

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 8, 2014**

The Skagit County Board of Commissioners met in regular session on Tuesday, July 8, 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 8:31 a.m.

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:

Chair Wesen introduced Director Dan Berentson.

1. Discussion/Possible Action: Consideration of:

Director Berenson, Engineering Technician Torey Nelson, and Skagit County Civil Deputy Prosecuting Attorney Steve Fallquist were present to answer any additional questions the Commissioners had regarding the request for a Franchise Agreement for the Blanchard-Edison Water Association. Chair Wesen discussed the points made during the public hearing held on June 17, 2014, which Commissioner Dahlstedt was not able to attend. The Commissioners discussed the insurance coverage requirement, the rate increase that would be experienced by the district, and their goal to remain fair and consistent.

a. A Resolution Authorizing Execution of a Franchise Agreement with Blanchard-Edison Water Association, and

A motion was made by Commissioner Dillon to approve and execute the Resolution authorizing the execution of a nonexclusive Franchise Agreement with Blanchard-Edison Water Association (**Resolution No. R20140210**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

b. A Non-Exclusive Franchise Agreement with Blanchard-Edison Water Association to Install, Operate, and Maintain Facilities for Purposes of a Water Utility System Across Certain Roads and Rights of Way in the Defined Franchise Area

A motion was made by Commissioner Dahlstedt to approve and execute a nonexclusive Franchise Agreement with Blanchard-Edison

Water Association to install, operate, and maintain facilities for purposes of a water utility system across certain roads and rights of way in the defined Franchise area (**Contract No. C20140312**)
Commissioner Dillon seconded the motion.

The vote passed unanimously.

2. Public Hearing/Possible Action: Consideration of:

Director Berentson introduced Engineering Technician Torey Nelson who presented the next item to the Commissioners for their public hearing for Astound Broadband, LLC. Mr. Nelson said that the application fee had been paid by Astound Broadband, LLC, and he informed the Commissioners that the Agreement would expire in 2022, insurance terms had been agreed to, and an annual franchise fee of 6% of gross revenue would be paid to Skagit County.

Commissioner Dahlstedt asked if the terms were consistent with other franchise agreements. Skagit County Civil Deputy Prosecuting Attorney Steve Fallquist answered that it was consistent with other cable franchise agreements and that the 6% annual franchise fee was requested by Astound Broadband, LLC. Chair Wesen opened the public hearing at 8:48 a.m. Seeing no testimony forthcoming, Commissioner Dillon made a motion to close the public hearing which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

a. A Resolution Authorizing Execution of a Non-Exclusive Franchise Agreement with Astound Broadband, LLC, and

A motion was made by Commissioner Dahlstedt to approve and execute the Resolution authorizing execution of a nonexclusive Franchise Agreement with Astound Broadband, LLC (**Resolution No. R20140211**) Commissioner Dillon seconded the motion.

The vote passed unanimously.

b. A Non-Exclusive Franchise Agreement with Astound Broadband, LLC to Install, Operate, and Maintain Facilities for Purposes of Providing Network Services Across County Roads and Rights of Way in the Defined Franchise Area

A motion was made by Commissioner Dillon to approve and execute the nonexclusive Franchise Agreement with Astound Broadband, LLC to install, operate, and maintain facilities for purposes of providing network services across County Roads and rights of way in the defined franchise area (**Contract No. C20140313**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

3. Miscellaneous

Director Berentson thanked Mr. Fallquist for his work negotiating Public

Works' franchise agreements. Chair Wesen also thanked Mr. Fallquist and said that he appreciated his work to make sure each agreement was fair and consistent and that appropriate steps were taken when needed in order to protect Skagit County from undue risk.

Director Berentson asked Mr. Nelson to update the Commissioners on the Rainbow Bridge in La Conner.

Mr. Nelson shared that he, Forrest Jones, and staff from Washington State Department of Transportation inspected the bridge on Friday after someone had reported hearing a loud noise and witnessed material dropping from the bridge. He said that no damage had been found. He said the theory was that a bearing became stuck during the hot days and then became unstuck during a cooler day: causing a loud bang and shaking some material from the bridge. Mr. Nelson reported that the bridge was structurally sound and open to traffic. The Commissioners thanked Mr. Nelson for the update and then Commissioner Dahlstedt asked if all of the cities had been briefed on the proposed plan that the Army Corps of Engineers was reviewing and accepting comments on regarding the Skagit River General Investigation Study. Director Berentson reported that all but La Conner and one Dike District had been updated on the tentatively selected plan.

Chair Wesen recessed the proceedings at 8:56 a.m.

b) 9:30 a.m. - 9:45 a.m. Update on Benefits from MassMutual Financial Group

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

Mr. Gary Bozin, Relationship Manager with MassMutual Financial Group was present to inform Skagit County that Hartford Life was recently purchased by MassMutual, but that the same retirement programs and levels of service would be offered.

Chair Wesen recessed the proceedings at 9:42 a.m.

c) 10:00 a.m. - 11:00 a.m. Board of County Commissioners:

Chair Wesen reconvened the proceedings at 10:01 a.m. and introduced Director Dale Pernula of Planning and Development Services.

1. Work Session: Consideration of Revisions to Skagit County Code 14.44 "Enforcement/Penalties"

Skagit County Civil Senior Prosecuting Attorney Arne Denny briefed the Commissioners on some of the cases that Skagit County had worked on over the last ten years that would have been solved in less time and with less expense, if the option to prosecute the violator criminally had been allowed in the code.

Planning and Development Services Director Dale Pernula briefed the Commissioners on the number of code compliance cases opened, resolved, and unresolved from 2000 -2014. He said that fines were levied, but rarely

collected, since the point was to correct the violator's deficiency, not produce revenues from fees.

Commissioner Dahlstedt believed the inclusion of criminal prosecution was needed for the small amount of violators that did not respond to the issue civilly. He wanted Skagit County to have a tool to resolve cases.

Skagit County Civil Deputy Prosecuting Attorney Ryan Walters discussed their work on updating Skagit County Code 14.44 to date and reported that the Citizen's Committee was not satisfied with the updated draft, but that their goal was to have a clear code. He told the Commissioners that they could move forward with the original draft, or the second draft, but that a public hearing should be held if moving forward with the second draft.

Chair Wesen invited Roger Mitchell of the Citizen's Group to discuss their thoughts on the second draft. Mr. Mitchell shared that many in the community were concerned about the threat that they would be intimidated and coerced by the idea of jail time to correct a land use violation, and, he said that the updated code written by their group was more detailed, sequential and understandable than the one updated by Skagit County. Mr. Mitchell and the Commissioners discussed language and the reasons why the words "may" and "might" were sometimes better than the word "must".

After further discussion on how to finalize Skagit County Code 14.44, Commissioner Dahlstedt asked for a meeting with him, Mr. Walters, and the Citizen's Committee to review the code and proposed changes, hold a public hearing on the final second draft, then make a decision.

Chair Wesen recessed the proceedings at 10:47 a.m.

2. Miscellaneous

There were no miscellaneous items to discuss.

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

Commissioner Dahlstedt reconvened the proceedings at 11:00 a.m. and excused Chair Wesen who was attending another meeting on behalf of the Commissioners.

1. Skagit County 2014 Fair Kickoff

Director Adams introduced Fair Manager Aric Gauthier to brief the Commissioners on the plans for the 2014 Skagit County Fair. The theme was "There's Magic in the Fair".

Mr. Gauthier said that revenue for the fair came from proceeds from other events at the fairgrounds (the garage sale, car shows, building rentals, the home show, etc.), ticket sales, and annual sponsors.

Mr. Gauthier thanked Skagit County employee Brian Young for his help with their poster and the 2014 sponsors. He said that the entertainment schedule was posted online and that there was something for everyone. The Commissioners thanked Mr. Gauthier and the team at Skagit County Parks, Recreation and Fairgrounds for their hard work and keeping the fair local and affordable.

Commissioner Dahlstedt recessed the proceedings at 11:36 a.m.

2. Miscellaneous

Director Brian Adams was present to discuss the valuable work performed by Skagit County Parks, Recreation, and Fairgrounds seasonal and part-time employees and volunteer staff. He discussed the seasonal staff that Skagit County depended on each year for the successful Skagit County Fair.

Mr. Adams asked the Commissioners to join him in thanking Andrew Stach for his work at the fair and to commend him for willingness to rise to duty and serve in the United States Navy. The Commissioners thanked Mr. Stach and his family, and wished him the best. Commissioner Dillon read the Certificate of Commendation in recognition of dedicated public service to Andrew Stach, for his five years of service to Skagit County.

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

Commissioner Dahlstedt reconvened the proceedings at 11:41 a.m.

1. Public Comment Period

Carol Ehlers of Fidalgo Island was present to discuss the relationship of laws in government and the importance of keeping good records. She also pointed out how government had become specialized and how the law sometimes worked against common sense.

2. Miscellaneous Announcement

IV. ADJOURNMENT:

Chair Wesen adjourned the proceedings at 11:52 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Clerk of the Board