

April 27, 2009

The Skagit County Commissioners met in regular session on Monday, April 27, 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 10:06 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Dahlstedt led the gallery in the flag salute.

III. AGENDA:

- A. *8:00 a.m. - 9:00 a.m. Briefing - County Commissioners/Administrator
- B. *9:00 a.m. - 10:00 a.m. Executive Session - Potential Litigation
- C. 10:00 a.m. - 11:00 a.m. Planning & Development Services - Gary Christensen, Director
 - 1. Discussion - 2009 Legislative Work Program Status Report

Director Gary Christensen provided a matrix of Planning and Development Services' Long Range/Legislative Work Program for 2009, and gave a brief explanation of each project. According to Mr. Christensen, the following items will likely come before the Planning Commission in 2009:

- 1. Miscellaneous Development Code Amendments
- 2. Forest Practices Code Amendments
- 3. UGA Open Space Concept Plan
- 4. Ag-NRL Code Amendments Addressing Wetland Mitigation Banks
- 5. 2008-2009 Comprehensive Plan Amendment Docket
- 6. Sanfi Acres Settlement Agreement
- 7. Bayview Ridge Urban Growth Area (UGA) Parks Compliance
- 8. NPDES Phase II Permit

According to Mr. Christensen, the following items will NOT come before the Planning Commission for hearing and deliberations in 2009; however, because they are important projects, briefings or status updates may be scheduled:

- 1. Alternative Futures
- 2. Bayview Ridge Urban Growth Area (UGA) Implementation
- 3. Climate Change & Sustainability Taskforce

Due to difficult economic times and challenging budgets, Mr. Christensen said some, if not all of these projects, may be jeopardized to some extent with regard to having resources to continue working on them.

April 27, 2009

2. [Discussion/Possible Action - Natural Resource Lands Easement and Revised Final Plat for Mangat Estates - Highway 9, Sedro-Woolley](#)

Marge Swint, Senior Planner, asked the Board for final plat approval of the revised Plat of Mangat Estates (PL06-0442) submitted by Hapi Mangat. The initial plat developed approximately 140 acres into nine one-acre lots and one 128-acre open space lot through the Conservation and Reserve Development (CaRD) process. Initially, the open space consisted of approximately 11+ acres designated as Open Space-Reserve (OS-RSV) and 116+ acres as Open Space Protected Area (OS-PA).

Ms. Swint said the applicant decided to change the Open Space Protected Area designation, as allowed by Skagit County Code, to Open Space-Natural Resource Land and Open Space-Rural Open. A standard County internal plat road, on-site sewage and individual drilled wells will serve the project, which is located at 4501 State Route 9 in Sedro-Woolley.

Ms. Swint indicated Planning and Development Services recommends approval for the Revised Plat of Mangat Estates (PL06-0442).

The Commissioners raised several questions, which were quickly answered by Ms. Swint.

Ms. Swint next explained the Natural Resource Land Easement (NRLE) document for the Plat of Mangat Estates. The purpose of the easement is to assure that the natural resource designated open space area will be retained as provided for in this document until the easement is terminated and to prevent any use of, or activity in the open space that will significantly impair or interfere with the open space functions. The easement is to confine the use of, or activity in the open space area to those uses and activities consistent with this purpose. It will encumber approximately 89 acres.

A motion was made by Commissioner Dillon to approve the revised final Plat of Mangat Estates as presented. Commissioner Wesen seconded the motion, which passed unanimously.

A motion was made by Commissioner Dillon to approve the Natural Resource Land Easement for the Plat of Mangat Estates. **(Contract No. C20090279)** Commissioner Wesen seconded the motion, which passed unanimously.

3. Miscellaneous

The Planning and Development Services Department had no miscellaneous items to discuss.

D. 11:00 a.m. - 11:15 a.m. Proclamation - April 26 through May 2, 2009, as Soil and Water Stewardship Week in Skagit County

Chairman Dahlstedt reconvened the proceedings at 11:00 a.m.

Carolyn Kelly with the Skagit Conservation District introduced Cindy Pierce, Youth & Education Coordinator.

April 27, 2009

Ms. Pierce said the District hosted its annual Natural Resources Poster Contest in honor of Soil and Water Stewardship Week. The theme for this year was "Dig It! The Secrets of Soil." The contest was open to Skagit County students, Kindergarten through Grade 12, and approximately 60 poster entries were submitted. The overall winner this year was Nayomi Anyika and Sara Kumar was the runner-up winner. Both were present to receive their awards.

Tobey Rogers, Soil Scientist with the Skagit Conservation District, spoke briefly about soil and how it is the foundation of our daily lives. It was once said that a nation that destroys its soil, destroys itself.

Commissioner Wesen read a proclamation declaring Soil and Water Stewardship Week - April 26 to May 3, 2009.

The Board thanked everyone in attendance.

E. [11:30 a.m. - 11:45 a.m. Public Comment Period](#)

No one was present for the public comment period.

F. [11:45 a.m. - 12:00 p.m. Decision - Vacation of a Portion of County Right-of-Way Known as Concrete-Sauk Valley Road, #08000 Located Near Concrete](#)

Chairman Dahlstedt reconvened the proceedings at 11:47 a.m.

Dave Sheridan, Public Works Director, said a public hearing to consider a vacation request by George Theodoratus was held on Tuesday, April 21, 2009.

Commissioner Dillon said she felt it was important for the County to retain the eastside portion of the right-of-way for now.

George Theodoratus, 37921 State Route 20, Concrete, said he hoped the Commissioners would approve all three parcels because the petition process is a lengthy one.

According to Mr. Sheridan, only a public hearing would be required at such time the County should decide not to retain the right-of-way and sell it to Mr. Theodoratus.

A motion was made by Commissioner Dillon to approve a Final Order to Vacate a County right-of-way known as Concrete-Sauk Valley Road adjacent to Parcel No. P44006, which only includes the west two portions of the original request. **(Contract No. C20090280)** Commissioner Wesen seconded the motion, which passed unanimously.

G. [2:00 p.m. - 2:30 p.m. Public Hearing - To Consider Testimony Regarding an Ordinance to Amend Ordinance No. O20030003, Which Created the Skagit County Emergency Medical Services Commission and an Ordinance Creating the Central Valley Ambulance Commission](#)

Chairman Dahlstedt reconvened the proceedings at 2:00 p.m.

April 27, 2009

Tim Holloran, County Administrator, provided opening remarks.

Melinda Miller, Skagit County Deputy Prosecuting Attorney, outlined the restructuring proposal and indicated she had spent a good amount of time with the Emergency Medical Services (EMS) Council putting the Ordinances together. Ms. Miller said the transfer of medical services would occur on July 1, 2009. EMS is being asked to assemble an asset transition plan and develop new by-laws.

The Board thanked Ms. Miller for all of her efforts.

Chairman Dahlstedt opened the public hearing.

Jim Grove, 8105 Victory Lane, Anacortes, questioned the make-up of the Executive Board that will be tasked with the management and oversight of the general EMS system.

Ms. Miller responded by saying the Executive Board now in place is only on an interim basis. According to Ms. Miller, selection of individuals to fill the positions on the EMS Commission shall be accomplished by having qualified; interested persons submit applications to the Board of County Commissioners, who shall then make the appointments to fill the respective positions. The EMS Commission shall consist of members from the following:

- One County Commissioner
- A Member of the Skagit County Fire Chief's Association
- A Member of the Skagit County Fire District Commissioners' Association
- A Hospital Administration Representative
- The Skagit County Director of Emergency Management
- The Skagit County Director of Public Health
- A Hospital Emergency Room Doctor or Registered Nurse
- A Consumer Representative From District No. 1
- A Consumer Representative From District No. 2
- A Consumer Representative From District No. 3
- A City Mayor or Councilperson
- A Town Mayor or Councilperson
- Emergency Medical Program Director (Ex-Officio, Non-Voting Member of the Commission)

Chairman Dahlstedt said it is critical to achieve a good balance and have good representation, as one group should have no more influence than another.

Dave Walker, current EMS President, residing at 15404 Estes Road in Bow, spoke in support of the two Ordinances. He said last week the general EMS Commission also voiced support. According to Mr. Walker, two work groups have already been established, which will make for an easy transition.

Mr. Holloran thanked Mr. Walker for his leadership during the transition.

There being no further public comment, Commissioner Dillon motioned to close the public hearing. Commissioner Wesen seconded the motion, which passed with a unanimous vote.

April 27, 2009

Commissioner Dillon said she feels the system that is now in place is a great system and that won't change. She believes this will be a seamless transition and thanked everyone involved.

Commissioner Wesen concurred and Chairman Dahlstedt added that the Central Valley Ambulance Authority shall consist of seven members as follows:

Three shall be Municipal Fire Chiefs (or their Representative)
Three shall be District Fire Chiefs (or their Representative)
One shall be a Fire Commissioner

It was noted that everyone realizes the two Ordinances are not perfect, but they can be revised at any time.

A motion was made by Commissioner Dillon to approve an Ordinance amending Ordinance No. O20030003, which created the Skagit County Emergency Medical Services Commission. **(Ordinance No. O20090003)** Commissioner Wesen seconded the motion, which passed unanimously.

A motion was made by Commissioner Dillon to approve an Ordinance creating the Central Valley Ambulance Authority. **(Ordinance No. O20090004)** Commissioner Wesen seconded the motion, which passed unanimously.

H. *2:30 p.m. - 4:30 p.m. Executive Session - Personnel

IV. [CONSENT AGENDA FOR MONDAY, APRIL 27, 2009, ITEMS 1 THROUGH 36:](#)

Chairman Dahlstedt reconvened the proceedings at 1:33 p.m.

A motion was made by Commissioner Wesen to approve the Consent Agenda for Monday, April 27, 2009, items 1 through 38. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONER'S OFFICE:

1. Record of the Proceedings for Monday, April 20, 2009. **(Approved)**
2. Record of the Proceedings for Tuesday, April 21, 2009. **(Approved)**
3. Resolution calling for bids for County legal printing for 2009-2010. The bid opening will be held on Monday, May 11, 2009, at 2:15 p.m. **(Resolution No. R20090183)**

b) BUDGET & FINANCE:

4. Personal Services Agreement, per Ratification Resolution No. R20090004, with Skagit Symphony, which awards \$500 in Lodging Tax Funds to be used to promote

April 27, 2009

activities supporting the Smelt Run. The agreement commenced on January 1, 2009, and shall continue through December 31, 2009. **(Contract No. C20090281)**

5. Work Plan/Financial Plan, in accordance with a Cooperative Service Agreement between Skagit County and the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), which sets forth the objectives, activities and budget of wildlife control activities for the period of May 1, 2009, through December 31, 2009. Compensation shall not exceed a maximum amount of \$15,000. **(Contract No. C20090282)**
- c) FACILITY MANAGEMENT:
 6. Standard Form of Agreement between Skagit County and Ebenal General, Inc. for the Skagit County Courthouse Masonry Restoration & Repair Project for the low bid of \$166,000 plus applicable sales tax. The agreement shall commence upon the date of execution and continue until the project is accepted. **(Contract No. C20090283)**
 - d) GEOGRAPHIC INFORMATION SERVICES:
 7. Interlocal Cooperative Agreement, per Resolution No. R20070229, between Skagit County and the City of Burlington to establish a cost sharing partnership for Pictometry aerial imagery and software. The agreement shall commence upon the date of signature and continue for two years. **(Contract No. C20090284)**
 - e) HUMAN RESOURCES:
 8. Amendment No. 2 to Personal Services Agreement No. C20080631 with Daphne Schneider and Associates, which adds an additional \$10,000 for investigative services as requested by the Human Resources Director for a new contract total of \$24,500. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20090050)**
 - f) HUMAN SERVICES:
 9. Amendment No. 2 to Personal Services Agreement No. C20080444 with Skagit Recovery Center, which provides alcohol and substance abuse treatment services for Skagit County residents. The amendment adds the availability of rent stipends for adults in treatment. All other terms and conditions of the original contract, including Amendment No. 1, shall remain in effect. **(Amendment No. A20090051)**
 10. Amendment No. 3 to Personal Services Agreement No. C20080440 with Phoenix Recovery Services, which provides substance abuse treatment services for Skagit County residents. The amendment adds funding in the amount of \$129,527 for continuing treatment and provides mileage reimbursement for staff of Phoenix Recovery Services to travel for offsite assessments and allows the availability of rent

April 27, 2009

stipends for adults in treatment. The new contract total is not to exceed a maximum of \$375,000. All other terms and conditions of the original contract, including Amendment Nos. 1 and 2, shall remain in effect. **(Amendment No. A20090052)**

11. Personal Services Agreement with United General Hospital to provide a Strengthening Families Coordinator to facilitate the implementation of Strengthening Families Programs throughout Skagit County. The agreement shall commence upon the date of execution and continue through June 30, 2009. Compensation is not to exceed a total of \$10,080. **(Contract No. C20090285)**
 12. Amendment No. 1 to Personal Services Agreement No. C20080488 with Sea Mar Community Health Center, which provides alcohol and substance abuse treatment services for Skagit County residents. The amendment adds the availability of rent stipends for adults in treatment. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20090053)**
 13. Personal Services Agreement with Ani'sahoni Consulting Services, LLC to provide supervision and training for mental health assessment and treatment services at Phoenix Recovery Services. The agreement shall commence on September 3, 2009, and continue through July 31, 2010. Compensation is not to exceed a total of \$5,250. **(Contract No. C20090286)**
 14. Amendment No. 3 to County Program Agreement No. C20070395 with the Washington State Department of Social and Health Services - Division of Developmental Disabilities, which provides additional funding in the amount of \$48,885 for developmental disability services to clients who have transferred to Skagit County from other counties in the State. The new contract total shall not exceed a maximum of \$2,132,856.00. All other terms and conditions of the original contract, including Amendment Nos. 1 and 2, shall remain in effect. **(Amendment No. A20090054)**
 15. Interlocal Cooperative Agreement between Skagit County and the City of Burlington Parks and Recreation 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, 2009. Compensation is not to exceed a total of \$500. **(Contract No. C20090287)**
- g) **PARKS & RECREATION:**
16. Vendor Services Agreement with Mimnaugh Excavation, LLC to provide on-call services, including repairs to the Swinomish Boat Launch septic system. Services include replacing the surge pump, sealing off the 1,000 gallon tank from outside water intrusion and repair of the anaerobic treatment system. The agreement shall commence on May 4, 2009, and continue through May 3, 2010. Compensation is not to exceed a total of \$8,000. **(Contract No. C20090288)**

April 27, 2009

- h) PROSECUTING ATTORNEY:
17. Quit Claim Deed and Excise Tax Affidavit, which transfers a portion of a vacated County right-of-way adjacent to Parcel No. P73187 from Skagit County to Kristine S. and Troy A. Stultz. **(Contract No. C20090289)**
- i) PUBLIC WORKS DEPARTMENT:
18. Resolution adopting Identity Theft Prevention Program policies for Skagit County as required by the Federal Trade Commission. The policies and the program shall become effective May 1, 2009. **(Resolution No. R20090184)**
19. Resolution calling for bids for one new latest model two-axle hook-lift flatbed truck, which is included in the 2009 ER & R budget. The bid opening will be held on Tuesday, May 18, 2009, at 2:00 p.m. **(Resolution No. R20090185)**
20. Resolution calling for a public hearing regarding the application of a Franchise Agreement with Skagit County by Skagit County Sewer District No. 2, which allows the installation, construction, operation, repair, relocation, maintenance and removal of facilities for the purpose of a sanitary sewer system. The hearing will be held on Monday, May 19, 2009, at 8:00 a.m. **(Resolution No. R20090186)**
21. Resolution awarding the bid for one new four-axle dump truck to Motor Trucks, Inc. in the amount of \$155,174.06. This truck is included in the 2009 ER & R budget. **(Resolution No. R20090187)**
22. Resolution awarding the bid for one new 5th wheel truck to Husky Truck Center in the amount of \$110,846.30. This truck is included in the 2009 ER & R budget. **(Resolution No. R20090188)**
23. Vendor Services Agreement with Dahl Electric, Inc. for the installation of a 320 amp service for two new road oil trucks and replacement of two photo cells on existing light poles at the Burlington Road Operations facility. The agreement shall commence upon the date of execution and continue for one year. Compensation is not to exceed a total of \$5,000. **(Contract No. C20090290)**
24. Interlocal Cooperative Agreement between Skagit County and Skagit County Fire District #12, which allows the County to provide materials and equipment rental upon request for roadway maintenance activities on a reimbursable basis. The agreement shall commence upon the date of execution and continue through December 31, 2013. **(Contract No. C20090291)**
25. On-Call Emergency Events Vendor Services Agreement with Taylor's Excavators, Inc. to provide services/products related to debris removal, erosion control, heavy equipment, resurfacing/street repair/construction, sand and gravel, water and underground utilities/site grading/earthwork. The agreement shall commence upon official declaration of an emergency by the Skagit County Board of Commissioners

April 27, 2009

and continue for no more than one year. Compensation is not to exceed a maximum amount of \$100,000. **(Contract No. C20090292)**

26. Vendor Services Agreement with Calypso Restoration to provide maintenance of County-owned Conservation Reserve Enhancement Program sites twice per year, which consists of mowing, weeding and spot spraying of invasive weeds. The agreement shall commence upon the date of execution and continue through December 31, 2009. Compensation is not to exceed a total of \$9,850. **(Contract No. C20090293)**
27. Vendor Services Agreement with Volvo Construction Equipment and Services to provide equipment rental for various projects with expected annual expenditures to exceed \$25,000 but not to exceed a maximum amount of \$100,000 from April 1, 2009 to March 31, 2010. (No services have been provided to date.) **(Contract No. C20090294)**
28. Construction Contract Agreement with CEMEX Pacific Holdings, LLC for the 2009 Asphalt Overlay Project #ESAO-9. The agreement shall commence upon the date of signature and continue until the project is completed. Maximum compensation is not to exceed a total of \$1,398,396.50. **(Contract No. C20090295)**
- j) SHERIFF'S DEPARTMENT:
 29. Intrastate Agreement between Skagit County and the State of Washington Department of Corrections for the purpose of maximizing the use of existing resources and to provide adequate facilities and programs for the confinement, care, treatment and employment of offenders. The agreement shall commence upon the date of execution and continue until terminated. The payment of money by the receiving jurisdiction is contingent on the availability of funds appropriated. **(Contract No. C20090296)**
 30. Amendment No. 1 to Interlocal Agreement No. C20070704 between Skagit County and the Town of La Conner for law enforcement services. The amendment reduces the services by one full time deputy, effective May 1, 2009. It also reduces the contract by \$70,000 per year and is pro-rated for 2009. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20090255)**
 31. Contract No. 87727 between Skagit County and Battelle Memorial Institute, Pacific Northwest Division, to provide staff of the Sheriff's Office with training for the West Coast Maritime Preventive Rad/Nuc Detection Pilot Project. The agreement shall commence upon the date of execution and continue through September 30, 2010. Compensation is not to exceed a total of \$38,000. **(Contract No. C20090297)**
- k) TREASURER'S OFFICE:
 32. Resolution directing the County Treasurer to sell Parcel No. P41458, in accordance with RCW 36.35.120, which was acquired by the County under a tax foreclosure

April 27, 2009

suit. The sale will take place on Friday, June 5, 2009, at 9:00 a.m. **(Resolution No. R20090189)**

l) YOUTH & FAMILY SERVICES:

33. Personal Services Agreement with Youthnet to provide summer school during the summer of 2009 and 2010 at Emerson High School, a Life Skills Program and an Independent Living Skills project to students referred by the Department. The agreement shall commence on May 1, 2009, and continue through April 30, 2011. Compensation shall not exceed a total of \$67,000. **(Contract No. C20090298)**
34. Personal Services Agreement with Constance M. Bonner-Britt, MA, to provide specialized child, adolescent, adult and family assessment, evaluation, treatment and other services related to mental health as referred by the Department. The agreement shall commence on June 1, 2009, and continue through May 31, 2011. Compensation is not to exceed a total of \$20,000. **(Contract No. C20090299)**
35. Personal Services Agreement with Sandra J. Higman, MSW, to provide specialized child, adolescent, adult and family assessment, evaluation treatment and other services related to mental health as referred by the Department. The agreement shall commence on May 1, 2009, and continue through April 30, 2011. Compensation is not to exceed a total of \$20,000. **(Contract No. C20090300)**
36. Resolution amending Resolution No. R20070193, which changes the rate for detention care from \$114 per day per juvenile to \$124 per day for juveniles within the Skagit County Detention Facility. **(Resolution No. R20090190)**

V. CONTRACT RATIFICATIONS, ITEMS 37 THROUGH 38:

m) PUBLIC WORKS DEPARTMENT:

37. Resolution ratifying Amendment No. 1 of Vendor Services Agreement No. C20090049 with Surety Pest Control, Inc. In order to pay outstanding invoices beginning December 18, 2008, ratification of the current contract is necessary to include those invoices and increase the amount of compensation by \$500. The error happened because the contract administrator did not initiate a new contract within the necessary timeframe. **(Resolution No. R20090191)**
38. Amendment No. 1 to Vendor Services Agreement No. C20090049 with Surety Pest Control, which increases the contract by \$500, for a new contract total not to exceed a maximum of \$2,190. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20090056)**

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

April 27, 2009

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 296094 through 296562 from Clearing Fund 696 in the total dollar amount of \$3,497,458.55 (Transmittal No. C-58-09); and
- b) Payroll warrants numbered 244190 through 244993 in the total dollar amount of \$1,234,829.74 (Transmittal No. P-15-09); and
- c) Payroll warrants numbered 983439 through 983626 in the total dollar amount of \$267,910.63 (Transmittal No. P-16-09).

VII. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 2:20 p.m. He announced the Commissioners would be going into executive session at 2:30 p.m. to discuss personnel matters until approximately 4:30 p.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