

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 4, 2015**

The Skagit County Board of Commissioners met in regular session on Monday, May 4, 2015, with Chair Kenneth A. Dahlstedt, Commissioner Lisa Janicki, and Commissioner Ron Wesen present.

I. CALL TO ORDER:

Chair Dahlstedt called the proceedings to order at 10:31 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) *9:00 a.m. - 10:00 a.m. Briefing - County Commissioners/County Administrator with Public Works; Planning and Development Services; Public Health and Community Services; Emergency Medical Services Departments

b) 10:30 a.m. - 11:30 a.m. Planning and Development Services - Dale Pernula, Director:

1. Public Hearing to Consider Testimony Regarding Interim Ordinance No. O20150001 on Marijuana Facilities

Dale Pernula, Director; and Ryan Walters, Civil Deputy Prosecuting Attorney; were present to introduce the agenda item and answer questions.

Mr. Pernula noted that the Board of County Commissioners (Commissioners) adopted interim Ordinance No. O20150001 on March 5, 2015, which replaced prior interim ordinances and directed the Planning and Development Services Department (Department) to prepare a proposal for permanent regulations consistent with the rules in the interim ordinance. The Department released the proposal on March 12, 2015, with a public hearing before the Planning Commission on April 7, 2015, with the written comment period closing on April 9, 2015, and the Planning Commission deliberations which commenced on April 21, 2015.

Mr. Walters provided a PowerPoint presentation and noted that interim Ordinance No. O20150001 required the Commissioners to hold a public hearing within 60 days of its adoption. Mr. Walters said that although the interim Ordinance directed the Planning Commission to provide its recommendation no later than April 21, 2015, which would allow them to completely adopt the permanent regulations before the 60-day public hearing requirement kicked in, the Planning Commission determined that they required additional time to deliberate. Mr. Walters said that the Planning Commission expected to finish their deliberations on May 5, 2015, and were expected recommend changes to the Department's proposal.

Mr. Walters noted that the Department would potentially be recommending changes to the proposal based on public

comment and the new state medical marijuana legislation. He said that in order to adopt these changes, the Board of County Commissioners would hold at least another written comment period and that the Department would be back before the Board after May 5, 2015, to determine which changes the Board would chose to make, and then a comment period on the final proposal would be set at that time.

PowerPoint Presentation:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/05042015/>

More information can be obtained at www.skagitcounty.net/marijuana

Chair Dahlstedt opened the public hearing at 10:46 a.m.

Bernard Finney of 18791 Cedardale Road in Mount Vernon asked the Commissioners to keep the current Ordinance in place. He said that the current regulations were a good balance for business people like him and offered protection for residential neighborhoods. He went on to say that his area was zoned Ag/NRL, and that the current regulations only allowed marijuana production and processing in pre-existing opaque structures which he believed did not cause adverse impacts from odor or other impacts to the neighborhood. Mr. Finney said he believed that his property was well suited for use as an I-502 facility. Mr. Finney expressed appreciation for the time that the Department took to reach a resolution to both protect neighboring properties and allowing marijuana facilities to proceed where they were deemed suitable.

Sharyn Sowell of 14922 Valley View Drive in Mount Vernon provided a map depicting the size of the residences in the area and the size of the greenhouses. Ms. Sowell requested that the size of medical marijuana greenhouses be restricted so that there was not so large of size discrepancy between residences and greenhouses. She said that if the size of greenhouses were not restricted, it would allow the marijuana facilities to grow plants with no restrictions in terms of plant number and security. Ms. Sowell urged the Commissioners to restrict hazardous chemicals and explosives and requested that the required area for mailing notices of special-use permit for marijuana facilities to neighbors be increased in order to allow the neighbors to have an opportunity to provide their comments to the Hearing Examiner. She went to request that there be no allowance for production or processing of marijuana in transparent structures and agreed with Mr. Finney's comments that a non-transparent structure would not negatively impact the neighborhood.

Carol Ehlers of West Fidalgo Island thanked the Planning Department and the Planning Commission for taking the time to figure out and understand the regulations. She said she was happy that marijuana was no longer considered to be agricultural and commented that during the processing of marijuana there was a potential for explosions to occur. Ms. Ehlers indicated that since marijuana facilities were considered industrial, the regulation should include the mention of the Coordinated Water System Plan (Plan) and that it was important that maps in the Plan were accurate.

Lori Scott of 3351 Old Highway 99 North in Burlington thanked that the Planning Commission for taking the time to learn and understand the interim Ordinance. She said that she appreciated that outdoor grows and production in rural intermediate would not be permitted. She also appreciated several items that were included in the interim Ordinance such as the operations being considered industrial and commented on the amount of water that marijuana facilities used in comparison to the amount of water that residential properties were allowed to use.

Larry Hurlimann of 3401 Old Highway 99 North of Burlington commented on various meetings that the Alger neighborhood had with the County and the growers related to enforcement on the growers property and requested that an end point to enforcement be established. He went on to suggest that the County should have access to make surprise visits to

marijuana facilities; and that the 250 foot setback was not acceptable.

Barb Hendrickson of 17289 Dunbar Road in Mount Vernon addressed concerns that it was not clear whether the State or the County would be responsible to make sure that marijuana growers followed all the rules and regulations.

Commissioner Janicki said it would be helpful if the Department compiled a listing that could be published on the County's website detailing what the Washington State Liquor Control Board's responsibilities were and what the County's responsibilities were in terms of enforcing the marijuana rules and regulations.

Commissioner Wesen thanked everyone for coming in and providing their input. He agreed with having a quick guide for the public regarding the County and State responsibilities.

Commissioner Dahlstedt said that the public process had allowed every citizen wishing to provide input on the marijuana implementation had the opportunity to do so.

Seeing no further public comment forthcoming, Commissioner Janicki made a motion to close the public hearing at 11:13 a.m. Commissioner Wesen seconded the motion which passed unanimously.

Mr. Walters announced that the next step in the process would be for the Planning Commission to continue its deliberations on the permanent regulations on Tuesday, May 5, 2015; the Department would then bring forth the Planning Commission's recommendations to the Commissioners; and that Board would then provide the Department with direction as to how to move forward with the final draft regulations. He said that there would be an opportunity for the public to provide written comments on the final draft regulations prior to a final Ordinance being adopted by the Commissioners.

2. Miscellaneous

There were no miscellaneous items for Planning and Development Services to discuss.

Chair Dahlstedt recessed the proceedings at 11:17 a.m.

- c) 1:30 p.m. - 2:30 p.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items
- d) *2:30 p.m. - 3:30 p.m. Executive Session (Litigation - RCW 42.30.110(1)(i))

Chair Kenneth A. Dahlstedt, Commissioner Lisa Janicki, and Commissioner Ron Wesen attended an executive session on Monday, May 4, 2015, from 2:30 p.m. to 3:35 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 at the executive session and provided legal advice to the Board of County Commissioners: Chief Civil Deputy Prosecuting Attorney Melinda Miller; and Prosecutor Rich Weyrich. Other Attendees: County Administrator Tim Holloran; Budget and Finance Director Trisha Logue; Emergency Medical Services Director Mark Raaka; and Chief Accountant Jana Robbins.

IV. CONSENT AGENDA MISCELLANEOUS ITEMS FOR FURTHER DISCUSSION:

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

Shane Oden, Engineering Division, provided additional information on Consent Agenda item #8. He said that Roland Resources were being hired for the Bow Hill Road Reconstruction Project and that the County had received partial funding from the State Transportation Program and that as a part of the funding requirements, the County was required to go through the certified right-of-way process through the Washington State Department of Transportation. Mr. Oden indicated that the County was not seeking right-of-way acquisition for this project but would be acquiring temporary construction easements. He noted that all of the new proposed construction was within the public right-of-way but there would be a need to access areas on tribal land trust property. Mr. Oden indicated that the tribes were supportive of the project and easement negotiations were estimated to take approximately five to six months.

Paul Randall-Grutter, County Engineer, provided additional comments about Consent Agenda item #10. He explained that the Public Utility District (PUD) made a presentation to the Board of County Commissioners on Tuesday, April 28, 2015, to explain the need for the emergency repair of the water transmission line. He said that PUD needed to close a section of South Skagit Highway between mileposts 1.78 to 4.70 in order to conduct necessary repairs and requested the closure to both lanes of traffic so as to not endanger public safety while the repair was being made.

Jan Flagan, Surface Water Section Manager, provided additional information on Consent Agenda item #11. Ms. Flagan explained that an error was discovered when the low bidder was asked to sign the contract. She said that bidder made a mistake in the original bid and could not perform the work for the price quoted which in part was due to the format of the bid sheet. Ms. Flagan said that it was decided to revise the bid sheet and rebid the project to add mowing for the Inman Landfill as well as some other mowing projects.

Jim Mickel, Controller, addressed a question that arose from the Monday morning briefing regarding the Ferry Revenue Target Report. He said that he and Ferry Operations Manager Rachel Rowe had been working on the data for report for the past couple of weeks and that the Report would be available for review in the next several weeks.

Jennifer Swanson, Project Manager, provided additional information on Consent Agenda item #12. She noted that the purpose of the Supplemental Agreement with Berger ABAM was to update the yearly hourly rate schedule.

V. CONSENT AGENDA FOR MONDAY, MAY 4, 2015 (items 1 through 13):

A motion was made by Commissioner Wesen to approve the Consent Agenda items 1 through 13, Ratification Agenda items 14 and 15, vouchers and warrants for Monday, May 4, 2015. Commissioner Janicki seconded the motion.

The vote passed unanimously.

a) COMMISSIONERS:

1. Record of the proceedings for Wednesday, April 22, 2015. **(Approved)**
2. Record of the proceedings for Monday, April 27, 2015. **(Approved)**
3. Record of the proceedings for Tuesday, April 28, 2015. **(Approved)**

b) COMMUNITY SERVICES:

4. Amendment No. 1 to Personal Services Agreement No. C20140058 with SeaMar Behavioral Health to provide substance abuse treatment for eligible Skagit County residents. The purpose of this Amendment is to revise the General Ledger (GL) code for all billings or correspondence in connection to this Agreement. All other terms and conditions of the original Agreement shall remain in effect including the termination date of June 30, 2015, and the compensation amount not to exceed \$153,408 which is funded by the Department of Social and Health Services, Division of Development Disabilities (DSHS-DDD). **(Amendment No. A20150062)**
5. Amendment No. 1 to Personal Services Agreement No. C20140589 with Island Hospital to provide mental health services with the primary goals of stabilization of problematic symptoms and/or behaviors and the promotion of ongoing recovery for the Community Wellness Program. The purpose of this Amendment is to replace Exhibit "B"; and Exhibit "C" to reflect the change in process for the clinician to evaluate clientele and to take on additional clientele. All other terms and conditions of the original Agreement shall remain the same including the termination date of December 31, 2015; and the compensation amount not to exceed \$10,000 which is based on a fee schedule and funded by the .1% sales tax. **(Amendment No. A20150063)**

c) INFORMATION SERVICES:

6. Resolution authorizing the transfer of surplus computer equipment to the Burlington Edison School District pursuant to the attached list. **(Resolution No. R20150164)**

d) PROSECUTING ATTORNEY:

7. Amendment No. 1 to Interlocal Agreement No. C20130461 with the Town of Concrete for law enforcement services. The purpose of this Amendment is to revise Paragraph 1.1 Patrol Services; and Exhibit "D" Town Ordinances to add a copy of Article III, sections 6.04.450 to .540, of Town Ordinance No. 728. All other terms and conditions of the original Agreement shall remain in effect including the Town compensating the County for base level law enforcement service in the amount \$754,249, and sales tax revenues as set forth in paragraph 7.1; and the termination date of the Agreement remains as December 31, 2016. **(Amendment No. A20150064)**

e) PUBLIC WORKS:

8. Local Agency Professional Services Consultant Agreement with Roland Resources, Inc. to perform all real estate functions required to analyze, negotiate for and acquire real property interests on behalf of Skagit County for the Bow Hill Reconstruction Project #ES21200-6. The Agreement shall commence on the date of execution and continue until December 31, 2016. Compensation shall not exceed \$30,000 and is based on a fee schedule. **(Contract No. C20150207)**
9. Resolution for approval of maps, plans, and specifications and call for bids for the Sauk Transfer Station Paving Project #WMP50-12. The bid opening is scheduled to take place on Tuesday, May 26, 2015, at 2:30 p.m. or as soon thereafter as possible. **(Resolution No. R20150165)**
10. Resolution regarding the closure of South Skagit Highway to through traffic at milepost 1.78 to milepost 4.70 for the purpose of repairing and replacing a damaged Public Utilities District water transmission line. The roadway closure duration shall be approximately forty (40) calendar days and is projected to begin on May 20, 2015. **(Resolution No. R20150166)**

11. Resolution rescinding Resolution No. R20150151 which awarded the bid for mowing of Skagit County Drainage Facilities Project #WA402000-570 to JTI Commercial Services. Subsequent to the bid award, JTI Commercial Services notified Skagit County Public Works that they were unable to perform the mowing project for the bid amount of \$22,622.25. **(Resolution No. R20150167)**
12. Supplemental Agreement No. 3 to Local Agency Standard Consultant Agreement No. C20130217 with Berger ABAM Inc. to provide engineering and environmental services for the Burlington Northern Overpass, Project # ES50510-8. The purpose of this Amendment is to replace Exhibit "E-1" Consultant Fee Determination Summary of Costs with an updated Exhibit "E-1", Fee Schedule for July 2015 through June 2016, in order to reflect the routine hourly wage rate updates. All other terms and conditions of the original Agreement and subsequent Amendments shall remain in effect including the termination date December 31, 2016, and the compensation amount not to exceed \$1,402,406. **(Amendment No. A20150065)**

f) SHERIFF:

13. Personal Services Agreement with Skagit Bonded Collectors, LLC to provide collection services of unpaid accounts referred by the Skagit County Sheriff's Office. The Agreement shall commence on the date of execution and continue until December 31, 2020. The collection fee shall be 35% of the principal amount of the account, pursuant to RCW 19.16.500. **(Contract No. C20150208)**

VI. RATIFICATION AGENDA (items 14 and 15):

g) COMMUNITY SERVICES:

14. Resolution authorizing the ratification of Amendment No. 1 to Funding Agreement No. 163009-NUTR, Skagit County Agreement No. C20150046, with Northwest Regional Council to provide funding for congregate and home-delivered meals through the Skagit County Senior Nutrition Program. The Amendment increasing funding to support and encourage evidence-based Chronic Disease Self-Management programs was only recently received by the County. **(Resolution No. R20150168)**
15. Amendment No. 1 to Funding Agreement No. 163009-NUTR, Skagit County Agreement No. C20150046, with Northwest Regional Council to provide funding for congregate and home-delivered meals through the Skagit County Senior Nutrition Program. The purpose of this Amendment is to increase the funding to encourage evidence-based Chronic Disease Self-Management programs; \$2,000 will be paid upon completion of each six-session class using the Stanford University Chronic Disease Self-Management Curriculum for a total of up to four classes per year. This Amendment increases compensation to Skagit County by up to \$8,000 for a total amount not to exceed \$294,771. All other terms and conditions of the original Agreement shall remain in effect including the termination date of December 31, 2015. **(Amendment No. A20150066)**

VII. 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 \$125,911.88 (Transmittal No. C-64-15); and
- b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$101,875 (Transmittal No. C-65-15); and
- c) ACH Transfer Request Form and Certification to Delta Dental from Clearing Fund 696 in the total dollar amount of \$70,722.58 (Transmittal No. C-66-15); and
- d) Warrants numbered 421626 through 422050 from Clearing Fund 696 in the total dollar amount of \$2,100,986.59 (Transmittal No. C-67-15).

VIII. ADJOURNMENT:

Chair Dahlstedt adjourned the proceedings at 1:54 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chair

Lisa Janicki, Commissioner

Ron Wesen, Commissioner

ATTEST:

Clerk of the Board