

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 4, 2024**

The Skagit County Board of Commissioners met in regular session on Monday, November 4, 2024, with Chair Peter Browning, Commissioner Lisa Janicki, and Commissioner Ron Wesen present.

I. CALL TO ORDER:

Chair Browning called the proceedings to order at 11:00 a.m. and excused Commissioner Wesen.

II. AGENDA:

a) *11:00 a.m. Pledge of Allegiance

Chair Browning led the attendees in the salute to the flag.

b) *11:00 a.m. - 11:30 a.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items:

1. Public Comment (Specifically related to the agenda item)

Robert Knoll of Puget Sound Energy shared comments regarding Puget Sound Energy's transformation and work to strive to meet Washington State's Clean Energy laws. Mr. Knoll thanked the Commissioners for their time and consideration of measures to accomplish shared goals.

2. CONSENT AGENDA ITEMS FOR FURTHER DISCUSSION:

The Commissioners discussed Consent Agenda items 5, 6, 7, 10, 18 and noted that item 19 had been pulled for consideration at a later date.

3. CONSENT AGENDA FOR MONDAY, NOVEMBER 4, 2024 (items 1 through 22):

A motion was made by Commissioner Janicki to approve Consent Agenda items 1 through 18, and items 20 through 22 including all items requiring ratification, vouchers and warrants for Monday, November 4, 2024. Chair Browning seconded the motion.

The vote passed unanimously. Commissioner Ron Wesen's absence was excused

a) COMMISSIONERS:

1. Record of the Proceedings for Monday, October 28, 2024. **(Approved)**
2. Record of the Proceedings for Tuesday, October 29, 2024. **(Approved)**
3. Record of the Proceedings for Thursday, October 31, 2024. **(Approved)**
4. Resolution to reappoint Luis Reyna to the Housing Authority Board of Skagit County. Mr. Reyna's five-year term shall expire on December 9, 2029. **(Resolution No. R20240222)**

b) FACILITIES MANAGEMENT:

5. Amendment No. 1 to Standard AIA Form of Agreement No. C20220542 with Allana, Buick and Bers, Inc. for the 4th Floor Demolition and Reroofing on the Skagit County Courthouse. This Amendment expands the scope of services to include additional Construction Phase Consulting Services and Tank Support Framing Design Services. Compensation remains the same and shall not exceed \$362,720. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240221)**
6. Vendor Services Agreement with Guardian Security, Inc. to provide all labor, demolition, materials, equipment, and supervision for a prevailing wage inspection and maintenance for Skagit County Facilities Fire Protection Systems. Compensation is based on a rate schedule and shall not exceed \$140,000 including applicable taxes. The Agreement shall commence on the date of execution and continue until October 15, 2027. **(Contract No. C20240545)**
7. Amendment No. 1 to Standard AIA Form of Agreement No. C20240082 with Dawson Construction LLC to remove the rooftop jail structure from the courthouse while preserving mechanical spaces and parapet braces prior to reroofing. This Amendment modifies the scope of work and funding for unanticipated requirements during removal of the Courthouse rooftop jail and increases compensation to an amount not to exceed \$2,611,115.63 plus applicable taxes. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240222)**
8. Amendment No. 1 to Vendor Services Agreement No. C20240176 with Millig, LLC to program HVAC controls towards improving energy performance at the Community Justice Center located at 201 Suzanne Lane in Mount Vernon which does not comply with the State Clean Buildings Program. This Amendment extends the term of the Agreement from December 7, 2024 to December 31, 2025 and decreases compensation from \$175,474 to an amount not to exceed \$174,709.95 including applicable taxes. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240223)**
9. Amendment A to Grant Agreement No. 22-96663-003, Skagit County Contract No. C20240255, with Washington State Department of Commerce, Local Government Division, through the Community Capital Facilities Unit to provide funding for a legislatively approved project that furthers the goals and objectives of Design and Construction of the Skagit County Crisis Stabilization Center Phase 1 in accordance with 2021-23 Behavioral Health Community Capacity Grants Program appropriated by House Bill 1080. This Amendment updates the UEI#, SWV#, and building address. Compensation to Skagit County remains the same and shall not exceed \$5,800,000. The term remains the same and shall continue until June 30, 2027, contingent on reappropriation; June 30, 2025, if funds are not reappropriated. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240224)**

c) HUMAN RESOURCES:

10. Resolution to amend Skagit County Personnel Manual, Section 3.3.h Compensation During Emergency Events and Incidents. **(Resolution No. R20240223)**

d) INFORMATION SERVICES:

11. Professional Services Agreement with Tyler Technologies, Inc. to provide remote server migration services of the Auditor's recording system. Compensation shall not exceed \$4,350. The Agreement shall commence on the date of execution and continue until February 16, 2025. **(Contract No. C20240546)**
12. Amendment No. 2 to Contract No. C20210010 with Granicus to maintain software and hardware for streaming media services which allow the public to watch Commissioner meetings and other public meetings live and via the internet. This Amendment extends the term of the Agreement from December 31, 2024 to December 31, 2025, updates the rate schedule and increases compensation by \$75,169.05 for a new estimated total compensation amount not to exceed \$319,547.90. All other terms and conditions of the original Agreement and prior Amendment shall remain in effect. **(Amendment No. A20240225)**

e) PARKS AND RECREATION:

13. Amendment No. 4 to Funding Agreement No. C20170111 with Skagit Land Trust (SLT) to provide reimbursement funding, at the rate of \$90 per hour, in exchange for the SLT providing assistance with the acquisition and permanent protection of lands in Skagit County that will contribute to a corridor for the County's planned Centennial Trail. This Amendment extends the term of the Agreement from December 31, 2024 to December 31, 2026. Compensation remains the same and shall not exceed \$50,000 which is funded through the Special Pathways Fund 102 that is funded directly from gasoline tax revenues. All other terms and conditions of the original Agreement and prior Amendments shall remain in effect. **(Amendment No. A20240226)**

f) PUBLIC HEALTH:

14. Personal Services Agreement with Work Opportunities to provide system navigation services through the Bridges Program to eligible young adults as they prepare to exit their high school transition programs. Compensation is based on a rate schedule and shall not exceed \$15,000. The Agreement is ratified to commence on August 1, 2024 and continue until July 30, 2025. **(Contract No. C20240547)**
15. Personal Services Agreement with Communities in Schools Whatcom-Skagit for the provision of programming to support low-and-moderate-income families, households that have been disproportionately impacted by COVID-19, and those whose academic achievement or low school attendance signals that they have obstacles that prevent them from succeeding in school. Compensation shall not exceed \$45,434.62. The Agreement is ratified to commence on September 1, 2024 and continue until December 31, 2024. **(Contract No. C20240548)**
16. Personal Services Agreement with Sherwood Community Services to provide navigation services through the Bridges Program to eligible young adults as they prepare to exit their high school transition programs. Compensation is based on a rate schedule and shall not exceed \$20,000. The Agreement is ratified to commence on August 1, 2024 and continue until July 30, 2025. **(Contract No. C20240549)**
17. Amendment No. 1 to Personal Services Agreement No. C20240070 with Tenfold Health to work with Skagit County and the North Star Initiative to strengthen and expand Behavioral Health Recovery Services in Skagit County. This Amendment adds Crisis and Co-Response to the scope of work and increases compensation from \$80,000 to an amount not to exceed \$100,000. The term remains the same and shall continue until December 31, 2024. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240227)**
18. Amendment No. 1 to Interlocal Cooperative Agreement No. C20240250 with Anacortes Housing Authority to provide funding to conduct predevelopment activities in support of project planning for an affordable housing project located at 212 Commercial Avenue in Anacortes. This Amendment updates Exhibit "A" Deliverables and Services and extends the term from December 31, 2024 to December 31, 2025. Compensation remains the same and shall not exceed \$277,538, which is provided through Real Estate Excise Tax as authorized under RCW 82.46.037. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240228)**

g) PUBLIC WORKS:

19. ~~Personal Services Agreement with Bronlea M. Consulting, LLC to provide communications services for the Skagit County Public Works Ferry Division in the form of newsletters and other outreach materials. Compensation is based on a rate schedule and shall not exceed \$15,000. The Agreement shall commence on the date of execution and continue for one year. (Item pulled for consideration at a later date)~~
20. Resolution to call for bids for Two (2) New Latest Model Kick-Off Broom. The bid opening is scheduled to take place on Monday, December 2, 2024 at 12:15 p.m., or as soon thereafter as possible in the Skagit County Commissioners Hearing Room located at 1800 Continental Place in Mount Vernon. Attendance will be in-person by computer, tablet, or smartphone: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdzo9> or by phone: 1 (253) 215-8782 Meeting ID: 871 8000 1980. **(Resolution No. R20240224)**

h) SHERIFF:

21. Amendment No. 1 to Agreement No. C20240181 with Public Safety Testing, Inc. to conduct a promotional testing selection process for the position of Corrections Sergeant. This Amendment updates the scope of work to add Work Performance Rating and increases compensation from \$8,100 to an amount not to exceed \$10,400. The term remains the same and shall continue until December 31, 2024. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240229)**

i) SUPERIOR COURT:

22. Interagency Agreement No. IAA25509 with the Washington State Administrative Office of the Courts (AOC) to provide reimbursement for court interpreter and language access service expenses. Compensation to Skagit County shall not exceed \$72,046. The Agreement is ratified to commence on July 1, 2024 and continue until June 30, 2025. **(Contract No. C20240550)**

4. VOUCHERS AND WARRANTS:

- a. 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 HealthEquity from Clearing Fund 696 in the total dollar amount of \$15,657.60 (Transmittal No. C-280-24); and
- b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$1,471.26 (Transmittal No. C-281-24); and
- c) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$6,795.00 (Transmittal No. C-282-24); and
- d) ACH Transfer Request Form and Certification to Delta Dental from Clearing Fund 696 in the total dollar amount of \$17,594.20 (Transmittal No. C-283-24); and
- e) ACH Transfer Request Form and Certification to HMA from Clearing Fund 696 in the total dollar amount of \$185,825.53 (Transmittal No. C-284-24); and
- f) ACH Transfer Request Form and Certification to HealthEquity from Clearing Fund 696 in the total dollar amount of \$3,253.86 (Transmittal No. C-285-24); and
- g) ACH Transfer Request Form and Certification to HMA from Clearing Fund 696 in the total dollar amount of \$116,693.11 (Transmittal No. C-286-24); and
- h) Warrants numbered 589220 through 589499 from Clearing Fund 696 in the total dollar amount of \$2,283,407.01 (Transmittal No. C-288-24).

5. MISCELLANEOUS AGENDA ITEMS FOR FURTHER DISCUSSION:

Facilities Management Director Ken Hansen provided additional information on Miscellaneous Agenda item 1.

Agricultural Lands Coordinator Sarah Stoner provided additional information on Miscellaneous Agenda items 6 and 7.

6. MISCELLANEOUS AGENDA (items 1 through 7):

A motion was made by Commissioner Janicki to approve Miscellaneous Agenda item 1. Chair Browning seconded the motion.

The vote passed unanimously. Commissioner Ron Wesen's absence was excused

A motion was made by Commissioner Janicki to approve Miscellaneous Agenda items 3 through 5. Chair Browning seconded the motion.

The vote passed unanimously. Commissioner Ron Wesen's absence was excused

A motion was made by Commissioner Janicki to approve Miscellaneous Agenda items 6 and 7. Chair Browning seconded the motion.

The vote passed unanimously. Commissioner Ron Wesen's absence was excused

a) FACILITIES:

- 1. Easement Agreement with City of Mount Vernon on Parcel No. P25050 to establish a Native Growth Protection Area (NGPA) over, along and across portions of the property for the purpose of monitoring and enforcing proper operation and maintenance of the NGPA(s). There is no compensation associated with this Agreement. The Agreement shall commence on the date of execution and continue in perpetuity. **(Contract No. C20240551)**

b) PUBLIC HEALTH:

- 2. ~~Personal Services Agreement with Chinook Enterprises to provide system navigation services through the Bridges Program to eligible young adults as they prepare to exit their high school transition programs. Compensation is based on a fee schedule and shall not exceed \$35,000. The Agreement is ratified to commence on August 1, 2024 and continue until July 30, 2025. (Item pulled for consideration at a later date)~~
- 3. Personal Services Agreement with Community Action of Skagit County to manage and operate a Severe Weather Shelter during extreme cold temperatures at the request of Skagit County Public Health at the Concrete Community Center located at 45821 Railroad Avenue in Concrete. Compensation is based on a reimbursement schedule and shall not exceed \$45,945. The Agreement is ratified to commence on November 1, 2024 and continue until April 30, 2025. **(Contract No. C20240552)**
- 4. Amendment No 1 to Personal Services Agreement No. C20230577 with Community Action of Skagit County to provide housing and supportive services to Skagit County Veterans in accordance with all relevant RCWs and the Skagit County Veterans Assistance Funds Policies and Procedures. This Amendment decreases compensation from \$30,000 to a total compensation amount not to exceed \$10,432.65. The term remains the same and shall continue until December 31, 2024. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20240230)**
- 5. Amendment No. 2 to Personal Services Agreement No. C20230578 with Community Action of Skagit County to provide case management and emergency financial assistance to veterans and to provide space for services at Skagit Vets Connect Center located at 160 Cascade Place in Burlington. This Amendment increases compensation from \$273,088 to a new total compensation amount not to exceed \$289,567. The term remains the same and shall continue until December 31, 2024. All other terms and conditions of the original Agreement and prior Amendment shall remain in effect. **(Amendment No. A20240231)**

c) PUBLIC WORKS:

- 6. Farmland Legacy Program Grant Deed of Conservation Easement with John R. Yearsley to protect 8.48 acres of agricultural land on Parcel No. P22656 for compensation in the amount of \$130,000. This Easement eliminates one residential development right. The Conservation Values include protection of agricultural productivity and the protection of prime and important agricultural soils. The Agreement commences on mutual execution and continues in perpetuity. **(Contract No. C20240553)**
- 7. Letter regarding the disbursement of funds for the Farmland Legacy Program Grant Deed of Conservation Easement between John R. Yearsley, Grantor, and Skagit County, Grantee. **(Contract No. C20240554)**

Chair Browning recessed the proceedings at 11:25 a.m.

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

Chair Browning reconvened the proceedings at 11:32 a.m. and excused Commissioner Wesen's absence.

1. Public Comment Period

Robert Knoll of Puget Sound Energy returned and shared comments regarding Puget Sound Energy's transformation and work to strive to meet Washington State's Clean Energy laws. Mr. Knoll thanked the Commissioners for their time and consideration of measures to accomplish shared goals and looked forward to working together.

Patrick Donnelly of Sedro-Woolley shared comments regarding the Farm Land Legacy Program.

2. County and Individual Success Stories

None provided.

3. Miscellaneous (announcements, letters, etc.)

Chair Browning recessed the proceedings at 11:38 a.m.

d) 12:00 p.m. - 1:00 p.m. Washington State Association of Counties Virtual Assembly hosted by WSAC

e) *1:00 p.m. - 2:00 p.m. Closed Record Appeal Hearing No. PL24-0162 Submitted by Alexander Lemelson and Kathy Lemelson Regarding the Hearing Examiner's Decision to Deny Special Use Permit No. PL20-0521 to Allow the Operation of a "Limited Kennel" on an Approximately 10.13-acre Property (Property located at 31004 Prevedell Road in Sedro-Woolley)

Chair Browning reconvened the proceedings at 1:01 p.m. and read introductory remarks.

Appellant's Attorney Peter C. Ojala made comments and shared the Appellant's desire for the matter to be remanded back to the Hearing Examiner for further fact finding and consideration. He said that the Hearing Examiner had requested additional information that had been obtained by the Appellant.

Mr. Ojala provided information to the Commissioners that had been previously submitted in the Appellant's opening brief documents. He also noted that Special Use Permit No. PL20-0521 had been reviewed by 2 separate Hearing Examiner's. Mr. Ojala reviewed sound reports that had been provided and discussed mitigation efforts made by the Appellant.

Planning and Development Services Senior Planner Kevin Cricchio provided a PowerPoint presentation and response to the appeal. Mr. Cricchio noted that the staff recommendation was to deny the Appellant's appeal of the Hearing Examiner's denial of Special Use Permit No. PL20-0521, and affirm the Hearing Examiner's decision.

Party of Record Lindy Mullen Doyle provided information regarding violation complaints, noise, fencing, lighting, and exceeding the number of allowable dogs, etc. She reviewed sound reports and nuisance barking complaints.

Party of Record Kevin Doyle shared information regarding nuisance complaints, violations and adverse impacts of the kennel.

Party of Record Val Mullen shared information regarding her opposition to the Special Use Permit application, noise concerns, and living conditions of the animals at the kennel.

Planning and Development Services Senior Planner Kevin Cricchio shared that staff had no further response.

Appellant Alexandra Lemelson provided rebuttal and shared information regarding complaints against her, sound reports, and permitting procedures.

Appellant's Attorney Peter Ojala provided rebuttal regarding application completeness.

Chair Browning shared concluding remarks and noted that the Board of County Commissioners were scheduled to render a decision on Monday, November 18, 2024 at 12:15 p.m.

Link to PowerPoint presentation provided by Senior Planner Kevin Cricchio:
<https://www.skagitcounty.net/CountyCommissioners/Documents/AgendaPackets/11042024.zip>

Chair Browning recessed the proceedings at 1:50 p.m.

f) *2:30 p.m. - 3:30 p.m. Planning and Development Services – Jack Moore, Director:

Chair Browning reconvened the proceedings at 2:30 p.m. and introduced Planning and Development Services Director Jack Moore.

1. Discussion/Comments/Possible Action: An Ordinance Adopting Proposed Amendments to Skagit County Code 14.16.400(4)(h) Regarding Major Electrical Utility Developments on Ag-NRL Zone Land

Mr. Moore introduced the agenda item and Senior Long Range Planner Tara Satushek who provided a PowerPoint presentation and information on the proposed amendment to Skagit County Code 14.16.400(4)(h) regarding major electrical utility developments on Ag-NRL lands.

Ms. Satushek reviewed the process which included:

September 10, 2024 - Planning Commission Work Session Introducing Amendment

September 12, 2024 through October 4, 2024 - Comment Period

September 23, 2024 - Board of County Commissioners adopts Interim Ordinance Imposing Moratorium for Energy Projects on Agricultural Natural Resources Land (Ag-NRL)

October 8, 2024 - Planning Commission Public Hearing and Deliberations

November 4, 2024 - Discussion/Comments/Possible Action

Questions, answers and discussion was held regarding net metering systems, zoning designations, and Comprehensive Plan updates.

There were no members of the public present that wished to provide public comment.

Additional information and supporting documents can be found at:
<https://www.skagitcounty.net/Departments/PlanningAndPermit/2024AgNRLZone.htm>

Link to PowerPoint presentation:

A motion was made by Commissioner Janicki to approve an Ordinance adopting SCC 14.16.400(4)(h) regarding major electrical utility developments on Ag-NRL zone land amendment. **(Ordinance No. O20240008)** Commissioner Wesen seconded the motion.

The vote passed unanimously.

2. Miscellaneous

There were no miscellaneous items.

Chair Browning recessed the proceedings at 2:49 p.m.

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

Chair Browning reconvened the proceedings at 3:30 p.m. and announced that they would be going into an executive session until 4:30 p.m. regarding potential litigation.

1. Call Public Meeting to Order

Chair Peter Browning, Commissioner Lisa Janicki and Commissioner Ron Wesen were present. The following attorneys were present at the executive session and gave legal advice to the Board of County Commissioners: Prosecuting Attorney Richard Weyrich, Chief Civil Deputy Prosecuting Attorney Erik Pedersen and Senior Civil Deputy Prosecuting Attorney Stephen Fallquist. Additional attendees present included: County Administrator Trisha Logue, Deputy County Administrator Jennifer Johnson, and Public Works Director Grace Kane.

2. Executive Session

The executive session began at 3:31 p.m. and ended at 4:06 p.m.

3. Reconvene Public Meeting for the sole purpose of Adjournment

Chair Browning reconvened the proceedings and announced that no action had taken place.

III. ADJOURNMENT:

Chair Browning adjourned the proceedings at 4:07 p.m.

*Note, to obtain an audio or video recording of this meeting; please contact the Skagit County Commissioners' office.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Peter Browning, Chair

Lisa Janicki, Commissioner

Ron Wesen, Commissioner

ATTEST:

Clerk of the Board