

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 22, 2013**

The Skagit County Board of Commissioners met in regular session on Tuesday, January 22, 2013, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 9:00 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

- a) *8:30 a.m. - 9:30 a.m. Briefing - County Commissioners/County Administrator
- b) 9:30 a.m. - 10:30 a.m. Public Works - Henry Hash, Director:

Chair Dillon introduced Skagit County Engineer Paul Randall-Grutter.

1. Submittal: 2012 Annual Bridge Report

Mr. Randall-Grutter introduced lead bridge inspector Forrest Jones to present the 2012 bridge report which is also submitted annually to the County Road Administration Board (CRAB).

Mr. Jones reported that Skagit County inspects 123 bridges annually. 108 bridges in the County, 12 bridges in Mount Vernon, 2 bridges in Burlington, and 1 bridge in Concrete. He said that two new bridges would be added to their inspection roster in 2013 after the completion of the Anderson/La Venture Project.

Mr. Jones briefed the Commissioners on various bridge repairs performed in 2012 to the Samish River Bridge, Upper Finney Creek Bridge, and Burlington Northern Overpass Bridge. He also discussed replacement plans for the Burlington Northern Overpass Bridge as well as the North Ford Bridge, Old Highway 99 Samish River Bridge, and Hard Creek Bridge.

Commissioner Wesen and Mr. Jones discussed bridge terminology and the status of the repairs to the Guemes Island Bridge/dock. Mr. Jones said that federal rules defined a bridge as a structure that spans 20 or more feet. He and the Commissioners discussed the fish passage projects and Mr. Jones said that many of those culverts were also classified as bridges since some were more than 20 feet long.

The Commissioners reminded Mr. Randall-Grutter and Mr. Jones that they would be travelling to Washington D.C. and Olympia in the upcoming months and that Public Works should inform the Commissioners about funding requests for larger projects.

Chair Dillon also reminded them that the Washington State Traffic Safety Commission was awarding funding to projects in April instead

of June this year.

2. Francis Road Project Report

Mr. Randall-Grutter introduced Design and Construction Manager David Walde to brief the Commissioners on the Francis Road Project. Mr. Walde said that Public Works applied for funding for this project because of the number of accidents occurring each year and the need to widen the narrow lanes due to the increased traffic volume. Skagit County designed the project to meet current federal safety standards and also chose a design that displaced a minimum amount of farmland.

Mr. Walde discussed the cost of the project and said that the new portion of Francis Road also met stormwater runoff regulations.

The Commissioners thanked Public Works for designing the project in order to meet federal safety standards and disturb the least amount of farmland. Mr. Randall-Grutter shared that CRAB was considering granting additional funds to begin design and construction of other portions of Francis Road.

Commissioner Dahlstedt said that Skagit County would be benefited by additional improvements to Francis Road and said that traffic volumes would increase even more once the Anderson/La Venture Project was completed. He said that the intersection would also need to be improved at Francis Road and Highway 9 and he suggested Public Works contact the state to encourage them to review traffic volumes at that intersection and consider constructing a roundabout.

3. Miscellaneous

Mr. Walde informed the Commissioners that the Anderson/La Venture Project would probably be completed in June. He said that they were forming up the bridge and needed to wait for the right weather conditions to pour the concrete.

Chair Dillon recessed the proceedings at 10:02 a.m.

c) 10:30 a.m. - 11:00 a.m. Presentation: Skagit Valley Tulip Festival Poster

Chair Dillon reconvened the proceedings at 10:31 a.m. and Executive Director of the Skagit Valley Tulip Festival Cindy Verge introduced Midge Howard, Sales Coordinator for yellowbook/MacGregor Phone Directory.

Ms. Howard said that this was the 6th year that their directory sponsored the Skagit Valley Tulip Festival and she said that the yellowbook/MacGregor plaid phonebook was still Skagit County's local directory.

Ms. Verge appreciated sponsors like yellowbook/MacGregor and said that the Skagit Valley Tulip Festival relies on them. Ms. Verge introduced local restaurant owner and member of the Skagit Valley Tulip Festival Board of Directors Paul Pickering.

Mr. Pickering thanked the Commissioners for their support of the festival through the hotel/motel lodging tax funds which were used to help market the Skagit Valley Tulip Festival and produce their annual brochure.

Ms. Verge informed the Commissioners that Port Angeles artist Karen Sistek used dye on silk to create the art used for the 2013 poster. She said that the original was 5' x 3' and could be viewed at their office. Ms. Verge highlighted features in the 2013 brochure and thanked the Commissioners for their support.

The Commissioners thanked Ms. Verge, Ms. Howard, and Mr. Pickering for the presentation and said they were looking forward to the Tulip Festival.

Chair Dillon recessed the proceedings at 10:45 a.m.

d) 11:00 a.m. - 11:30 a.m. Public Hearing: To Consider Testimony Regarding a Proposal to Amend Skagit County Code Titles 2 and 14 to Amend the Code Establishing the Planning Commission and Amend Procedures for Adopting Land Use Regulations

Chair Dillon reconvened the proceedings at 11:03 a.m. and introduced Director Dale Pernula of Planning and Development Services and Civil Deputy Prosecuting Attorney Ryan Walters to present information on the proposal to amend Skagit County Code Titles 2 and 14.

Mr. Walters described the proposal which would change the process for amending land use regulations, restructure the Planning Commission, and require the Board of County Commissioners appoint Planning Commissioners to new terms. He said that the changes would improve public notice, and improve the public process by formalizing the steps for land use regulation changes. Mr. Walters said that a draft ordinance and code provisions had been posted online.

Chair Dillon announced that the public hearing was scheduled for half an hour. She said if more time was needed, they would briefly recess the proceedings at 11:30 a.m. for their public comment period, and then continue the public hearing at 11:45 a.m. or sooner. Chair Dillon opened the public hearing at 11:08 a.m.

Roger Mitchell of Bow shared concerns that the proposed ordinance would weaken the Planning Commission and strengthen the influence of Planning and Development Services. He believed Skagit County's transparency would be reduced. He was concerned about the length of time available to provide comments. He encouraged the Commissioners to create a Planning Commission that was independent, made their own rules, agenda, schedule, etc. and to report directly to the Commissioners instead of through Planning and Development Services. He requested an audit of the functions performed by the Planning Commission and said he would be willing to be member of a related citizens action committee.

Bob Eberle of La Conner said that the Commissioners could change the terms of the Planning Commission by resolution instead of ordinance. He shared his concerns about the Planning Commission, stating that they should be citizen oriented and not closely linked to Planning and Development Services. He also said he was opposed to members of the Planning Commission being required to continue their education.

Paul Taylor of Mount Vernon said that he would submit a ten-page letter with his point-by-point comments regarding each proposed change in the draft ordinance. He was concerned that the public hearing was not properly noticed. He shared concerns about the Growth Management Act and the increased number of ordinances adopted after its passage. He shared concerns about the increased and increasing amount of restrictions

and regulations on landowners. He reminded the Commissioners that they represented the citizens of Skagit County.

Malcolm Munsey of Mount Vernon read a statement written by his wife which reminded the Commissioners to make decisions which were in the citizens best interest and to strengthen the Planning Commission which should be citizen driven.

Kathy Mitchell of Bow shared concerns about the proposed ordinance and believed that the Planning Commission should be allowed to adopt their own rules and regulations. She encouraged additional public input on the draft ordinance. She shared concerns that Planning and Development Services would interfere with the Planning Commission and said that the Planning Commission should be a genuine, independent watchdog for the public. She suggested outside legal counsel help update the ordinance and confirm if the Planning Commission was operating correctly. She also requested that the Commissioners and Mr. Walters hold two-way meetings to continue to discuss the draft ordinance.

Ellen Bynum was present on behalf of Friends of Skagit County which was celebrating its 20th year of monitoring and contributing to land use regulations. She shared concerns of improper notice of the public hearing. She said that the Planning Commission should report directly to the Board of County Commissioners, not to them through Planning and Development Services. She said that the current bylaws should not be drastically changed. She encouraged the Commissioners to maintain a roster of qualified individuals willing to serve on the Planning Commission so that vacated positions could be filled and she encouraged the Commissioners to seek outside legal counsel if the need arose to restructure the Planning Commission.

Annie Lohman of Bow said that she was also the Chair of Planning Commission and agreed that the draft ordinance needed more work before it should be considered for adoption. She informed the Commissioners that the Planning Commission would appreciate advanced notice of agenda items and she said that the Commission sometimes differs greatly with Planning and Development Services, however, the members take their service seriously and work professionally together. Ms. Lohman said that their bylaws and the ordinance should be updated. She said that the Planning Commission views itself as a voice for the public. She discussed some of the procedures which should be improved: agenda creation, access to the building before meetings, and procedural running of the meetings. She said that she objected to some of the language borrowed from Bainbridge Island regarding voting disqualifications and that if left in, it would need to be re-worded. She said that the Planning Commission would like to be engaged in County projects earlier in the process. She informed the Commissioners that the Planning Commission serves the public.

Randy Good of Sedro-Woolley was concerned about the proposed ordinance and suggested that each Board appointed committee be reviewed to make sure they were operating correctly. He encouraged the Commissioners to reject the proposed changes to the ordinance.

Ed Stauffer of Bow was concerned about the proposed changes to the ordinances and the reasons why they needed to be made. He was concerned that Planning and Development Services had too much power and he also shared concerns about other sustainability issues and the Agenda 21 movement. He asked that open meetings be held with the Planning Commission to resolve these issues.

Carol Ehlers of Anacortes said that she has served on the Planning Commission since 1988. She informed the Commissioners that during her tenure, the Commission has rarely been given enough time to properly think through documents they are given and that they do not have enough time properly respond to certain matters. She was

concerned about reverting to former laws and gave examples of how the former laws failed Skagit County in the past. She focused on time and the lack thereof and its affect on support staff and the Planning Commission and was very concerned that the proposed ordinance removed the Planning Commission from Title 14.

Discussion was held on whether to extend or close the public hearing.

A motion was made by Commissioner Wesen to approve to continue to accept written comments until 4:30 p.m. on February 4, 2013. Commissioner Dahlstedt seconded the motion.

Mr. Stauffer made a point of order, informing the Commissioners that according to a memo provided by the Prosecuting Attorney's Office, the Commissioners had to adopt the proposed ordinance on either January 22nd or January 29th and that no other options were given.

Chair Dillon said that the Commissioners rarely made decisions so soon when there was a considerable amount of public testimony to review and she said that she would like the Commissioners to vote on whether or not to allow additional public comments until 4:30 p.m. on February 4, 2013, and then they would decide what to do and when.

The vote passed unanimously.

Chair Dillon thanked everyone for their comments and recessed the proceedings at 12:11 p.m.

e) **11:30 a.m. - 11:45 a.m. 1. Public Comment Period**

Jim Hinton of Mount Vernon was present to brief the Commissioners on the elk problem in Eastern Skagit County. He said that 50 elk had been killed on the highway. He said that some of the passengers in the vehicles involved in these collisions had to be flown to Harborview due to serious injuries. Mr. Hinton said that landowners have been given permits to shoot elk and that 35 had been taken. Mr. Hinton reported that there were 100 head of elk on the south side of the river and 100 head of elk in the farmlands that were tearing up dairy land and consuming fields of potatoes, tearing up fencing, and ripping into silage marshmallows. Mr. Hinton said that the state estimated the herd to be at 300 and he was told that if and when the elk became a problem in the area, part of the herd would be transported to Mount Saint Helens. They have become a problem. Mr. Hinton said that he understood that there would be a hearing in Olympia to discuss the elk herds and wolf packs. Mr. Hinton asked the Commissioners to send a letter of concern to Representative Kirk Pearson informing him about these safety concerns and property damage. He said that there had been talk to allow the 300 herd of elk grow to 1,500. He said this would not work. Mr. Hinton also shared that the airport in Concrete has had to chase elk off the runway and Mr. Hinton said that he has noticed elk migrating further and further west and said that he wouldn't be surprised to find them in the city limits of Sedro-Woolley. He thanked the Commissioners for their consideration and attention to a letter informing the state of the elk problems.

Ed Stauffer of Bow was present to request that the Commissioners immediately disband the Skagit County Sustainability Committee and withdraw Skagit County's membership from the International Council of Local Environmental Initiatives known as Local Governments for Sustainability. He asked that the Commissioners meet in executive session to do so without outside input.

George Wolner of Sedro-Woolley was present to encourage the Commissioners to not ignore or circumvent people's property rights. He said that without property rights

freedom is lost.

Seeing no further comments forthcoming, Commissioner Wesen made a motion to close the public comment period, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

2. Miscellaneous Announcements

- f) 1:30 p.m. - 2:00 p.m. Consent Agenda, Vouchers, Warrants, and Miscellaneous Items
- g) *2:00 p.m. - 4:00 p.m. Executive Session (None Scheduled as of the Date of this Notice)

IV. CONSENT AGENDA (items 1 through 20):

Chair Dillon reconvened the proceedings at 1:30 p.m.

A motion was made by Commissioner Dahlstedt to approve consent agenda items 1 through 18, item 20, vouchers, warrants and miscellaneous items for Tuesday, January 22, 2013. Commissioner Wesen seconded the motion.

The vote passed unanimously.

a) COMMISSIONERS:

- 1. Record of the Proceedings for Monday, January 7, 2013. **(Approved)**
- 2. Record of the Proceedings for Tuesday, January 8, 2013. **(Approved)**
- 3. Record of the Proceedings for Monday, January 14, 2013. **(Approved)**

b) BUDGET AND FINANCE:

- 4. Funding Agreement with Skagit Valley Tulip Festival to award \$20,950 of Lodging Tax funds to support event traffic control and the beautification and maintenance of two roundabouts. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130013)**
- 5. Funding Agreement with Skagit Valley Tulip Festival to award \$9,200 of Lodging Tax funds to support marketing and advertising of their annual brochure. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130014)**
- 6. Funding Agreement with Museum of Northwest Art to award \$3,000 of Lodging Tax funds to support marketing and advertising of the Winter 2013 exhibition Portraits of 20 Northwest Artists. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130015)**
- 7. Funding Agreement with Northwest Agriculture Business Center to award \$5,000 of Lodging Tax funds to support marketing and advertising of the 2013 Kneading Conference West. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130016)**
- 8. Funding Agreement with Celtic Arts Foundation to award \$3,000 of Lodging Tax funds to

support marketing and advertising for the Skagit Valley Highland Games and Celtic Festival. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130017)**

9. Funding Agreement with Skagit County Historical Society to award \$6,000 of Lodging Tax funds to support the Heritage Barn Tour Mapping Project. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130018)**
 10. Funding Agreement with Skagit County Historical Society to award \$22,000 of Lodging Tax funds to support the Heritage Tourism marketing project. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130019)**
 11. Funding Agreement with Skagit River Salmon Festival to award \$1,500 of Lodging Tax funds to support marketing of their annual festival. The Agreement commenced on January 1, 2013, pursuant to Resolution No. R20120373, and shall continue through December 31, 2013. **(Contract No. C20130020)**
- c) COMMUNITY SERVICES:
12. Personal Services Agreement with Cornerstone Strategies, Inc. to provide facilitation of affordable housing planning meetings of the Skagit County Affordable Housing Advisory Committee. The Agreement shall commence on the date of execution and continue until July 30, 2013. Compensation shall not exceed \$5,480. **(Contract No. C20130021)**
- d) HEALTH:
13. Resolution calling for a public hearing to consider testimony regarding the adoption of revisions to Skagit County Public Health Department schedule of charges. The public hearing is scheduled to take place on Tuesday, February 19, 2013, at 10:30 a.m. **(Resolution No. R20130010)**
- e) HUMAN RESOURCES:
14. Memorandum of Agreement with AFSCME Local 176-PS (Prosecuting Attorney's Legal Support Staff) regarding 2013 closure days. **(Contract No. C20130022)**
 15. Memorandum of Agreement with AFSCME Local 176-PD (Attorneys of Public Defender's Office) regarding 2013 closure days. **(Contract No. C20130023)**
 16. Memorandum of Agreement with AFSCME Local 176-SO (Sheriff's Office Support Staff) regarding 2013 closure days. **(Contract No. C20130024)**
- f) PLANNING AND DEVELOPMENT SERVICES:
17. Interlocal Cooperative Agreement with the University of Washington's Green Futures Research and Design Lab to perform the identified tasks for the City of Burlington's Commercial Core Redevelopment Analysis. This is Phase 2 of the Skagit County Transfer of Development Rights (TDR) Project. The Agreement shall commence on the date of execution and continue through December 31, 2013. Compensation shall not exceed \$51,500. **(Contract No. C20130025)**
- g) PUBLIC WORKS:
18. Local Agency Standard Consultant Agreement with Reid Middleton to provide engineering services for the Pioneer Highway and Fir Road Intersection Project ES80090-4. This Agreement shall commence on the date of execution and continue through December 31, 2014. Compensation shall not exceed \$260,396. **(Contract No. C20130026)**

19. Utility Easement with the City of Mount Vernon, Grantee, for their construction of a fiber optic transmission line across Skagit County property, Grantor. The easement is permanent and will not limit Skagit County's use of the property. **(Item pulled)**
20. Interlocal Cooperative Agreement with the City of Burlington to help pay for the cost to maintain and publish data from several gauge stations on the Skagit and Sauk Rivers. The Agreement shall commence on the date of execution and continue through December 31, 2014. The City of Burlington shall compensate Skagit County \$2,500 per year, for a total of \$5,000. **(Contract No. C20130027)**

V. VOUCHERS AND WARRANTS:

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 \$14,743.39 (Transmittal No. C-06-13); and
 - b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$18,211.37 (Transmittal No. C-07-13); and
 - c) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$262,705.20 (Transmittal No. C-08-13); and
 - d) Warrants numbered 375545 through 376012 from Clearing Fund 696 in the total dollar amount of \$5,565,035.48 (Transmittal No. C-09-13).

VI. MISCELLANEOUS

1. Resolution authorizing the ratification of a Personal Services Agreement with Cynthia Weed, K & L Gates, LLP, to provide bond counsel services. Finalizing the general conditions, term, and compensation amount delayed the execution of the Agreement before its commencement. **(Resolution No. R20130011)**
2. Personal Services Agreement with Cynthia Weed, K & L Gates, LLP, to provide bond counsel services. The Agreement commenced on November 15, 2012, and shall continue through December 31, 2013. Compensation shall not exceed \$23,800. **(Contract No. C20130028)**

VII. ADJOURNMENT:

Chair Dillon adjourned the proceedings.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Clerk of the Board