

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 8, 2009**

The Skagit County Board of Commissioners met in regular session on Monday, June 8, 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 9:30 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- A. *8:00 a.m. - 8:30 a.m. Briefing - County Commissioners/Administrator
- B. *8:30 a.m. - 9:30 a.m. Executive Session - Potential Litigation
- C. 9:30 a.m. - 9:45 a.m. Decision - 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

Commissioner Wesen stated the purpose of this meeting is to allow the Commissioners to render their decision in the matter of a closed record appeal submitted by Avis LLC and Scott Wadal related to the Skagit Hill Recycling facility, Appeal number PL09-0169.

He said the Appellants challenged the decision of the Hearing Examiner, which upheld a Notice and Order to Abate issued by the Skagit County Planning and Development Services Department.

He went on to say the Hearing Examiner found that the appeal filed by the Appellants was untimely, because it was not filed within 14 days of the certified mailing of the Notice and Order to Abate. He noted it is important to recognize that the Commissioners are constrained by the record as well as the ordinances and procedures that have been enacted into Skagit County's Code. He said the Planning Department appears to have properly followed those procedures, by sending certified mail notice to the address provided to them by the Appellants.

Commissioner Dillon stated after carefully considering the record and the relevant ordinances, the Commissioners are unable to conclude that the Hearing Examiner's decision was clearly erroneous. She said the Board of County Commissioners have laid out their reasoning in more detail in the formal resolution, which enacts their decisions.

A motion was made by Commissioner Dillon to approve a Resolution

regarding Closed Record Appeal No. PL09-0169, affirming the Hearing Examiner's Decision PL08-0688, and affirming the Notice and Order to Abate No. CE04-0262. (**Resolution No. R20090254**) Commissioner Wesen seconded the motion, which passed unanimously.

- D. 9:45 a.m. - 10:30 a.m. Planning & Development Services - Gary Christensen, Director

Chairman Dahlstedt reconvened the proceedings at 9:45 a.m.

1. Discussion - Miscellaneous Code Update

Carly Raicho, Senior Planner, outlined proposed amendments to Skagit County's Unified Development Code. She stated the processing schedule for the amendments are processed as follows:

June 12 - Release Draft Regulations for Public Review; and
June 30 - Planning Commission Public Review; and
July 14 - Planning Commission Deliberations; and
August - Board of County Commissioners Review and Possible Adoption.

After a brief discussion, the Commissioners instructed Planning & Development Services to proceed with the proposed schedule.

2. Discussion - 2009 Department Long Range/Legislative Work Program Update and Status Report

Gary Christensen, Director, stated the County and the Department had to reduce operating expenses, as a result of decreasing revenue. He said the Department has accomplished this by staff layoffs and by hiring fewer outside consultants to assist in the long range planning and legislative work projects.

He suggested that the legislative work program be reprioritized and become more narrowly focused and shorter term in its obligations. Mr. Christensen proposed the Department proceed with the following legislative work program projects:

1. Miscellaneous Code Amendments (Unified Development Code, UDC); and
2. Open Space Concept Plan; and
3. Sanfi Acres Comprehensive Plan Amendment.

He also said the Department will continue its work on the Skagit Alternative Futures project. Mr. Christensen also provided an update of the items that will likely come before the Planning Commission in 2009.

The Commissioners thanked Mr. Christensen for the update.

3. Discussion - Department Website Revisions for Planning Commission Business

Mr. Christensen stated in a step toward openness and transparency in

government, the Skagit County Planning Commission will have their meeting schedule; transcripts; and documents available online. The meetings will be recorded and available in streaming video and MP3 Podcast format. The website is located at www.skagitcounty.net/planning

4. Miscellaneous

There were no miscellaneous items for Planning and Development Services to discuss.

- E. 10:30 a.m. - 11:00 a.m. Solid Waste Update by Kevin Renz and Allied Waste (Rabanco) Presentation by Joe Casalini Regarding Environmental Programs at the Roosevelt Regional Landfill

Kevin Renz, Solid Waste Division Manager, stated Skagit County has been involved in a long-term working relationship with Allied Waste Services/Rabanco for disposal of municipal solid waste.

Joe Casalini of Allied Waste Services/Rabanco provided a short presentation, which highlighted their expanded environmental programs at the Roosevelt Regional Landfill, located in Klickitat County.

Chairman Dahlstedt recessed the proceedings at 10:57 a.m.

- F. 11:00 a.m. - 11:30 a.m. Consent Agenda and Miscellaneous Items

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

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

Seeing no public comment forthcoming, Commissioner Dillon made a motion to close the public comment period at 11:31 a.m. Commissioner Wesen seconded the motion, which carried unanimously.

IV. CONSENT AGENDA FOR MONDAY, JUNE 8, 2009, ITEMS 1 - 10:

Chairman Dahlstedt reconvened the proceedings at 11:02 a.m.

A motion was made by Commissioner Dillon to approve the Consent Agenda, items 1 through 10, Ratification Agenda items, 11 through 14, vouchers, warrants and miscellaneous items as presented for Monday, June 8, 2009. Commissioner Wesen seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, June 1, 2009. **(Approved)**
2. Record of the Proceedings for Tuesday, June 2, 2009. **(Approved)**

b) BUDGET AND FINANCE:

3. Resolution establishing the Central Valley Ambulance Authority Fund. **(Resolution No. R20090255)**
- c) PLANNING AND DEVELOPMENT SERVICES:
4. Ordinance prohibiting wetland mitigation banks on lands zoned Ag-NRL. **(Ordinance No. O20090006)**
- d) PROSECUTOR'S OFFICE:
5. Prosecution Restoration Grant between Skagit County and the Washington State Department of Community, Trade and Economic Development, which will provide U. S. Department of Justice, Bureau of Justice Assistance funding in the amount of \$90,000 to restore prosecutorial staffing. The agreement shall commence on July 1, 2009 and continue through June 30, 2010. **(Contract No. C20090376)**
- e) PUBLIC WORKS DEPARTMENT:
6. Resolution calling for a public hearing to consider the abolishment and distribution of assets of the Dunbar Sub-Flood Control Zone. The hearing will be held on Tuesday, June 30, 2009, at 9:00 a.m. **(Resolution No. R20090256)**
 7. Resolution establishing the following County Road Projects: Bradshaw Culvert Replacement, ES44410-3; South Skagit Highway Culvert Replacement, ES07000-10; and Bicycle Caution Light Installation on the North Fork Bridge, ES40037-6. These projects are included in the 2009 Annual Construction Program. **(Resolution No. R20090257)**
 8. Resolution authorizing the transfer of a 1990 Chevrolet Astro Van to the Skagit County Historical Museum. **(Resolution No. R20090258)**
 9. Resolution awarding the bid for one new two axle hook-lift flatbed truck to Motor Trucks, Inc. for \$114,142.69. **(Resolution No. R20090259)**
- f) TREASURER'S OFFICE:
10. Resolution authorizing approval of the 2008 Property Tax Refund list processed by the Skagit County Treasurer's Office. **(Resolution No. R20090260)**
- V. CONTRACT RATIFICATIONS, ITEMS 11 - 14:
- g) MEDIATION SERVICES:
11. Resolution ratifying an Interlocal Cooperative Agreement between Skagit County and Mount Vernon schools to provide facilitation and training services. The agreement was held up due to administrative delays. **(Resolution No. R20090261)**

12. Interlocal Cooperative Agreement between Skagit County and Mount Vernon schools, which enters into a partnership for facilitation and training services. Mount Vernon schools will identify the needs and refer them to Mediation & Facilitation Services for assignment of appropriate facilitators and trainers. The agreement commenced on April 28, 2009, and shall continue through December 31, 2009. The fee for services is \$75 per hour, per facilitator. The contract is not expected to exceed a total of \$3,000. **(Contract No. C20090377)**

h) PUBLIC WORKS:

13. Resolution ratifying Amendment No. 1 to Personal Services Agreement No. C20080367 with River Oaks Communications Corporation. Bob Duchon of River Oaks was contracted to assist in cable franchise negotiations. His contract expired in December 2008; however, he continued to negotiate on behalf of the County with Wave Broadband. The resolution and amendment are designed to resolve the expired contract and compensate Mr. Duchon for his continued work. **(Resolution No. R20090262)**

14. Amendment No. 1 to Personal Services Agreement No. C20080367 with River Oaks Communications Corporation, which extends the duration of the agreement to December 31, 2009, and adds additional compensation in the amount of \$17,000 for continued negotiation services by Bob Duchon of River Oaks. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20090074)**

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 \$59,194.10 (Transmittal No. C-75-09); and
 - b) Warrants numbered 298827 through 299106 from Clearing Fund 696 in the total dollar amount of \$2,369,403.48 (Transmittal No. C-76-09).
- 2) Deputy Prosecuting Attorney Ryan Walters presented a Grant Agreement from the Northwest Clean Air Agency, which awards the Skagit County Fire Marshall \$5,000 for the purchase of a laptop computer.

A motion was made by Commissioner Wesen to approve a Grant Agreement from the Northwest Clean Air Agency, which awards the Skagit County Fire Marshall \$5,000 for the purchase of a laptop computer. **(Contract No. C20090378)** Commissioner Dillon seconded the motion,

which passed unanimously.

- 3) Deputy Prosecuting Attorney Ryan Walters presented a grant agreement from Northwest Clean Air Agency to allow the County to hire a technical intern to perform work associated with the County's green-house gas inventory process. Mr. Ryan stated the Agency has allocated \$15,302 in grants funds to be used for the County's Climate Change Initiative.

A motion was made by Commissioner Wesen to approve a grant agreement from Northwest Clean Air Agency to allow the County to hire a technical intern to perform work associated with the County's green-house gas inventory process. **(Contract No. C20090379)** Commissioner Dillon seconded the motion, which passed unanimously.

VII. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 11:32 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