

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 6, 2016**

The Skagit County Board of Commissioners met in regular session on Tuesday, September 6, 2016, with Commissioner Ron Wesen, and Commissioner Kenneth A. Dahlstedt present. Chair Lisa Janicki excused.

I. CALL TO ORDER:

Commissioner Dahlstedt called the proceedings to order at 10:01 a.m.

II. PLEDGE OF ALLEGIANCE:

Commissioner Dahlstedt 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 with Public Works, Planning and Development Services, and Public Health

b) 10:00 a.m. - 10:45 a.m. Planning and Development Services - Dale Pernula, Director:

Mr. Pernula informed the Commissioners that Senior Planner/Project Manager Betsy Stevenson would be providing the update on the Shoreline Master Plan. He said that it had not been updated since 1976, and said that it had been worked on over the last five years with an Advisory Committee, the Planning Commission, and Planning and Development Services.

1. Presentation: Planning Commission's Recorded Motion on the Shoreline Master Plan Program Update

Ms. Stevenson provided an overview of the process involved in the comprehensive Shoreline Master Plan Program update, provided highlights from the plan, outlined the next steps to be taken, provided a detailed list of the public meetings held to date, and provided the Planning Commission's recorded motion.

The Commissioners thanked staff, the Planning Commission, and the Advisory Committee for their tremendous work towards updating the plan which was required by Washington State and needed to be submitted for pre-approval to the Washington State Department of Ecology.

Ms. Stevenson said that Planning and Development Services would work to draft a Resolution outlining the adoption process for the plan after the Commissioners reviewed the Planning Commission's Recorded Motion and provided feedback.

A memorandum from Planning and Development Services outlining the information provided by Ms. Stevenson and the Planning Commission's Recorded Motion can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/09052016>

Commissioner Dahlstedt recessed the proceedings at 10:26 a.m.

c) 10:45 a.m. - 11:30 a.m. Consent Agenda, Vouchers and Warrants, and Miscellaneous Items

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

Commissioner Dahlstedt reconvened the proceedings at 11:30 a.m.

1. County and Individual Success Stories

No one provided county or individual success stories.

2. Public Comment Period

No one was present to provide public comments.

3. Miscellaneous Announcements

The Commissioners discussed traffic safety awareness near schools and forest fire prevention.

Commissioner Dahlstedt recessed the proceedings at 11:34 a.m.

e) *1:00 p.m. - 2:00 p.m. Community Action of Skagit County Audit Exit Conference (330 Pacific Place, Mount Vernon)

f) 2:30 p.m. - 3:30 p.m. Board of County Commissioners:

Chair Janicki joined Commissioner Ron Wesen, and Commissioner Kenneth A. Dahlstedt in session and reconvened the proceedings at 2:34 p.m.

1. Closed Record Appeal No. PL16-0348 Submitted by Appellants David Geerts and Michael Geerts of Hearing Examiner's Decision of Special Use Permit No. PL16-0007 Regarding a Proposal from Respondents Parallel Infrastructure/Skagit 911 to Construct a Wireless Telecommunications Tower and Equipment Shelter

Chair Janicki provided introductory remarks and said that the Board of County Commissioners also sit as part of the Skagit 911 Board.

Senior Civil Deputy Prosecuting Attorney for Skagit County Will Honea indicated that the parties involved, both appellants and respondents, were in agreement to remand the matter back to the Hearing Examiner for additional fact finding and asked each of the parties to clarify the scope for the remand.

Before counsel provided clarification on scope, Planning and Development Services Associate Planner Annie Matsumoto-Grah briefed the Commissioners on the permit applied for by Parallel Infrastructure/Skagit 911 (respondents). She said a 195' tall tower with equipment and antennas was being proposed to be built on a 20 acre parcel in the Marblemount area in order to provide adequate radio transmission services for Skagit 911. She said that Planning and Development Services had approved the application.

Ms. Matsumoto-Grah said an appeal was filed by appellants David Geerts and Michael Geerts over concerns about adequate information about site selection, the height necessary to provide service, and health impacts. Ms. Matsumoto-Grah said that Parallel Infrastructure/Skagit 911 provided some information about location and height but concurred with the appellant's claim that site selection was not fully addressed and that an analysis by an engineer documenting the need for the height was not submitted. Planning and Development Services was recommending that the matter be remanded back to the Hearing Examiner for additional information per Skagit County Code 14.16.720 (9) and (10).

Scott Thomas, counsel for appellants, requested the matter be remanded back to the Hearing Examiner and that the scope for relevant facts to consider were outlined in a pleading, Appellants Supplemental Brief, dated September 6, 2016. Mr. Thomas asked that the respondent clarify the locations needing improved service in the Marblemount area, demonstrate that a 195' tall tower was needed (or if the height could be reduced), and provide information on site location since the current site selected for the construction of the tower was shown to be lowest-ranked preferred location for a tower for area service.

Meridee Pabst, counsel for respondents, referred to their pleading, Respondent's Reply RE Terms of Remand, dated September 6, 2016, and asked that the remand language be followed which was included in Exhibit B, Proposed Stipulation and Order for Remand. Ms. Pabst said that a remand should follow language outlined in Skagit County Code and remain limited and remanded without further direction. Respondent's were concerned that the appellant's pleading went beyond the scope provided for in Skagit County Code and said that the proposed information requested for tower height had not been asked for by Skagit County for other permits approved for tower construction. Ms. Pabst said that the proposed height of the tower was set in order to accommodate future needs and use by other tenants who had various height and separation requirements.

Rebuttals were provided by Mr. Thomas and then Ms. Pabst. Ms. Matsumoto-Grah concurred with the respondent and said that the appellant was requesting more than what was currently provided for in Skagit County Code.

After discussion was held on what the Board could look to now for determining that feasibility for rank ordering in other zones had been met, Chair Janicki announced that the Board would render a decision on the matter on Tuesday, September 20, 2016, at 9:30 a.m.

Documents provided for the closed record appeal can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/09052016>

g) *3:30 p.m. - 4:30 p.m. Executive Session (Potential Litigation - RCW 42.30.110(1)(i).)

The Commissioners attended an executive session on Tuesday, September 6, 2016, from 3:30 p.m. to 4:30 p.m., the purpose of the executive session was Potential 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: Chief Civil Deputy Prosecuting Attorney Melinda Miller, Civil Deputy Prosecuting Attorney Steve Fallquist, outside counsel Mark Myers, and outside counsel Jordan Hallstrom. Other attendees included: Skagit County Administrator Tim Holloran, Director of Public Works Dan Berentson, and Solid Waste Division Manager Margo Gillaspy.

IV. CONSENT AGENDA ITEMS FOR FURTHER DISCUSSION:

Commissioner Dahlstedt reconvened the proceedings at 10:45 a.m.

Commissioner Wesen and Commissioner Dahlstedt discussed Consent Agenda item #4 and agreed to execute the Amendment and would get additional information from Emergency Medical Services on the current terms of the Agreement. Director of Facilities Dan Fitting provided additional information on Consent Agenda item #5.

Salmon Habitat Specialist Jeff McGowan provided additional information on Consent Agenda item #10 and #11. Commissioner Dahlstedt discussed future plans at Northern State Recreation Area to build playfields and he said that future mitigation requirements for the playfield project had been discussed and should come from all the work currently being performed on Hansen Creek (which flowed through Northern State Recreation Area).

Construction Section Manager David Walde provided additional information on Consent Agenda item #13. The Commissioners reminded Public Works to be mindful of planning for the movement of farm equipment and machinery on roadways, saying that roads with guardrails on both sides impacted the flow of traffic around machinery.

Assistant Section Manager Jan Flagan provided additional information on Consent Agenda item #14.

Environmental Health Specialist Corrina Marote provided additional information on Consent Agenda item #22. Ferry Operations Division Manager Rachel Rowe provided additional information on Consent Agenda item #24.

V. CONSENT AGENDA FOR TUESDAY, SEPTEMBER 6, 2016 (items 1 through 17):

A motion was made by Commissioner Wesen to approve Consent Agenda items 1 through 17, Ratification Agenda items 18 through 23, vouchers and warrants for Tuesday, September 6, 2016. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously. Chair Lisa Janicki's absence was excused

Commissioner Dahlstedt recessed the proceedings at 11:09 a.m.

a) COMMISSIONERS:

1. Record of the Proceedings for Monday, August 29, 2016. **(Approved)**
2. Resolution to reappoint Duane Clark to the Skagit County Ferry Advisory Committee for Washington State. His term will expire on July 31, 2020. **(Resolution No. R20160227)**

b) AUDITOR:

3. Temporary Easement with Skyline Beach Club, Inc. located on Parcel No. P77914 to establish and maintain an election drop box for use by the local community and general public to deposit voted ballots. The Easement shall commence on the date of execution and continue until terminated. No monetary compensation is being considered. **(Contract No. C20160382)**

c) EMERGENCY MEDICAL SERVICES:

4. Amendment No. 1 to Personal Services Agreement No. C20160096 with James Reid dba The Falconer Group to facilitate a task force to evaluate potential Emergency Medical Services (EMS) delivery models. This Amendment increases compensation by \$12,000 due to the scheduling of additional meetings, work groups, and oversight of the advisory group. The term remains the same and will continue until December 31, 2016. Compensation shall not exceed \$36,800 and is based on an hourly rate schedule. **(Amendment No. A20160116)**

d) FACILITIES MANAGEMENT:

5. Vendor Services Agreement with Great Floors for the removal, disposal, and replacement of carpet in Superior Courtrooms 1 and 2 and in the Prosecuting Attorney's Offices located in the 1st floor of Courthouse Annex. The Agreement shall commence upon the date of execution and continue for one year. Compensation shall not exceed \$60,000 and is based on a fee per space and scope of services being provided. **(Contract No. C20160383)**
6. Personal Services Agreement with Mount Appraisal Group to prepare appraisal reports on an as needed basis for properties owned by or of interest to the County. Reports will be based on inspection and market investigation of commercial, residential, or land properties. The Agreement shall commence on the date of execution and continue until March 30, 2018. Compensation will be determined prior to the start of appraisal services on each property, based on size, purpose, location, and the desired level of detail in the

final report. Total compensation shall not exceed \$10,000. **(Contract No. C20160384)**

7. Personal Services Agreement with Northwest Real Estate Valuation, LLC to prepare appraisal reports on an as needed basis for properties owned by or of interest to the County. Reports will be based on inspection and market investigation of commercial, residential, or land properties. The Agreement shall commence on the date of execution and continue until March 30, 2018. Compensation will be determined prior to the start of appraisal services on each property, based on size, purpose, location, and the desired level of detail in the final report. Total compensation shall not exceed \$10,000. **(Contract No. C20160385)**
- e) **PARKS, RECREATION AND FAIR:**
8. Utility Easement with Puget Sound Energy, Inc. for an underground power line at the Northern State Recreation Area Veterans Park on Parcel No. P38653. This easement conveys to Puget Sound Energy a nonexclusive perpetual easement for installing and maintaining electrical utility systems. This easement is permanent and shall be recorded with the Skagit County Auditor. No monetary consideration is being paid. **(Contract No. C20160386)**
- f) **PUBLIC HEALTH:**
9. Facility Use Agreement with McIntyre Hall Performing Arts and Conference Center for use of the facility for the Skagit County Public Health Data Indicator website launch event on November 9, 2016. Compensation shall not exceed \$975. **(Contract No. C20160387)**
- g) **PUBLIC WORKS:**
10. Resolution authorizing Skagit County Public Works Department staff to apply for a Washington State Recreation and Conservation Office Grant for the Hansen Creek Reach 5 Restoration Project (16-1651). **(Resolution No. R20160228)**
 11. Resolution authorizing Skagit County Public Works Department staff to apply for a Washington State Recreation and Conservation Office Grant for the South Fork Delta Channel Final Design Project (16-1652). **(Resolution No. R20160229)**
 12. Resolution authorizing the sale of excess property, consisting of a 2005 Ford Crown Victoria vehicle, to the Northwest Career & Technical Academy pursuant to RCW 36.34.130 in the amount of \$2,500. **(Resolution No. R20160230)**
 13. Construction Contract Agreement with Petersen Brothers, Inc. for the Dodge Valley Road Barrier Protection Project #ES41000-1, Federal Aid #HSIP-000S(422). The Agreement shall commence on the date of execution and continue until completed. Compensation shall not exceed \$282,942.23. This Agreement was awarded pursuant to Resolution No. R20160203 which was signed on August 1, 2016. **(Contract No. C20160388)**
 14. Interlocal Cooperative Agreement with the City of Sedro-Woolley for maintaining the stormwater conveyance system throughout the Brickyard Creek corridor. The Agreement shall commence on January 1, 2017, and continue through December 31, 2021. Compensation shall not exceed \$5,000 per year for a total amount not to exceed \$25,000. **(Contract No. C20160389)**
 15. Temporary Construction Easement on parcels P36888 and P36899 granted by Amy Regehr to allow Skagit County, its contractors, agents, and permittees the right to enter upon the easement area for the purpose of constructing the overpass for the Burlington Northern Overpass Project, #ES50510-8, Federal Aid #BRS-M291(006). The Easement shall commence on October 1, 2016, and continue until April 30, 2018. Compensation offered for the Temporary Construction Easement shall not exceed \$700. Total compensation, per Contract No. C20070532 and an Administrative Settlement approved on August 10, 2016, shall not exceed \$1,500. **(Contract No. C20160390)**
 16. Temporary Construction Easement on parcel P36908 granted by JJMD Investments, LLC to allow Skagit County, its contractors, agents, and permittees the right to enter

upon the easement area for the purpose of constructing the overpass for the Burlington Northern Overpass Project, #ES50510-8, Federal Aid #BRS-M291(006). The Easement shall commence on October 1, 2016, and continue until April 30, 2018. Compensation shall not exceed \$3,700. **(Contract No. C20160391)**

17. Temporary Construction Easement on parcel P36885 granted by William Stiles, Jr. and William A. Stiles, Jr. as Trustee of Betty Stiles Washington Bypass Trust to allow Skagit County, its contractors, agents, and permittees the right to enter upon the easement area for the purpose of constructing the overpass for the Burlington Northern Overpass Project, #ES50510-8, Federal Aid #BRS-M291(006). The Easement shall commence on October 1, 2016, and continue until April 30, 2018. Compensation shall not exceed \$14,417. **(Contract No. C20160392)**
18. Temporary Construction Easement on parcel P36900 granted by Gary Koops to allow Skagit County, its contractors, agents, and permittees the right to enter upon the easement area for the purpose of constructing the overpass for the Burlington Northern Overpass Project, #ES50510-8, Federal Aid #BRS-M291(006). The Easement shall commence on October 1, 2016, and continue until April 30, 2018. Compensation offered for the Temporary Construction Easement shall not exceed \$200. Total compensation, per Contract No. C20070532 and an Administrative Settlement approved on August 12, 2016, shall not exceed \$8,000. **(Contract No. C20160393)**

VI. RATIFICATION AGENDA (items 18 through 23):

h) PUBLIC HEALTH:

19. Resolution authorizing the ratification of a Personal Services Agreement with Dreamcatcher Facilitation Services to provide Person-Centered-Planning services to youth, families, and school district staff throughout Skagit County for the purpose of helping families and school staff partners through the Developmental Disabilities Program. Review of provisions and receipt of contract delayed full execution before September 1, 2016. **(Resolution No. R20160231)**
20. Personal Services Agreement with Dreamcatcher Facilitation Services to provide Person-Centered-Planning services to youth, families, and school district staff throughout Skagit County for the purpose of helping families and school staff partners through the Developmental Disabilities Program. The Agreement commenced on September 1, 2016, and continues until June 30, 2017. Compensation shall not exceed \$12,450 and is based on a service rate schedule. **(Contract No. C20160394)**
21. Resolution authorizing the ratification of a Toxics Cleanup Remedial Action Grant Program Agreement with the State of Washington Department of Ecology, Agreement No. TCPRA-2016-SkCoHD-00016 to perform approximately 18 Initial Investigations and 7 Site Hazard Assessments in response to public complaints and referred from the Department of Ecology. The Agreement was not received in time to route before July 1, 2016. **(Resolution No. R20160232)**
22. Toxics Cleanup Remedial Action Grant Program Agreement with the State of Washington Department of Ecology, Agreement No. TCPRA-2016-SkCoHD-00016 to perform approximately 18 Initial Investigations and 7 Site Hazard Assessments in response to public complaints and referred from the Department of Ecology. The Agreement commenced on July 1, 2016, and continues until June 30, 2017. Compensation to Skagit County shall not exceed \$39,000. **(Contract No. C20160395)**

i) PUBLIC WORKS:

23. Resolution authorizing the ratification of a Vendor Services Agreement with Welch Brothers Construction Inc. for the emergency repair of a broken/leaking water or sewer pipe at the Anacortes Ferry Terminal Building. Due to the emergent need to make repairs, the Agreement was entered into on July 25, 2016. **(Resolution No. R20160233)**
24. Vendor Services Agreement with Welch Brothers Construction Inc. for the emergency repair of a broken/leaking water or sewer pipe at the Anacortes Ferry Terminal Building.

Resolution No. R20160201 authorized Public Works to waive the competitive bidding requirements in order to begin immediate repairs. The Agreement commenced on July 25, 2016 and continues for one year. Compensation shall not exceed \$17,724.83. **(Contract No. C20160396)**

VIII. ADJOURNMENT:

Chair Janicki adjourned the proceedings at 3:00 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Lisa Janicki, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Clerk of the Board