

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, AUGUST 11, 2009**

The Skagit County Board of Commissioners met in regular session on Tuesday, August 11, 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. - 8:30 a.m. Work Session - Operations/Transfer Station/Guemes Island Ferry

Cliff Butler, Manager of Road Operations for Skagit County, provided an update of the summer construction.

Chris Seidel, District 1 Maintenance Supervisor, provided schedule of the ongoing projects in District 1. He stated 23 miles of chip sealing has been completed this year.

Dale Klinger, District 2 Maintenance Supervisor, provided a schedule of the projects in his District 2. He went on to say the Janicki Road repair will be completed next year.

Fred Biederman, District 3 Maintenance Technician, explained District 3 has completed all their chip sealing operations for the year. He went on to say that they are in the process of spot repairs.

Chris Kowitz, Environmental Specialist, provided an overview of several projects which are expected to be completed this year. Mr. Kowitz discussed repairs to the Cascade Trail at Lyman; sediment basin at Coal Creek; and the levee extension on Cockreham Island.

Mike Elde, Equipment Rental and Revolving Fund (ER&R), provided a listing of equipment that has been ordered and is being used throughout the County. Mr. Elde stated they received a grant from the Department of Ecology in the amount of \$34,000 for cleaner burning mufflers. He went on to say the County will be receiving an electric vehicle, which will be used by the Facilities Department. He mentioned Public Works is working with Puget Sound Energy's rebate program for new lighting in the County Road Shop.

George Stucks, Equipment Maintenance Supervisor, discussed repair work currently being done on an ambulance that has experienced engine problems. He went on to say the shop is in process of preparing vehicles for the upcoming auction.

Ron Panzero, Guemes Island Ferry Manager, stated the Guemes Island Ferry terminal building project has been selected to receive funding through the Recovery and Reinvestment Act of 2009. He said the funds are available at 100% federal, which requires no local match and is limited to \$750,000. He went on to say Culbertson Marine has completed an emergency repair to the Anacortes breakwater.

Kevin Renz, Solid Waste Division Manager, provided an overview of the operations at the Transfer Station.

Chairman Dahlstedt recessed the proceedings at 8:41 a.m.

b) 8:30 a.m. - 9:30 a.m. Public Works Department - Tom Ballard, Interim Director

1. Public Hearing/Possible Action to Consider the Adoption of the 2010 - 2015 Six-Year Transportation Improvement Program (TIP)

Ann Marie Gutwein, Programs Section Manager, explained if the resolution is approved, adoption of the 2010-2015 Six-Year Transportation Improvement Project (TIP) will take place immediately following the public hearing. Ms. Gutwein went on to say no public comment has been received regarding the 2010-2015 Six-Year TIP.

Chairman Dahlstedt opened the public hearing at 8:57 a.m.

Bruce Rooney of 70844 South Beach Lane in Anacortes, stated he would like South Beach Lane to be returned to a two-way roadway. He also requested devices that would slow down traffic to be installed on the road.

Roz Glazer of 6132 South Shore Road in Anacortes, read a letter from Jim Nicol, facilitator to the South Shore Road Advisory Committee regarding the deterioration to South Shore Road. Ms. Glazer stated the Committee will provide their recommendations to the Public Works Department this month.

Carolyn Kelly of 12745 Hemlock Street in Clear Lake, expressed concerns she had about the lack of information being provided on the pre-design work of the Francis Road project. Ms. Kelly requested the County provide information or hold a community meeting on the project.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing, which was seconded by Commissioner Wesen. The motion passed unanimously.

A motion was made by Commissioner Dillon to approve adopt the 2010-2015 Six-Year Transportation Improvement Program (TIP) (**Resolution No. R20090342**) Commissioner Wesen seconded the motion, which passed unanimously.

2. Discussion - Transfer Station Condition and Design

Mr. Renz provided a brief history of the Skagit County Transfer and Recycling Station. Mr. Renz stated the crane, compactor, tipping floor, paved areas, outbound scale, and Cat 963 Track Loader need to be replaced.

Mr. Renz went on to discuss the limitations of performing day-to-day operations with the facility's design. He explained cost estimates for design work leading to a bid package for the Transfer and Recycling Station is expected to be approximately \$500,000. He suggested current Solid Waste System reserve funds are adequate to fund the design. Mr. Renz stated the Solid Waste Advisory Committee has recommended moving forward with the design of solid waste facility.

3. Consideration for Signature - Resolution Granting Voting Authority to Proceed with the Design for the Replacement of the County Transfer and Recycling Station

A motion was made by Commissioner Dillon to approve the resolution granting voting authority to proceed with the design for replacement of the Skagit County Transfer and Recycling Station. **(Resolution No. R20090343)** Commissioner Wesen seconded the motion, which passed unanimously.

4. Skagit Marine Resources Committee (MRC) Projects

Dan Berentson, Natural Resource Administrator, introduced Tracy Alker who is the Water Resource Technician for Skagit County Public Works.

Ms. Alker explained the Skagit Marine Resource Committee (MRC) is a citizen-based advisory committee under the Northwest Straits Initiative. She went on to say the committee members are appointed by the Skagit Board of County Commissioners and consists of 19 members. Ms. Alker explained the Skagit MRC conducts a wide variety of projects, such as environmental surveys, low impact development demonstrations, education, and public outreach. The MRC projects are funded through grants from the Washington State Department of Ecology.

Ms. Alker pointed out that Skagit County Public Works Clean Water Fund provides funding for the MRC Project Manager and administrative assistance positions.

Paul Dinnel with MRC discussed the Smart Sponge Demonstration project. He explained three test units have been installed throughout the county. Mr. Dinnel also mentioned the possibility of using the Stormwater Antimicrobial Treatment Unit (SWAT).

5. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

- c) 9:30 a.m. - 10:00 a.m. Discussion - Edward Byrne Memorial Justice Assistance Grant Program

Jackie Brunson of the Skagit County's Sheriff's office explained this grant was done in partnership with the Skagit County's Prosecutor's office. Ms. Brunson said the total grant amounts to a little less than \$15,000. She went on to say the Sheriff's office is applying for half of the funding to implement a rounds checking computerized system for the jail, which allows for accountability for inmate movement and security checking. She explained the Prosecutor's office is requesting funding for a visual aid system for presentation of evidence during trials. Ms. Brunson said public comments can be sent to Jackie Brunson, Skagit County Sheriff's office located at 600 South 3rd Street in Mount Vernon.

Chairman Dahlstedt recessed the proceedings at 9:54 a.m.

- d) 10:00 a.m. - 11:00 a.m. Closed Record Appeal No. PL09-0267 to Review the Hearing Examiner's Decision to Deny Appeal No. PL09-0144 by Mission Holdings, Inc., of the Decision Issued by Skagit County Planning & Development Services No. PL09-0027 of a Level 1 Administrative Interpretation Denying the Request to Allow for a Proposed Project to be Considered Vested at the Time of a January 2005 Pre-Application Meeting

Chairman Dahlstedt reconvened the proceedings at 10:05 a.m.

Brandon Black, Senior Planner, stated Skagit County Planning and Development Services recommends that based on review of the filed Notice of Appeal, that the Board uphold the Hearing Examiner's decision that the project did not vest per Skagit County Code 14.02.050 and deny appeal #PL09-0267.

Thomas Moser of 411 Main Street in Mount Vernon, representing the Appellant, Mission Holdings, made statements on behalf of the Appellant. Mr. Moser stated there were no fees associated with the pre-application forms. Mr. Moser asserted the pre-application meeting was waived by the Planning and Development Services department. Mr. Moser requested the Commissioners reverse the decision of the Hearing Examiner.

A discussion ensued regarding the Comprehensive Plan update, Mineral Resource Overlays, water rights, and the policies relating to the application process.

David Hough of 17483 W. Big Lake Blvd., in Mount Vernon, consultant for the Appellants, commented on the infrastructure of the project.

A motion was made by Commissioner Dillon to approve rendering a decision on this matter on August 25, 2009, at 10:00 a.m. Commissioner Wesen seconded the motion, which passed unanimously.

Chairman Dahlstedt recessed the proceeding at 10:55 a.m.

- e) 11:30 a.m. - 11:45 a.m. Public Comment Period

Commissioner Dillon reconvened the proceedings at 11:32 a.m.

Randy Good of 25512 Minkler Road in Sedro-Woolley, and a member of the Hansen Creek Sub-Flood Control Zone; and Jim Cook of 26135 Minkler Road in Sedro-Woolley; Becky White of 25875 Minkler Road in Sedro-Woolley; Charles Houston of 25415 Minkler Road in Sedro-Woolley, expressed concerns with the sediment levels in Hansen Creek, and concerns that the Committee was not invited to the planning meeting to discuss the alluvial fan project.

Georgiann Dustin, Executive Director of the Mount Vernon Downtown Association located at 520 S. First Street in Mount Vernon, stated she would like to present a slide show of the Designated Main Street Approach.

The Commissioners instructed Ms. Dustin to contact their office to schedule a time and date to make her presentation.

Seeing no further public comment forthcoming, Chairman Dahlstedt closed the public comment period closed at 11:48 a.m.

- f) 2:00 p.m. - 3:00 p.m. Planning & Development Services Department - Gary Christensen, Director
1. Discussion/Possible Action to Consider Natural Resource Land Easement ("NRLE") for Short CaRD PL07-0919 submitted by William and Patsey Blunt

Marge Swint, Senior Planner, stated this is a Natural Resource Land Easement (NRLE) document for Short CaRD PL07-0919, submitted by William and Patsey Blunt. The short plat developed approximately 71 acres into three one-acre lots and one 68-acre lot with one acre set aside for residential development. There are approximately 67 acres set aside for open space. Of the 67 acres, 62 acres are designed as OS-NRL and will be encumbered by this easement. The purpose of this easement is to assure that the natural resource designated open space 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.

The project is located at the end of Prevedal Road north of Lyman.

A motion was made by Commissioner Dillon to approve and sign the Natural Resource Land Easement for Short CaRD PL07-0919 submitted by William and Patsey Blunt. **(Control No. C20090515)** Commissioner Wesen seconded the motion, which passed unanimously.

2. Discussion of Proposed Code Amendments to Skagit County Code (14-04), 14.32, and 14.44, for Compliance with Skagit County's National Pollutant Discharge Elimination System (NPDES) Phase II Permit

Michael See, Stormwater Coordinator and Lori Wight, Stormwater Specialist,

provided a PowerPoint presentation, which explained the deadline to adopt the illicit discharge ordinance is August 14, 2009, and February 16, 2010, for the runoff control ordinance.

In order to meet the upcoming NPDES Permit deadlines for ordinance adoption and to address for timely action to protect water quality in Skagit County, Public Works and planning and Development Services staff have developed an interim ordinance that addresses the need for water quality projection and continuance to keep Skagit County compliant with the NPDES Phase II Permit. A public hearing is scheduled to be held on October 20, 2009, at 8:00 a.m. before the Skagit County Board of Commissioners.

3. Miscellaneous

There were no miscellaneous items for Planning & Development to discuss.

IV. MISCELLANEOUS:

- 1) Vendor Services with Davis Amusements Cascadia to provide a carnival consisting of rides and gaming booths for the 2009 Skagit County Fair & Rodeo. The Agreement shall commence upon the date of execution and continue through August 16, 2009.

A motion was made by Commissioner Wesen to approve a Vendor Services with Davis Amusements Cascadia to provide a carnival consisting of rides and gaming booths for the 2009 Skagit County Fair & Rodeo. The Agreement shall commence upon the date of execution and continue through August 16, 2009. (**Contract No. C20090513**) Commissioner Dillon seconded the motion, which passed unanimously.

- 2) Resolution ratifying a Vendor Services Agreement with Economy Fence Center. The work needed to be completed prior to having necessary insurance in place.

A motion was made by Commissioner Wesen to approve a Resolution ratifying a Vendor Services Agreement with Economy Fence Center. The work needed to be completed prior to having necessary insurance in place. (**Resolution No. R20090344**) Commissioner Dillon seconded the motion, which passed unanimously.

- 3) Vendor Services Agreement with Economy Fence Center to take down and reinstall fencing along the west and north sides of Sherman-Anderson Ball Field for the 2009 Skagit County Fair. The Agreement commenced on August 5, 2009, and shall continue until August 17, 2009. Compensation shall not exceed \$950.00.

A motion was made by Commissioner Wesen to approve a Vendor Services Agreement with Economy Fence Center to take down and reinstall fencing

along the west and north sides of Sherman-Anderson Ball Field for the 2009 Skagit County Fair. The Agreement commenced on August 5, 2009, and shall continue until August 17, 2009. Compensation shall not exceed \$950.00. **(Contract No. C20090514)** Commissioner Dillon seconded the motion, which passed unanimously.

- 4) Resolution ratifying an Amendment with the Wizard of Ooze. A signed Amendment was not received prior to the commencement of the rodeo event on July 6, 2009, as there was not language in the original contract that included this event. This was not discovered prior to the commencement of the rodeo.

A motion was made by Commissioner Wesen to approve a Resolution ratifying an Amendment with the Wizard of Ooze. A signed Amendment was not received prior to the commencement of the rodeo event on July 6, 2009, as there was not language in the original contract that included this event. This was not discovered prior to the commencement of the rodeo. **(Resolution No. R20090345)** Commissioner Dillon seconded the motion, which passed unanimously.

- 5) Amendment to Vendor Services Agreement No. C20080198 with The Wizard of Ooze to supply, set-up, service, and stock equipment for the 2009 Skagit County Fair & Rodeo. The Amendment adds an additional \$8,200 for a new contract total not to exceed \$42,040. All other terms and conditions of the original agreement shall remain in effect.

A motion was made by Commissioner Wesen to approve an Amendment to Vendor Services Agreement No. C20080198 with The Wizard of Ooze to supply, set-up, service, and stock equipment for the 2009 Skagit County Fair & Rodeo. The Amendment adds an additional \$8,200 for a new contract total not to exceed \$42,040. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20090133)** Commissioner Dillon seconded the motion, which passed unanimously.

- 6) Amendment No. 1 to Vendor Services Agreement No. C20090361 with The Shop & Garden Equipment to provide free train rides at the 2009 Skagit County Fair & Rodeo. The Amendment adds an additional \$500 for new contract total not to exceed \$1,000. All other terms and conditions of the original agreement shall remain in effect.

A motion was made by Commissioner Wesen to approve Amendment No. 1 to Vendor Services Agreement No. C20090361 with The Shop & Garden Equipment to provide free train rides at the 2009 Skagit County Fair & Rodeo. The Amendment adds an additional \$500 for new contract total not to exceed \$1,000. All other terms and conditions of the original agreement

shall remain in effect. (**Amendment No. A20090134**) Commissioner Dillon seconded the motion, which passed unanimously.

- 7) County Program Agreement with the Department of Social and Health Services, Division of Children and Family Services, to accept referrals from Children's Administration for parenting plans, third party custody arrangements and open adoption mediation. The Agreement commences on August 15, 2009, and concludes on June 30, 2010. Compensation will be on a Fee For Service basis.

A motion was made by Commissioner Dillon to approve County Program Agreement with the Department of Social and Health Services, Division of Children and Family Services, to accept referrals from Children's Administration for parenting plans, third party custody arrangements and open adoption mediation. The Agreement commences on August 15, 2009, and concludes on June 30, 2010. Compensation will be on a Fee For Service basis. (**Contract No. C50090516**) Commissioner Wesen seconded the motion, which passed unanimously.

V. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 2:31 p.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Kenneth A. Dahlstedt, Chairman

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Sharon D. Dillon, Commissioner

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Ron Wesen, Commissioner

ATTEST:

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Linda Hammons, Clerk of the Board  
Skagit County Board of Commissioners