

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 2, 2009**

The Skagit County Board of Commissioners met in regular session on Tuesday, June 2, 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 8:02 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

A. 8:00 a.m. - 9:00 a.m. Public Works Department - David Sheridan, Director

1. Public Hearing - Regarding Consideration of Two Franchise Agreements With Wave Broadband, dba WaveDivision II, LLC & Wave Broadband, dba Cedar Communications, LLC

Torey Nelson of the Traffic Engineering Division explained the Franchise Agreements will allow Wave Broadband to own, operate and maintain its utilities within the franchise areas. The Cedar Communications, LLC Agreement will become effective once signed and will run for a term of 13 years. The Wave Division II, LLC Agreement will become effective on February 18, 2011. He stated both agreements shall expire on June 2, 2022.

Chairman Dahlstedt opened the public hearing at 8:07 a.m.

Seeing no public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing at 8:08 a.m. Commissioner Wesen seconded the motion, which carried unanimously.

(A) Resolution Authorizing a Franchise Agreement With Wave Broadband, dba WaveDivision II, LLC

A motion was made by Commissioner Wesen to approve a Resolution Authorizing a Franchise Agreement With Wave Broadband, dba WaveDivision II, LLC. **(Resolution No. C20090250)** Commissioner Dillon seconded the motion, which passed unanimously.

(B) Franchise Agreement With Wave Broadband, dba WaveDivision II, LLC

A motion was made by Commissioner Dillon to approve a Franchise Agreement With Wave Broadband, dba WaveDivision II, LLC. (**Contract No. C20090372**) Commissioner Wesen seconded the motion, which passed unanimously.

(C) Resolution Authorizing a Franchise Agreement With Wave Broadband, dba Cedar Communications, LLC

A motion was made by Commissioner Wesen to approve a Resolution Authorizing a Franchise Agreement With Wave Broadband, dba Cedar Communications, LLC. (**Resolution No. R20090251**) Commissioner Dillon seconded the motion, which passed unanimously.

(D) Franchise Agreement With Wave Broadband, dba Cedar Communications, LLC

A motion was made by Commissioner Dillon to approve a Franchise Agreement With Wave Broadband, dba Cedar Communications, LLC. (**Contract No. C20090373**) Commissioner Wesen seconded the motion, which passed unanimously.

2. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chairman Dahlstedt recessed the proceedings at 8:10 a.m.

B. 9:00 a.m. - 10:00 a.m. Public Hearing - To Consider Adoption of a Resolution Amending the 2009 Skagit County Budget for Various Funds

Chairman Dahlstedt reconvened the proceedings at 9:00 a.m.

Trisha Logue, Budget and Finance Director reported the purpose of the current amendment to the budget is to accurately reflect the County's receipt of additional funds in the form of grants, and unforeseen expenditures that impacted the budget.

Chairman Dahlstedt opened the public hearing at 9:22 am

Dave Hough of 17483 W. Big Lake Blvd. in Mount Vernon, stated he felt the information provided by the County regarding the budget reductions were insufficient. He also said he supported the Parks and Recreation Adult Tour and Walk in the Park programs.

Donna Backman of 3320 Trumpeter Drive in Mount Vernon, said the recent Skagit County Kids Free Day that took place on May 30, 2009, at the Skagit County Fairgrounds was a huge success.

Chuck Steele of 437 Spring Lane in Sedro-Woolley, spoke in support of Parks and Recreation and the Senior Services Volunteer programs.

Randy Good thanked Budget and Finance Director Trisha Logue for providing him with detailed budget information. Mr. Good also commented in support of a full-time position in the Assessors' office, and spoke in support of cutting some Parks program.

Doris Robbins of 5841 Ewing's Court in Edison, spoke in support of the Senior Parks and Recreation programs.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing at 9:34 a.m. Commissioner Wesen seconded the motion, which carried unanimously.

The Commissioners thanked Skagit County elected officials, department heads and staff for supporting them during this difficult economic period.

Chairman Dahlstedt recessed the proceedings at 9:41 a.m.

C. 10:00 a.m. - 10:30 a.m. Discussion/Possible Action - Ordinance Prohibiting Wetland Mitigation Banks on Lands Zoned Ag-NRL

Chairman Dahlstedt reconvened the proceedings at 10:02 a.m.

Gary Christensen, Planning & Development Services Director, explained the proposed ordinance would prohibit wetland mitigation banks to be placed on lands zoned Agricultural - Natural Resource Lands (Ag-NRL). He stated Ordinance No. O20090001, which was approved by the Board of County Commissioners on February 9, 2009, which enacted a moratorium on new wetland mitigation banks on lands zoned Ag-NRL in Skagit County is still in effect.

Mr. Christensen went on to present the Skagit County Planning Commissions' Recorded Motion Recommending Development Regulations to Prohibit Wetland Mitigation Banks in Lands Zoned Ag-NRL, which was signed by the Skagit County Planning Commission Acting Chair Jason Easton on June 1, 2009.

Deputy Prosecuting Attorney Ryan Walters was present to answer questions from the Board.

After a brief discussion Commissioner Dillon made a motion to approve an ordinance to prohibit public and private wetland mitigation banks zoned Ag-NRL as recommended by the Planning Commission and as presented by staff. Commissioner Wesen seconded the motion, which carried unanimously.

Mr. Christensen stated the ordinance will be presented to the Board of Commissioners for their signature on Tuesday, June 8, 2009.

Chairman Dahlstedt recessed the proceedings at 10:19 a.m.

D. 10:30 a.m. - 11:00 a.m. Update - Community Technology Summit

Chairman Dahlstedt reconvened the proceedings at 10:31 a.m.

Grace Popoff of Concrete presented a proposal to install universal broadband to rural residents of Skagit County. Ms. Popoff asked for help from the Commissioners to monitor the sale of Verizon land-lines to Frontier Communications, and access stimulus money for rural broadband and community technology. She also requested the Director of Skagit County Information Services Mike Almvig be given authorization to help facilitate the preparation of a countywide application for American Recovery & Reinvestment Act funds (AARA).

City of Mount Vernon Library Director Brian Soneda stated he represented a coalition of regional organization groups that are united in the concern of all families to access the internet. Mr. Soneda reported a work session on this issue will be held at the Microsoft campus in Redmond on June 12, 2009. Mr. Soneda also requested the Commissioners authorize a portion of Mike Almvig's time to be allocated to help serve as the official facilitator of an AARA grant application.

The Commissioners were in concurrence with their support for the reformation of the Communications Network Consortium. The Commissioners referenced Interlocal Agreement No. C20050338 between Skagit County, the City of Anacortes, the City of Burlington, the City of Mount Vernon, the City of Sedro-Woolley, Public Utility District #1 of Skagit County, and the Port of Anacortes, which was signed on July 26, 2005.

Mr. Almvig provided an update of his department's services and indicated his support of the network consortium.

Chairman Dahlstedt recessed the proceedings at 11:08 a.m.

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

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

Ellen Bynum of 110 North First Street in Mount Vernon, spoke on behalf of Friends of Skagit County. She addressed her concerns regarding the County's liability risks relating to wetland mitigation banks. Ms. Bynum urged the Commissioners to seek additional legal counsel regarding this issue.

Diane Freethy of Sedro-Woolley and President of Skagit Citizens Alliance for Rural Preservation (SCRAP) spoke in opposition to public wetland mitigation banks.

Seeing no further public testimony forthcoming, Chairman Dahlstedt closed the public comment period at 11:38 a.m.

F. 11:45 a.m. - 12:00 p.m. Public Hearing - To Consider Adoption of an Ordinance Authorizing the Skagit County Auditor to Provide a Voter's Pamphlet to the Electorate of Skagit County

Chairman Dahlstedt reconvened the proceedings at 11:45 a.m.

Jeanne Youngquist, Skagit County Auditor, presented an ordinance to authorize the Skagit County Auditor to create a local voters' pamphlet.

Chairman Dahlstedt opened the public hearing at 11:51 a.m.

Seeing no public testimony forthcoming, Commissioner Wesen made a motion to close the public hearing at 11:52 a.m. Commissioner Dillon seconded the motion, which carried unanimously.

Following a brief discussion, Commissioner Dillon made a motion to authorize the Skagit County Auditor to create a local voters' pamphlet. Commissioner Wesen seconded the motion, which carried unanimously. **(Ordinance No. O20090005)**

Chairman Dahlstedt recessed the proceedings at 12:00 p.m.

- G. 1:15 p.m. - 1:30 p.m. Signature - Resolution Amending the 2009 Skagit County Budget for Various Funds

Chairman Dahlstedt reconvened the proceedings at 1:19 p.m.

A motion was made by Commissioner Dillon to approve a resolution amending the 2009 Skagit County budget for various funds. **(Resolution No. R20090253)** Commissioner Wesen seconded the motion, which passed unanimously.

Chairman Dahlstedt recessed the proceedings at 1:20 p.m.

- H. 1:30 p.m. - 2:30 p.m. Closed Record Appeal No. PL09-0169 of the Hearing Examiner's Decision on PL08-0688 Involving Skagit County's Notice and Order to Abate Public Nuisances Maintained by the Appellants, Skagit Hill Recycling, Inc., and the Imposition of Civil Penalties

Chairman Dahlstedt reconvened the proceedings at 1:43 p.m.

James Tupper of Tupper Mack Brower PLLC of Seattle, made a statement on behalf of the appellant Scott Waldal and Skagit Hill Recycling.

Civil Deputy Prosecuting Attorney Arne Denny was present to make rebuttal statements on behalf of Skagit County Planning and Development Services.

Mr. Denny asked the Commissioners to affirm the Hearing Examiners' decision and deny the appeal.

Mr. Tupper made a statement in opposition to Mr. Denny's request at 2:07 p.m.

After a brief discussion, the Commissioners stated they would render a decision on the matter on Monday, June 8, 2009, at 9:30 a.m.

VI. MISCELLANEOUS:

- 1) Staff of the Information Services Department presented a resolution to transfer surplus computer equipment to the Mount Vernon School District.
 - a) Commissioner Dillon made a motion to approve a resolution to transfer surplus computer equipment to the Mount Vernon School District. Commissioner Wesen seconded the motion, which carried unanimously. (Resolution No. R20090252)

V. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 2:17 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