

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 24, 2013**

The Skagit County Board of Commissioners met in regular session on Tuesday, September 24, 2013, with Chair Sharon D. Dillon, Commissioner Ron Wesen, and Commissioner Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:30 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. Public Works - Henry Hash, Director:

Henry Hash, Director, was present to introduce the agenda items and answer questions.

1. Public Hearing to Consider Testimony Regarding Disposal of County Surplus Vehicles, Equipment, and Office Furniture

Mike Elde, ER&R Fund Coordinator, indicated that the Mount Vernon School District, Skagit Valley College - Park Ranger Program, and Skagit Valley Hospital had been contacted regarding several auction items that they may want to purchase. He indicated that auction items could be viewed prior to the auction at the Burlington Shop located at 201 Avon Avenue in Burlington and announced that the auction list could be viewed at the James G. Murphy Company website at www.murphyauction.com. The auction is scheduled to take place on Saturday, October 26, 2013.

There was a brief discussion about the items that were being considered for surplus and the purpose of the ER&R Fund.

Chair Dillon opened the public hearing at 8:40 a.m. seeing no public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 8:41 a.m. Commissioner Wesen seconded the motion, which passed unanimously.

A motion was made by Commissioner Wesen to approve the resolution regarding the disposal of County surplus property. **(Resolution No. R20130276)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

2. Proclamation Recognizing October 7, through October 11, 2013, as Flood Awareness Week in Skagit County

Dan Berentson, Natural Resources Manager, discussed the various events associated with Flood Awareness Week.

Commissioner Dahlstedt read the Proclamation declaring October 7, through 11, 2013, as Flood Awareness Week in Skagit County.

3. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chair Dillon recessed the proceedings at 8:52 a.m.

b) 9:30 a.m. - 9:45 a.m. Budget and Finance - Trisha Logue, Director:

Chair Dillon reconvened the proceedings at 9:30 a.m.

1. Public Hearing to Consider Testimony Regarding Amending the 2013 Skagit County Budget

Trisha Logue, Budget and Finance Director, presented the 2013 third quarter Skagit County budget amendments.

Chair Dillon opened the public hearing at 9:41 a.m. Seeing no public present to provide testimony, Commissioner Wesen made a motion to close the public hearing at 9:42 a.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

The Commissioners thanked the Budget and Finance Department for their hard work.

A motion was made by Commissioner Dahlstedt to approve the resolution for third quarter 2013 Skagit County budget amendments. (**Resolution No. R20130277**) Commissioner Wesen seconded the motion.

The vote passed unanimously.

Chair Dillon recessed the proceedings at 9:43 a.m.

2. Miscellaneous

There were no miscellaneous items for Budget and Finance to discuss.

c) 10:00 a.m. - 10:15 a.m. Board of County Commissioners:

Chair Dillon reconvened the proceedings at 10:00 a.m.

1. Decision Regarding Closed Record Appeal Submitted by the City of Sedro-Woolley Appeal PL#13-0265 of the Hearing Examiner's Decision, Dated June 28, 2013, Regarding Skagit County Dike, Drainage and Irrigation District No. 12 Request for Shoreline Substantial Development Permit No. PL12-019

Commissioner Dillon announced that the Board had the authority to deny the appeal, or, if they found that the Hearing Examiner had made a clear error, the Board could grant the appeal. She indicated that under Skagit County Code, the third option; if the Board decided that more information was required to make a decision, the matter could be remanded to the Hearing Examiner for additional consideration.

Commissioner Dahlstedt stated that it was Dike District 12, and any elected officials, number one responsibility to provide public safety and minimize the loss of lives and property. He said that Dike District 12 proposed project had met that objective. He said there indicated that the goal of the project was to reduce risk for Burlington, not to eliminate all risk and indicated that Burlington would continue to contribute to the General Investigation (GI) Study. He went on to say that the County had maintained that it would not stand in the way of individual Dike Districts or cities efforts to improve their level of protection while the G.I. Study continued.

Commissioner Wesen addressed concerns about the pathway of the water, its impacts to the City of Sedro-Woolley and the surrounding area; and downstream impacts; and whether it would be prudent to approve the project before the County could determine compliance with its obligation under the National Marine Fisheries Biological Opinion.

Commissioner Dillon addressed concerns that no consideration had been given to what the impact of the project would be to the City of Sedro-Woolley. She said that further study needed to be done to determine the pathway of the water.

A motion was made by Commissioner Wesen to approve to remand the appeal submitted by the City of Sedro-Woolley to the Hearing Examiner for consideration of impacts of applying the Army Corps of

Engineers hydrology, analysis of flood path after completion of the project, and findings relating to the County's obligations under the National Marine Fisheries Biological Opinion. **(Resolution No. R20130279)** Chair Dillon seconded the motion.

The vote passed on a 2 - 1 vote with Commissioner Dahlstedt dissenting.

d) 10:30 a.m. - 11:30 a.m. Board of County Commissioners:

Chair Dillon reconvened the proceedings at 10:30 a.m.

1. Public Hearing to Consider Testimony Regarding Amending the Planning and Land Use Legislative Reform Ordinance

Dale Pernula, Director, provided a brief history of the steps taken to date to amend the Planning and Land Use Legislative Reform Ordinance.

Chair Dillon opened the public hearing at 10:34 a.m.

Roger Mitchell of 1155 Chuckanut Ridge Drive in Bow; Kathy Mitchell of 1155 Chuckanut Ridge Drive in Bow; Ed Stauffer of PO Box 114 in Bow; Diane Freethy with the Skagit Citizens Alliance for Rural Preservation (SCARP) of PO Box 762 in Sedro-Woolley; Paul Taylor of 20388 Eric St. in Mount Vernon; Jack Arrington of 7009 Croatian Way in Anacortes; Randy Good of 35482 State Route 20 in Sedro-Woolley; Ellen Bynum with the Friends of Skagit County of 110 N. First #C in Mount Vernon; Carol Ehlers of West Fidalgo Island; Connie Munsey of 1000 East Broadway in Mount Vernon; Tina Champeaux-Wolner of 1641 State Route 9 in Sedro-Woolley; Gary Hagland of 2211 37th Court in Anacortes; George Corger of 305 Snohomish Dr. in La Conner; George Wolner of Skagit County; Ellen Cooley of 16340 Lookout Lane in Bow; and Ellie Herr of Anacortes; spoke in opposition to the draft legislative ordinance; recommended changes and requested that a special board be appointed to review the Ordinance.

Commissioner Dahlstedt made a motion to close the public hearing at 11:28 a.m. Commissioner Wesen seconded the motion, which passed unanimously.

A motion was made by Commissioner Dahlstedt to approve closing the public hearing and accept written comments until the 4:30 p.m. on Wednesday, September 25, 2013. Comments should be sent to the Commissioners' office. Chair Dillon seconded the motion. The vote passed unanimously.

2. Miscellaneous

There were no miscellaneous items for the Commissioners to discuss.

Chair Dillon recessed the proceedings at 11:29 a.m.

e) 11:30 a.m. - 11:45 p.m. Board of County Commissioners:

1. Public Comment Period

Chair Dillon reconvened the proceedings at 11:33 a.m.

Carol Ehlers of West Fidalgo Island commented on the Northwest Regional Council's meeting regarding the agency on aging and census data that was provided during the meeting. Ms. Ehlers spoke about the Planning and Development Services' budget.

Ed Stauffer of Bow commented on the importance of rural Skagit County residents' public participation; and the Forestry Management Plan.

Kathy Mitchell of 1155 Chuckanut Ridge Drive in Bow commented on the need to incorporate balance when establishing regulations.

Mike Newman of Mount Vernon commented on the Planning and Land Use public hearing.

Seeing no further public comment forthcoming Chair Dillon closed public comment period at 11:56 a.m.

2. Miscellaneous Announcements

Dan Berentson, Natural Resource Manager, presented revised Amendment No. 3 to Cooperative Agreement No. 73-0546-11-003, Skagit County Contract No. C20110324 with the U.S. Commodity Credit Corporation acting through the Natural Resources Conservation Service (USDA) and Skagit County for the Farm and Ranch Lands Protection Program, which allows the County to accept matching grant funds to purchase agricultural conservation easements. The purpose of this Amendment is to correct the funded amount for the Weidenbach Property from \$112,000 to \$112,500. All other terms and conditions of the original Agreement and previous Amendments shall remain in effect. **(Amendment No. A20130116)**

A motion was made by Commissioner Dahlstedt to approve revised Amendment No. 3 to Cooperative Agreement No. 73-0546-11-003, Skagit County Contract No. C20110324 with the U.S. Commodity Credit Corporation acting through the Natural Resources Conservation Service (USDA) and Skagit County for the Farm and Ranch Lands Protection Program, which allows the County to accept matching grant funds to purchase agricultural conservation easements. **(Amendment No. A20130116)** Commissioner Wesen seconded the motion. The vote passed unanimously.

Chair Dillon recessed the proceedings at 12:00 p.m.

f) *1:30 p.m. - 2:30 p.m. Executive Session (Potential Litigation - RCW 42.30.110(1)(i))

The Commissioners attended an executive session from 1:35 p.m. to 2:18 p.m. The topic was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorneys were present at the executive session and gave legal advice to the Board of County Commissioners: Jill Dvorkin and Ryan Walters. Other attendees present: County Administrator Tim Holloran; Planning and Development Services Director Dale Pernula.

g) 2:30 p.m. - 3:00 p.m. Proclamation Recognizing September as National Senior Center Month in Skagit County

Chair Dillon reconvened the proceedings at 2:32 p.m.

Jennifer Kingsley, Community Services Director, provided the Commissioners with information about the various programs and activities taking place at the Skagit County Senior Centers.

Bob Hicks, Senior Center Program Manager, introduced the Senior Center Coordinators, Ellen Palmer, Sally Hill, Jackie Crest, Sara Pritchard, and Kristl Torset.

Annette Tate, Dave Allen, Steven Burns, Sharon Kruper, and Melrose Valor, shared their experience as volunteers and spoke about how much they appreciated the Senior Centers.

The Commissioners thanked everyone for presenting information about the Senior Centers.

Commissioner Dahlstedt read the Proclamation recognizing September as National Senior Center Month in Skagit County.

IV. 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) Warrants numbered 390229 through 390296 from Clearing Fund 696 in the total dollar amount of \$142,110.38 (Transmittal No. C-120-13); and
- b) Junior District Payroll warrants numbered 802651 through 802830 in the total dollar amount of \$258,736.41 (Transmittal No. P-36-13).

A motion was made by Commissioner Wesen to approve vouchers and warrants for Tuesday, September 24, 2013. Commissioner Dahlstedt seconded the motion.
The vote passed unanimously.

V. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 3:09 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Clerk of the Board