

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 17, 2014**

The Skagit County Board of Commissioners met in regular session on Tuesday, June 17, 2014, with Chair Ron Wesen, Commissioner Kenneth A. Dahlstedt, and Commissioner Sharon D. Dillon present.

I. CALL TO ORDER:

Chair Wesen called the proceedings to order at 8:30 a.m. and noted that Commissioner Dahlstedt was absent but would be calling in at 9:30 a.m. to discuss and take action on the appointment of the member to the Town of Hamilton council seat.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) 8:30 a.m. - 9:30 a.m. Public Works - Dan Berentson, Director:

Director Dan Berentson was present to introduce the agenda items and answer questions.

1. Public Hearing/Possible Action: Consideration of a Resolution Regarding the Disposal of County Surplus Property

ER&R Fund Coordinator Mike Elde said that there was a need to surplus a variety of vehicles, pieces of equipment, a boat and a trash compactor. He indicated that the plan was to send the surplus items to the Murphy Public Auction on July 26, 2014. Mr. Elde provided an overview of the process that had been used to determine which items to surplus.

Chair Wesen opened the public hearing at 8:35 a.m., seeing no public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing at 8:36 a.m. Commissioner Wesen seconded the motion which passed unanimously.

A motion was made by Commissioner Dillon to approve the execution of a Resolution regarding the disposal of County surplus property. **(Resolution No. R20140186)** Chair Wesen seconded the motion.

The vote passed unanimously. Commissioner Kenneth A. Dahlstedt's absence was excused

2. Public Hearing/Possible Action: a) Consideration of a Resolution Authorizing the Execution of a Franchise with Blanchard-Edison Water Association; and b) Consideration of a Non-Exclusive Franchise Agreement with Blanchard-Edison Water Association to Install, Operate, and Maintain Facilities for the Purposes of a Water Utility System Across Certain Roads and Right-of-Way

Engineering Technician Torey Nelson provided an overview of the Franchise Agreement which included the County granting the Association (pursuant to RCW 36.55) a non-exclusive right to install, operate, and maintain facilities for purposes of a water utility system with transmission lines along and across certain roads and rights-of-way in the defined Franchise Area. It was noted that the Association had a 50 year franchise Agreement that expired in 2007. This Agreement would cover crossings along Cemetery Road and Bow Allen Road. The Agreement term would be for 25 years. Insurance terms included \$4 million for per occurrence; \$4 million for property damage per accident; \$4 million for general liability; and \$1 million for auto coverage.

Chair Wesen said that he lived in the Blanchard-Edison area and paid his bill to the Water Association.

Chair Wesen opened the public hearing at 8:40 a.m.

Dave Lohman, Manager of the Blanchard-Edison Water Association, spoke about the level of insurance coverage required by the County. Mr. Lohman requested that the \$4 million "Per Occurrence" should be changed to "In the Aggregate". He indicated that the \$4 million Per Occurrence requirement would be a financial burden on the Water Association.

Steve Fallquist, Deputy Civil Prosecuting Attorney, noted that the County's standard insurance coverage was \$5 million and that coverage was considered on a case by case basis. He stated that after working with the County's Risk Management Department, \$4 million was considered a reasonable amount of coverage for the Water Association. Mr. Fallquist noted that there would be a minimal increase to each customer's bill per year but given increased coverage and protection to the County the amount was not considered to be significant.

Barbara Leander, board member of the Blanchard-Edison Water Association, spoke about the history of the claims had been submitted over the years and said that the Association was stable no record of claims submitted and recommended that the insurance coverage should be changed \$4 million In the Aggregate.

Hobart Hansen, President of the Blanchard-Edison Water Association, said that after meeting with their insurance agent, they felt that they had adequate insurance. He requested the "Per Occurrence" language in the Franchise Agreement be removed and replaced with "In the Aggregate". He noted that no Water Association board member could recall any insurance claims being filed.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion close public hearing 8:15 a.m. Wesen seconded the motion which passed unanimously.

A motion was made by Commissioner Dillon to postpone the decision on the Resolution Authorizing the Execution of a Franchise with Blanchard-Edison Water Association; and b) Consideration of a Non-Exclusive Franchise Agreement with Blanchard-Edison Water Association to Install, Operate, and Maintain Facilities for the Purposes of a Water Utility System Across Certain Roads and Right-of-Way to Tuesday, July 8, 2014, at 8:30 a.m. Chair Wesen seconded the motion.

The vote passed unanimously. Commissioner Kenneth A. Dahlstedt's absence was excused

3. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chair Wesen recessed the proceedings at 8:55 a.m.

b) 9:30 a.m. - 9:45 a.m. Board of County Commissioners:

Chair Wesen reconvened the proceedings at 9:31 a.m.

1. Discussion/Possible Action: Appoint Member to the Town of Hamilton Vacant Council Seat

Commissioner Dahlstedt was present via conference phone.

The Commissioners expressed their appreciation that there were two candidates that were both willing to serve and were supportive of each other's efforts.

A motion was made by Commissioner Dillon appoint Mike Brockman to the fill the seat vacated by P. Richard Moore on the Town of Hamilton Council. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

A resolution appointing Mr. Brockman to the Town Council will be presented on the consent agenda in the near future.

2. Miscellaneous

A motion was made by Commissioner Dillon to approve Warrant No. 405009. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Chair Wesen recessed the proceedings at 9:36 a.m.

c) 11:00 a.m. - 11:30 a.m. Parks, Recreation and Fairgrounds - Brian Adams, Director:

Chair Wesen reconvened the proceedings at 11:02 a.m. and excused Commissioner Dahlstedt from this portion of the proceedings.

1. Recognition of Greta Movassaghi for Environmental Stewardship

Mr. Adams provided a brief overview of Greta Movassaghi's history with the U.S. Forest Service and noted that she had recently retired from her position as the Wild and Scenic Skagit River Manager. He said that during Ms. Movassaghi tenure with the U.S. Forest Service, her hard work and dedication had made Howard Miller Steelhead Park a better place for recreation, and her legacy bestowed a wake of environmental enrichment. Mr. Adams provided an historical overview of Howard Miller Steelhead Park, named after four term Skagit County Commissioner Howard Miller.

Mr. Adams said that Ms. Movassaghi's name would be entered on a "Friends of the Skagit River" kiosk at Howard Miller Steelhead Park.

Phil Kincare with the U.S. Forest Service Skagit River Programs spoke about the collaborative relationships that Ms. Movassaghi had built with the local community.

Jane Zillig with Skagit Land Trust spoke about Ms. Movassaghi's stewardship of conservation lands and her accomplishments.

Alison Studley with Skagit Fisheries Enhancement Group thanked Ms. Movassaghi for starting the Skagit River Stewards Program.

Ms. Movassaghi expressed her appreciation to everyone that came to the presentation and for their kind words.

The Commissioners thanked Ms. Movassaghi for her years of service and presented her with a plaque honoring her as a friend and steward of Howard Miller Steelhead Park.

Chair Wesen recessed the proceedings at 11:19 a.m.

2. Miscellaneous

There were no miscellaneous items for Parks, Recreation and Fairgrounds to discuss.

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

Chair Wesen reconvened the proceedings at 11:30 a.m.

1. Public Comment Period

Howard Pellett of the Guemes Island Environmental Trust introduced Alexander Mitchell and Mario Irelan winners in the Creativity Contest sponsored by the Guemes Island Environmental Trust.

Mario Irelan read his "The Coal Dilemma" essay.

Alexander Mitchell read his poem "Stained Black".

2. Miscellaneous Announcements

Future Public Hearing:

Tuesday, June 24, 2014, 9:00 a.m. to consider testimony regarding amending the 2014 Skagit County budget.

e) *2:00 p.m. - 3:00 p.m. Executive Session (Litigation - RCW 42.30.110(1)(i))

The Commissioners attended an executive session on Tuesday, June 17, 2014, from 2:07 p.m. to 2:47 p.m., the purpose of the executive session was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorneys were present and provided legal advice to the Board of County Commissioners: Prosecutor Rich Weyrich, Chief Civil Deputy Prosecuting Attorney Will Honea; and Deputy Prosecuting Attorney Steve Fallquist. Other Attendees: County Administrator Tim Holloran; Public Works Director Dan Berentson; and ER&R Fund Coordinator Mike Elde.

The Commissioners attended an executive session on Tuesday, June 17, 2014, from 1:03 p.m. to 2:00 p.m., the purpose of the executive session was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorneys were present and provided legal advice to the Board of County Commissioners: Prosecutor Rich Weyrich, Chief Civil Deputy Prosecuting Attorney Will Honea; Deputy Prosecuting Attorney Jill Dvorkin; and Deputy Prosecuting Attorney Arne Denny. Other Attendees: Director of Public Health and Community Services Jennifer Kingsley; Risk Management Donnie LaPlante; and Director of Planning and Development Services Dale Pernula.

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 405009 through 405009 from Clearing Fund 696 in the total dollar amount of \$20,000 (Transmittal No. C-78-14).

V. **ADJOURNMENT:**

Chair Wesen adjourned the proceedings at 11:42 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Clerk of the Board