items 15 and 16, vouchers, warrants, and miscellaneous items for Tuesday, January 20, 2009. Item 13 was removed pending further information. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Wednesday, January 7, 2009. **(Approved)**
2. Record of the Proceedings for Monday, January 12, 2009. **(Approved)**
3. Record of the Proceedings for Tuesday, January 13, 2009. **(Approved)**
4. Resolution appointing Benjamin Paulus to the Skagit County Citizen's Commission on Salaries for Elected Officials, effective upon the date of signature and continuing through November 12, 2009. **(Resolution No. R20090018)**

b) ADMINISTRATIVE SERVICES:

5. Resolution re-appointing the following members to the Agricultural Advisory Board: Murray Benjamin, Greg Lee, Randy Good, Lyle Wesen, Kim Mower, Annie Lohman, Bob Hughes, Mike Hulbert and Bill McMoran, John Vendeland and Nels Lagerland. Also, Kraig Knutzen will replace Roger Knutzen whose term has expired. **(Resolution No. R20090019)**

A motion was made by Commissioner Wesen to recuse himself from Consent Agenda item 5, which appoints his father Lyle Wesen to the Agriculture Advisory Committee. Chairman Dahlstedt seconded the motion, which passed unanimously.

c) ASSESSOR'S OFFICE:

6. Resolution authorizing a request by the Skagit County Assessor to discontinue the Assessor's personal vehicle allowance of \$200 per month, effective January 1, 2009. **(Resolution No. R20090020)**

d) CONSERVATION FUTURES:

7. Resolution re-appointing Mike Hulbert to the Conservation Futures Program Advisory Committee, effective January 1, 2009, and expiring on December 31, 2012. **(Resolution No. R20090021)**

e) PUBLIC WORKS DEPARTMENT:

8. Resolution calling for bids for rental equipment with expected annual expenditures to exceed a total of \$25,000. The bid opening will be held on Monday, February 9, 2009, at 2:00 p.m. **(Resolution No. R20090022)**
9. Resolution adopting Revision No. 1 of the 2009 Annual Construction Program. **(Resolution No. R20090023)**
10. Resolution establishing County Road Project (CRP) No. ESAO-9 for the 2009 Asphalt Overlay Projects. **(Resolution No. R20090024)**

11. Summary of Offer to purchase property owned by J. Lindholm and A. B. Sparks in the South Fidalgo Island area in order to convey stormwater from Marine Drive. The offer for parcel number P19109 is \$6,500. **(Contract No. C20090026)**
12. Resolution regarding the creation of a voucher program for disposal of flood-related debris. The program will begin on January 20, 2009, and extend for up to three months. **(Resolution No. R20090025)**
13. Resolution allowing a deviation from Resolution No. R20080304 for the purchase of specific 2009 County vehicles. **(This item was removed from the Consent Agenda for further discussion/consideration)**
14. Vendor Services Agreement with Skagit Soils, Inc. to process yard waste into compost as a service to Skagit County. The agreement shall commence upon the date of execution and continue for two years. Total compensation is not to exceed \$11,000. **(Contract No. C20090027)**

V. RATIFICATION CONTRACTS AND RESOLUTIONS:

f) ADMINISTRATIVE SERVICES:

15. Resolution ratifying an Interlocal Cooperative Agreement between Skagit County and the University of Washington for services to provide support to Skagit County for implementation of the Skagit Alternative Futures Project. It was necessary for work to begin before a contract could be executed in order to meet the grant submittal application deadline due July 2008. **(Resolution No. R20090026)**
16. Interlocal Cooperative Agreement between Skagit County and the University of Washington for services to provide support to Skagit County for implementation of the Skagit Alternative Futures Project, which is funded by a grant from the Environmental Protection Agency (EPA). The agreement commenced on July 1, 2008, and shall continue through June 30, 2012. Compensation is not to exceed a total of \$327,840. The OPA awarded the County \$625,000 in 2008. **(Contract No. C20090028)**

Chairman Dahlstedt recessed the proceedings at 11:18 a.m.

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) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$269,365.72 (Transmittal No. C-06-09); and

- b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$2,314.61 (Transmittal No. C-07-09); and
- c) Warrants numbered 289538 through 290041 from Clearing Fund 696 in the total dollar amount of \$5,746,258.99 (Transmittal No. C-08-09).
- d) Budget and Finance Director Trisha Logue presented a ratification resolution for an agreement between Skagit County and Farm Power Rexville, LLC.

A motion was made by Commissioner Dillon to approve a ratification resolution for an agreement between Skagit County and Farm Power Rexville, LLC. (**Resolution No. R20090027**) Commissioner Wesen seconded the motion, which passed unanimously.

- e) Budget and Finance Director Trisha Logue presented a contract between Skagit County and Farm Power Rexville, LLC, for the construction of an anaerobic digester to produce biopower and associated coproducts, and serves the waste management needs of dairy operators, food processors and other organic waste producers in Skagit County. The contract commenced on December 9, 2008, and continues through June 30, 2009.

A motion was made by Commissioner Dillon to approve a contract between Skagit County and Farm Power Rexville, LLC, for the construction of an anaerobic digester to produce biopower and associated coproducts, and serves the waste management needs of dairy operators, food processors and other organic waste producers in Skagit County. The contract commenced on December 9, 2008, and continues through June 30, 2009. (**Contract No. C20090029**) Commissioner Wesen seconded the motion, which passed unanimously.

VII. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 11:55 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

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