

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, October 31, 1988

Flag Salute

- 9:00 a.m. 1. Signature - Mental Health Contract.
 2. Discussion - Detoxification Funding.
 3. Miscellaneous Items.
- 10:00 a.m. Discussion - Starling Control Fund.
- 10:30 a.m. Public Works Department - Jay Ensley, Director:
1. Continuation of Public Hearing - Road Establishment of Mountain Drive.
 2. Public Hearing - Road Name Change - Portion of Samish Island Road.
 3. Submittal - Resource Recovery Facility Change Order.
 4. Discussion/Update - Garden of Eden Road Railroad Crossing.
 5. Submittal - Revision of 1989 Annual Road Program.
 6. Signature - Final Order of Vacation - Portion of County Right-of-Way on South March's Point Road.
 7. Signature - Resolution Amending Morford Road Closure.
 8. Miscellaneous Items.

MISCELLANEOUS ITEMS

- 1:30 p.m. Bid Opening - Metal Building - Howard Miller Steelhead Park.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Monday, October 31, 1988, with Commissioners W. W. Vaux, Kimberly Walberg and Dave Rohrer present.

1. Signature - Mental Health Contract.

The Board approved for signature Amendment #7 to Department of Social and Health Services Contract #2200-60665 to add \$5,890 in Federal Block Grant funds for the specific purpose of providing mental health services to American Indian clientele through June 30, 1988. This funding shall be used to prepare training brochures, produce a video, and train other Tribes on the orientation of information and use of materials contained in the brochures.

2. Discussion - Detoxification Funding.

JoAnn Angevine, Human Services Coordinator, explained the Skagit County Council on Alcoholism operates a facility which provides detoxification services to the citizens of the County. The facility currently has four

licensed beds, but has definite need for expanding its bed capacity to a total of six beds at a cost of approximately \$25,000. Currently each city in Skagit County, as well as the County, pays to the agency an amount equaling two percent of the revenues received from the sale of liquor. Raising this contribution to seven percent from each city and the County would generate the needed \$25,000 to fund the additional beds. In addition, the Skagit County Council on Alcoholism would assume responsibility for any person in need of detoxification services for whom no bed was available by transferring that person to a facility in an adjacent county.

The Board requested Ms. Angevine prepare a letter to Ian Munce, Secretary of the Skagit Council of Governments (SCOG), requesting placement of this issue on their agenda. Chairman Vaux, Ms. Angevine, and Alan Erickson, Director of the Skagit County Council on Alcoholism, will be present at the SCOG meeting.

3. Miscellaneous Items.

With regard to a previous discussion, JoAnn Angevine informed the Board that Skagit County is part of the Regional Plan for mental health housing for adults, and this matter is being investigated.

DISCUSSION - STARLING CONTROL FUND.

Mike Pitzler, of the Animal Damage Control Division of the Washington State Department of Agriculture, explained their current methods of combating the increasing starling population:

1. Starling Decoy Trapping Program (currently lasts three months); and
2. Winter Baiting Program (currently lasts one month).

Because starlings produce two broods per year of six to seven each, the current methods are not proving to be sufficient protection against starling damage. Mr. Pitzler proposed the Starling Decoy Trapping Program be extended to a six-month period beginning May 1, and continuing through October of each year. This would provide protection for the early berry crops.

Thanks to National Frozen Foods Corporation, sufficient bait has been provided through the donation of 48,000 pounds of cob corn. Mr. Pitzler proposed the program be increased next year to 50 decoy traps.

Gary Ash, of National Frozen Foods Corporation, encouraged the County's support of the expanded program.

Gus Anderson, of Anderson Blueberry Farm in Bow, stated the starlings have become nearly as tame as robins. He has been using a spray starling repellent, however, the repellent is now being reviewed by the Environmental Protection Agency, and use of the product may be banned in the future. Use of

noisemakers loose their efficiency as the birds become used to them. Mr. Anderson noted the trapping program is working, although not as well as they had hoped due to the current limitations. He urged the Board to support the expanded program.

Boyd Allen stated he trapped 50 to 80 birds per day when the cherries were ripe on his tree. He supported expanding the program. Mr. Allen also asked if the Animal Damage Control Division had considered mass washing of the oil off the birds' feathers with detergent, which would in turn cause them to freeze to death. He noted this method is used in other states.

Mr. Pitzler noted they will be trying a water cannon in Eastern Washington in the winter. This would aid in controlling the winter flock, but not the separate summer flock.

Commissioner Walberg asked why farmers who are troubled by starlings can't maintain their own traps.

Mr. Pitzler explained there are strict regulations regarding management of these traps. He noted there are plans for constructing the traps in brochures, but the farmers usually find it too troublesome to maintain them.

Mr. Anderson stated he operated his own trap for awhile, however, the effectiveness is better when the Animal Damage Control Division operates the traps.

Harold Kraggs asked if a product used in dairy feed was effective.

Mr. Pitzler explained this product resembles dairy feed and can only be used in the winter months, however, it is effective.

Mr. Pitzler requested the Board provide additional funding in the amount of \$3,500 for the expansion of the program as previously outlined.

Chairman Vaux noted the proposed 1989 budget has provided \$4,800 for starling control, which is what the County currently pays.

Commissioner Rohrer suggested Whatcom and Snohomish Counties be contacted to see if they are interested in participating.

Mr. Pitzler noted if the area gets too large, it would be necessary to hire another employee to tend the traps.

Commissioner Rohrer stated he supported funding of the proposed expansion.

Chairman Vaux informed those present that the Board will take this matter under advisement and make a decision at a later date.

PUBLIC WORKS DEPARTMENT - Jay Ensley, Director:

1. Continuation of Public Hearing - Road Establishment of Mountain Drive.

Jay Ensley presented a vicinity map, and noted the Board had previously continued the public hearing to the site for a visual inspection of Mountain Drive. He stated the Public Works Department had concerns regarding the grade of the road, the width of the road and the slump area. Thus, the Public Works Department recommended that those areas be corrected prior to establishment. Since improvement of the grade and width would be difficult, Mr. Ensley recommended the community retain an engineer to evaluate the situation and make a determination.

Commissioner Rohrer felt the road was the developer's responsibility, and he could not justify acceptance of Mountain Drive in its current state as a County road. Commissioner Rohrer noted he would not be unfavorable to responding with sanding equipment in an emergency situation.

Chairman Vaux pointed out that aside from the farmland, the hills are almost the only areas remaining to be developed. If the County demands standards that are too tough to accomplish, then the price of the developed lots will be unaffordable.

Commissioner Walberg suggested a combined effort of the community and the Public Works Department could accomplish an improved road to a certain degree.

Chairman Vaux suggested the installation of guardrail along certain areas, as well as improvement of the slump area.

Tony Berry, an area resident, pointed out they were also trying to provide for the community in the future.

Hearing no further comments, Commissioner Rohrer motioned to close the public hearing. Commissioner Walberg seconded the motion. The motion was carried unanimously.

The Board instructed the Public Works Department to investigate the situation additionally to determine what improvements can be made, as well as an estimate of the cost. The Public Works Department will then take their findings to the Mountain Drive community to determine their ability to improve the situation. Following these actions, the matter will be rescheduled on the agenda for further consideration by the Board.

2. Public Hearing - Road Name Change - Portion of Samish Island Road.

Chairman Vaux waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on October 18, and October 25, 1988.

Jay Ensley presented a vicinity map, and explained that the local fire department had requested the north portion of Samish Island Road be changed to Wharf Street to eliminate confusion. Of the six residences on the northern portion, three favored the change and three did not favor the change.

Ken Skeed, a resident of Samish Island, pointed out that he lives on the corner of Samish Island Road where the northern portion begins, and his address uses Samish Point Road.

Commissioner Walberg continued this public hearing until 10:30 a.m., Monday, November 14, 1988, in order to allow the Public Works Department to investigate this matter additionally. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

3. Submittal - Resource Recovery Facility Change Order.

Jay Ensley explained that last week he submitted Resource Recovery Facility Change Order #8 to the Board for consideration, and questions were raised regarding legal counsel and the County's obligation to pay the operation and maintenance (O&M) rate. Mr. Ensley indicated that John Moffat, Chief Civil Deputy of the Prosecutor's Office, had no problem with the concept of the Change Order. Regarding obligation to pay the O&M costs, Mr. Moffat concurred that Skagit County is not obligated under the existing contract to pay the higher O&M rate, unless Change Order #8 is approved by the Board.

Mr. Ensley also contacted Gene Sampley, former Director of the Public Works Department, and it was his understanding that the contract is based on the performance of the contractor, and the only tie to receiving the higher revenue from Puget Power was the fact that they expected that to occur at about the same time as the County would have issued the Certificate of Commercial Operation.

Regarding performance, there are provisions in Section 16.2 of the contract that provide for liquidated damages equal to lost steam and electricity revenues for failure to meet the guarantees in the contract. There is a formula that would provide calculations for that. It was Mr. Ensley's recommendation that the Board specifically incorporate that into the Change Order. Mr. Ensley stated that the proposed additional payment to the contractor of approximately \$33,000 would then be reduced by about 60 percent. He proposed the remainder of the Change Order remain the same as previously stated.

Lacinda Etherington noted that Mr. Moffat determined the contract does not direct Skagit County to pay Wright Schuchart Harbor Co. more money. She felt the proposed Change Order was in the best interest of Wright Schuchart Harbor Co., rather than the people of Skagit County. Ms. Etherington asked that all of the items already covered in the contract be removed from proposed Change Order #8. The contractor is already mandated to complete these items prior to the beginning of acceptance testing.

Ms. Etherington also asked why the permanent installation of a neutralization system required in the contract was being changed to a temporary neutralization system. She also asked if the acceptance testing deadline had passed. If so, then the County can now assess liquidated damages. She also questioned the data sheet attached to the proposed Change Order.

Don Bockelman presented a copy of a letter dated September 15, 1986, from Schuchart & Associates, in which they say they were involved in two waste energy plants for municipalities in Washington State. Mr. Bockelman alleged that the firm of Schuchart & Associates is not involved in either plant, and therefore, they misrepresented their firm on their resume.

Mr. Bockelman also presented calculations to show how much liability Skagit County is assuming by paying the higher rate as would be authorized by proposed Change Order #8. He suggested the payment schedule to Puget Power be tied to final acceptance.

Eleanor Powers felt citizens are being manipulated. She expressed concern regarding the many changes the plant seems to be undergoing.

Chairman Vaux did not favor approval of proposed Change Order #8, because the items within the proposed Change Order are addressed in the contract.

Mr. Ensley felt there were several benefits to be realized through the approval of Change Order #8, namely early public use of the facility, and the separation and bailing of metals.

Commissioner Walberg pointed out that the contractor may be ahead by complying with the contract to avoid liquidated damages which may be a lot higher than the amount of money they stand to gain by getting paid a higher rate retroactive to September 12, 1988.

Commissioner Rohrer concurred with the public's opinion expressed today, and also refused to approve the Change Order.

Discussion followed regarding soot blowers and air cannons.

In answer to another question from Ms. Etherington, Bill Ness, Solid Waste Section Manager, explained the permanent neutralization system will be installed two to three weeks after the conclusion of acceptance testing.

Discussion ensued regarding sludge produced by the facility.

Bob Bingham, of R. W. Beck and Associates, explained the neutralization system uses acid to neutralize lime so it doesn't produce sludge.

Chairman Vaux motioned to take no action on the proposed Change Order #8. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

4. Discussion/Update - Garden of Eden Road Railroad Crossing.

Robin LaRue, Design and Construction Section Manager, presented copies of correspondence received regarding this matter, including the following:

- a. Letter dated February 8, 1988, from George Brookings, 556 Brookings Road, Sedro-Woolley, requesting the Garden of Eden Road be realigned and the railroad crossing be eliminated.
- b. Letter from Ken and Donna Howard, 841 Garden of Eden Road, Sedro-Woolley, pointing out the hazards of the Garden of Eden Road railroad crossing.
- c. Petition signed by 48 area residents requesting the Garden of Eden Road railroad crossing be changed.
- d. Letter from Bob and Laurie Hardin, 836 Garden of Eden Road, Sedro-Woolley, expressing opposition to construction of an overpass over the railroad crossing.

Various options for improvement were discussed.

Mr. LaRue stated the Public Works Department has made application to the State for funding of lights and gates at the crossing. If the County were to fund the entire project, it would cost between \$130,000 and \$150,000.

Commissioner Rohrer suggested warning lights be installed before the railroad crossing signals.

The Board authorized the Public Works Department to continue investigating this improvement. As soon as funding status is known, this matter will once again be presented to the Board for consideration.

5. Submittal - Revision of 1989 Annual Road Program.

The Board received copies of the revised proposed 1989 Annual Road Program. Work sessions have been scheduled on November 7, and November 14, 1988, to review the program. November 28, 1988, was suggested for proposed adoption of the program.

Chairman Vaux requested the 1989 Annual Road Program be considered for adoption on November 22, 1988.

This was agreeable with the Public Works Department.

6. Signature - Final Order of Vacation - Portion of County Right-of-Way on South March's Point Road.

In accordance with action previously taken, the Board approved for signature the Final Order of Vacation for a portion of South March's Point Road to Marvin and Joan Wilbur.

7. Signature - Resolution Amending Morford Road Closure.

In accordance with action previously taken, the Board approved for signature the resolution extending the closure of Morford Road from December 1, 1988, to June 1, 1989. (Resolution #11812)

8. Miscellaneous Items.

There were no miscellaneous Public Works Department items at this time.

MISCELLANEOUS ITEMS

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, October 31, 1988, the Board, by a unanimous vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- a. Vouchers #880244 through #880268 (Warrants #14033 through #14487) in the total amount of \$651,296.82. (P/10/88)
 - b. Vouchers #75096 through #75229 (Warrants #75096 through #75229) in the total amount of \$239,649.02. (PR/20/88)
2. Chairman Vaux motioned to approve the Record of the Proceedings for Monday, October 24, 1988; Tuesday, October 25, 1988; and Wednesday, October 26, 1988. Commissioner Walberg seconded the motion. The motion was carried unanimously.
 3. The Board approved for signature a Professional Services Agreement between the Parks and Recreation Department and Jon Rickert, 905 Bradley Road, Allen, Washington, for his services as basketball official. This contract shall be effective October 31, 1988, through December 31, 1988, and compensation shall be at the rates of between \$10 and \$15, depending on leagues.

4. The Board approved for signature an Agreement between the Parks and Recreation Department and the Athletic Sports Foundation, 11863 124th Avenue N.E., Kirkland, Washington 98034, for the presentation of a volleyball instructional clinic on October 15, 1988. Compensation to the Athletic Sports Foundation shall be \$300.

BID OPENING - METAL BUILDING - HOWARD MILLER STEELHEAD PARK.

Chairman Vaux waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on October 18, and October 25, 1988.

The following bid was received:

Everett Builders, Inc.
504 East Fairhaven
Burlington, WA 98233

Bid deposit enclosed.
Total Bid: \$18,680.28

The Parks and Recreation Department will review this bid with Roger Howard, Facilities Section Manager, prior to making a recommendation for award of bid at a later date.

MISCELLANEOUS ITEMS

1. The Board approved for signature a Professional Services Agreement between the Parks and Recreation Department and Alan Williams, 307 South 11th, Mount Vernon, Washington 98273, for his services as basketball official. This contract shall be effective October 3, 1988, through December 31, 1988, and compensation shall be between the rates of \$10 and \$15, depending on the leagues.
2. Jon Aarstad, Director of the Parks and Recreation Department, and Barbara Lawrence, Fair Manager, were present for a discussion regarding the controversy over removing entries from the Skagit County Fair prior to the closing of the Fair.

This discussion was initiated earlier by several parents of children who entered animals in the Fair, but withdrew their entries on Saturday evening, due to their religious belief regarding Sundays.

Mr. Aarstad noted that the Fair Premium Book, as well as the By-Laws, clearly states that all entries must remain on the premises the entire length of the Fair in order to receive payment for their ribbons.

Mr. Aarstad and Ms. Lawrence explained that a great deal of consideration had been given to this matter prior to the 1988 Fair, and it was decided

that all entries must remain on the premises the entire length of the Fair, or the entrants would not receive payment for their ribbons. It was noted that other groups had expressed a desire in removing their entries from the Fair on Saturday evening if that was permissible.

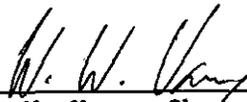
Following additional discussion, the Board directed Ms. Lawrence to respond by letter to those entrants who did not receive payment and explain that the rules of the Fair required entries to be present all days of the Fair in order to receive payment. Since their entries were not at the Fair on the closing Sunday, they will not receive payment.

The Board also directed that this rule be clearly stated on the entry form for all future Skagit County Fairs.

ADJOURNMENT

Commissioner Rohrer motioned to adjourn the proceedings. Commissioner Walberg seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman



Kimberly Walberg, Commissioner



Dave Rohrer, Commissioner



ATTEST:



Megan Cheney, Clerk
Skagit County Board of Commissioners