

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, January 24, 1989

Flag Salute

9:00 a.m. Public Works Department: Jay Ensley, Director:

Continuation of Public Hearing - Vacation of Portion of County Right-of-Way - Pinelli Road.

10:00 a.m. Work Session - Public Works Department/Work Space Utilization.

11:00 a.m. Executive Session - Litigation.

1:30 p.m. Public Works Department - Jay Ensley, Director:

Discussion - Consideration of Certificate of Commercial Operation - Resource Recovery Facility.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, January 24, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

PUBLIC WORKS DEPARTMENT - Jay Ensley, Director:

Continuation of Public Hearing - Vacation of Portion of County Right-of-Way - Pinelli Road.

This public hearing was continued from the site on January 23, 1989.

Among those present for this item were the following: Bill Ruyle, who initiated the petition for vacation of a portion of Pinelli Road; and George Theodoratus, representing Skagit County Water District #1.

The Board was informed that the County could establish rights on a portion of the existing alignment of Pinelli Road through usage. A minimum of 40-feet of right-of-way would be acceptable.

Mr. Ruyle felt he wasn't given adequate opportunity to explain the situation to Commissioner Wylie. He stated he was willing to give 40 feet of right-of-way along the existing alignment in exchange for vacation of the unused County right-of-way. However, he felt the area was prone to slides and predicted the road will be a problem for the County. Mr. Ruyle requested the Board vacate the road which intersects the existing alignment of Pinelli Road and leads to Mr. Zeidner's property to the north, because this road is on his property.

Jay Ensley, Director of the Public Works Department, explained that road was not the County's right-of-way to vacate.

Mr. Ruyle felt the County could claim rights to the road through usage for over ten years.

Jeff Monsen, Skagit County Engineer, explained the establishment process would still have to be followed before the road could be vacated. Mr. Monsen explained that no part of Pinelli Road will change until Mr. Zeidner (or another neighbor to the north) begins to develop the property and the platting process begins.

Mr. Ruyle stated he will deed 40 feet of right-of-way to the County if Mr. Zeidner will relinquish all rights to the private road into his property.

Mary Cherberg, Office Engineer, explained how the platting process would clean up access problems.

Mr. Monsen stated he would be willing to send a letter to the two property owners to the north advising them that they would have to abandon any access roads crossing Mr. Ruyle's property not located on the new Pinelli Road 40-foot right-of-way, and construct roads on the actual right-of-way, should they ever decide to develop their properties. He stated he could include this statement on the Order of Vacation. Additionally, Mr. Monsen explained that until further development, no new road construction will occur.

Mr. Ruyle also requested the road be offset four feet. He requested the road be kept as much to the west as possible until it reaches the sixteenth corner at his northern boundary.

Commissioner Vaux explained the underlying issue is Mr. Zeidner's unwillingness to grant an easement for the water line until the County's process is complete regarding Pinelli Road.

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

Commissioner Vaux motioned to propose the exchange of rights-of-way, vacating the portion of the unconstructed Pinelli Road right-of-way and acquiring a 40-foot right-of-way in the vicinity of the existing alignment of Pinelli Road, the exact location to be determined by the Public Works Department. This motion also includes a letter to the property owner to the north of Mr. Ruyle stating that upon short plat approval, he will have to negotiate with Mr. Ruyle for an easement or use the new 40-foot County right-of-way for access improvements. Commissioner Wylie seconded the motion. The motion was carried unanimously.

PUBLIC WORKS DEPARTMENT - Jay Ensley, Director:

Discussion - Consideration of Certificate of Commercial Operation - Resource Recovery Facility.

Jay Ensley, Director of the Public Works Department, presented copies of a letter dated January 18, 1989, received from Northwest Air Pollution Authority (NWAPA), and a letter dated January 19, 1989, received from R. W. Beck and Associates.

Mr. Ensley clarified terms and reviewed the sequence of events leading up to this point.

Bob Bingham, of R. W. Beck and Associates, briefly summarized his letter and concluded by stating that "facility construction and operation as well as compliance with the Performance Guarantees has progressed to the point required to establish the date of Commercial Operation and that this date shall be the date at which the Acceptance Test was successfully completed." Attached to the letter as Exhibit #1 is the punch list stating that "correction of metal separator nos. 1 and 2" remains to be performed.

Commissioner Vaux asked how the metal separator issue will be handled.

Mr. Bingham stated that the contractor has notified the County that they are prepared to correct that situation, either by fixing the existing system or with an alternative proposal (vibrating screen rather than a magnetic drum) to collect ferrous metals. This correction would presumably occur at no cost to the County or possibly translate into a deduction.

Gordon Henderson, of Bayview, asked if the screen would cost more.

Mr. Bingham stated the contractor is obligated to install a metal separation system and is proposing to do so at no additional cost to the County.

Mark Garland, of Wright Schuchart Harbor Co., explained the current metal separation system operated for 35 days. He explained there are three different proposals being evaluated for the separation of metals. He plans to contact the County by the end of the week with the proposals. He stated Wright Schuchart Harbor Co. will never step away from a project without satisfaction.

Mr. Bingham explained the metal separation system is a small part of the entire project, and the contractor has never indicated they would never correct the problem.

James Demko, of La Conner, requested additional details regarding the screen separator.

Mr. Garland stated he knew of several plants with the screen system in

operation. However, no figures were available regarding the screen system's successfulness.

Ken Skead, of Samish Island, stated it was important to save money, but of more importance is removing the metals. He asked if the shaker screen method also involved a magnet.

Mr. Garland explained that was one possibility. However, he stated metal particles as small as ash particles would not be recycled.

Lacinda Etherington, of Mount Vernon, stated she was happy to hear that performance guarantees are of utmost importance. She inquired as to whether or not the future metal separation system will undergo a 14-day test.

Mr. Garland stated that would be up to the County and would be a part of the change order.

Ms. Etherington stated she didn't see how the County could sign a Certificate of Completion as long as the replacement metal separation system has not been tested.

Mr. Bingham explained the facility did pass the test, including the metal separator.

Mr. Garland stated the present metal separation system is being replaced because it is too labor intensive.

Ms. Etherington pointed out the metal separator only operated 10 percent of the time. The rest of the time metal was dumped in the landfill. She inquired as to how the calculations were derived.

Fred Ferrar, of Wright Schuchart Harbor Co. explained the calculations to obtain the ferrous metal separation figure.

Ms. Etherington pointed out the figure used for ferrous metal separation was only a projection figure.

Virginia Spragg, of Mount Vernon, asked when the new metal separation system would be in operation.

Mr. Garland estimated by mid-April.

Don Bockelman, of Sedro-Woolley, inquired as to the energy consumption during operation of the metal separation system.

Mr. Bingham stated he was unable to answer Mr. Bockelman's question at this time; however, he offered to provide the answer at a later date.

Mr. Garland explained they have found it to be necessary to use the shredder

only during the day shift, which will save more electricity than the metal separator would consume.

Bob Green asked how volume reduction was computed.

Mr. Bingham explained it was difficult to compute volume reduction; however, weight reduction was more easily computed.

Mr. Skead asked if the permanent neutralization system's energy consumption was computed.

Mr. Ferrar responded that it was not, since the temporary neutralization system was installed at the time.

Mr. Bingham explained the contractor will be obligated to operate the facility for 20 years under performance standards.

Charlotte Johnson, of Mount Vernon, stated that the permanent neutralization system did not undergo a 14-day test.

Mr. Bingham responded that there is nothing in the neutralization system which needed to be tested.

Mr. Skead requested a copy of the data determining how weight reduction relates to volume reduction.

Mr. Bockelman pointed out the volume reduction is required to be 95 percent by contract.

Mr. Demko expressed concern regarding the volume rather than weight of ash being disposed of in the landfill. He inquired if there are any provisions for upgrading the facility in the future to meet future more stringent regulations.

Mr. Garland stated Skagit County's facility operates cleaner than any plant in the country, in his opinion. He stated this technology is leading the rest of the country. Regarding future upgrades to the facility, he stated Wright Schuchart Harbor Co. will address that situation should it arise in the future.

Mr. Foliart, of Mount Vernon, asked if there were any provisions for recovering metal particles released into the air.

Terryl Nyman, Air Pollution Control Officer for NWAPA, explained how the vast majority of the metal particles are being collected through the cooling process.

Mr. Foliart expressed concern regarding the metal particles which fall through the screen. He asked if these particles are good for the landfill.

Commissioner Vaux stated, "No."

Allison Bigelow, of Mount Vernon, asked who makes the decision that the contractor doesn't have to follow contract provisions.

Mr. Bingham offered to write a letter to the Board explaining volume reduction. He explained R. W. Beck and Associates has nothing to gain by not acting in conformance with the contract.

Steve Bigelow, of Mount Vernon, asked if there was comparative documentation showing how much of the equipment met performance guarantees.

Mr. Bingham stated a letter was received several weeks ago by the County which explained how the performance guarantees were met.

Mr. Bigelow asked at what percent of actual capacity did the facility operate.

Mr. Bingham explained the facility processed 197.4 tons per day, and was rated at 178 tons per day, so the facility actually operated at approximately 110 percent.

Bo Miller, of La Conner, asked if the facility was overloaded.

Mr. Bingham responded that it was not overloaded.

Mr. Miller asked if all of the by-products had been tested for toxic substances.

Mr. Garland explained the pH level of the discharge water is tested.

Mr. Bingham responded that the leachate at the landfill is tested, as is fly ash and bottom ash. Also, Western Washington University is performing a toxicology study.

Jim Rice, Mayor of Anacortes, stated that the City of Anacortes' water is tested frequently, and there is no indication at all that it is contaminated.

Mr. Miller asked if the Commissioners are comfortable with the changes in evaluations.

Chairman Rohrer responded that he was.

Commissioners Wylie and Vaux requested Mr. Miller be more specific regarding changes.

Mr. Miller referred to the reduction in volume versus weight.

Several members of the audience requested the Board hold an evening public hearing so citizens could be present without being absent from work.

Eleanor Powers, of Mount Vernon, stated she concurred with Mr. Bockelman and Mr. Miller that something has changed.

Mr. Bockelman expressed concern regarding the testing of air emissions.

Mr. Nyman, of NWAPA, explained that NWAPA's experience with data recorders for continuous monitoring is not good. He explained they are happy with the testing process being used. However, NWAPA connected a continuous recorder this day at the facility.

Don Walley, Mayor of Sedro-Woolley, stated he felt very fortunate to live in Skagit County where the Commissioners are so progressive.

Lawrence Beecher, of Burlington, complained about the air inversion and his experience with burning eyes, etc. He asked the Board to consider an ordinance prohibiting the burning of plastics and hazardous materials.

Mr. Green asked if the County chose incineration in order to reduce volume.

Commissioner Vaux responded, "Yes."

Mr. Green requested the contractor provide figures for volume reduction.

Mr. Henderson felt the Board should ask area doctors for their opinion on how healthy the citizens are these days.

Bill Ness, County Solid Waste/Environmental Engineer, responded to a question from Ms. Etherington regarding discharge permits obtained by the County and the City of Burlington.

Ms. Etherington requested an additional 14-day test be performed on the permanent neutralization system as well as the replacement ferrous metal recovery system.

Mr. Ness responded that the permanent neutralization system is operating very satisfactorily.

Commissioner Vaux motioned to continue this discussion until 7:30 p.m., Monday, January 30, 1989, in Hearing Rooms A, B and C of the County Administration Building. Commissioner Wylie seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

1. The Board approved for signature a Lease between Skagit County and Valerie A. Ruddell for the Parks and Recreation Department's use of two storage buildings. The Lease shall be on a month-to-month basis, retroactive to June 1, 1987. The following monthly rent shall be due:

- a. \$175 per month for the period from June 1, 1987, through May 31, 1988;
 - b. \$200 per month for the period from June 1, 1988, through October 31, 1988; and
 - c. \$250 per month commencing November 1, 1988, and each month thereafter until termination.
2. The Board approved for signature the Memorandum of Agreement between Skagit County and the Humane Society of Skagit Valley for the provision of dangerous dog services beginning January 1, 1989, and continuing through December 31, 1989, at the rate of \$4,200 per month.
 3. The Board approved for signature the following Professional Services Agreements with the Parks and Recreation Department for basketball official services:
 - a. Tom Kingshott, 2736 North 27th, Mount Vernon, WA 98273, for services as referee at the rates of between \$10.50 and \$15.50 per game, depending on league.
 - b. Jill Fetrow, 408 South 20th Street, Apt. #2, Mount Vernon, WA 98273, for services as coach, scorekeeper and referee at the rates of \$5.00 per hour or \$5.00 or \$10.50 per game.
- These Agreements shall be in effect January 1, 1989, through December 31, 1989.
4. The Board approved for signature the Instructional Services Agreement between the Parks and Recreation Department and Shelly Lowe-Whan, of Mount Vernon, for instruction of country western dance beginning January 18, 1989, and continuing through February 22, 1989. Compensation shall be 90 percent of fees after expenses.
 5. The Board approved for signature a Dance Hall License for Skagit Valley Grange #620 at no cost, effective February 1, 1989, through January 31, 1990.
 6. The Board approved for signature a Contract for Professional Services between Skagit County and Dr. Gary Goldbaum for services performed as Health Officer. Dr. Goldbaum agrees to furnish approximately seven hours of service per week to the County at the rate of \$40 per hour, with total compensation not to exceed \$17,000 annually, unless approved by the County. This Contract shall be effective January 17, 1989, through December 31, 1989.
 7. The Board approved for signature Contracts for Professional Services with the following attorneys for the provision of professional legal services in performing all Superior Court and Juvenile Court conflict cases that

are considered to be conflict of interest cases for the Skagit County Public Defender's Office and have been determined to be within the scope of indigent defense:

- a. Stephen Schutt, P.O. Box 1032, Anacortes, WA 98221.
- b. Richard Weyrich and Thomas Verge, P.O. Box 337, Mount Vernon, WA 98273.
- c. Tario & Associates (Stephen Kozar), 417 Gates Street, Suite #1, Mount Vernon, WA 98273.
- d. William McCann, P.O. Box 405, Sedro-Woolley, WA 98284.

These Contracts shall commence this date and continue through December 31, 1989.

The following compensation shall apply:

a. Felony:

- (1) \$375 per case for arraignment, plea and sentencing.
- (2) \$400 per trial day.
- (3) \$250 per trial for one-half day or less.
- (4) \$150 per District Court felony investigation/committing magistrate warrants, and other miscellaneous matters.
- (5) \$150 per Superior Court probation violation.
- (6) Murder cases will be negotiated on a case-by-case basis.

b. Juvenile Delinquencies:

- (1) \$250 per case for arraignment, plea and sentencing.
- (2) \$200 per trial day.
- (3) The cost of service of subpoenas, expert witnesses or investigation ordered by the court in connection with services performed herein.

8. 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, January 24, 1989, the Board, by a unanimous vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows: Vouchers #814142/900096 through #814429/900115 (Warrants #40804 through #41012) in the total amount of \$124,963.57. (C-4-89)

9. Commissioner Wylie motioned to approve out-of-state travel for John Moffat (Chief Civil Deputy Prosecuting Attorney) and Bob Taylor

(Administrative Officer) to attend the PRIMA Government Risk Management Seminar in Tucson, Arizona, in February and March, 1989. Commissioner Vaux seconded the motion. The motion was carried unanimously.

10. Chairman Rohrer motioned to appoint Commissioner Wylie to the Risk Management Advisory Committee. Commissioner Vaux seconded the motion. The motion was carried unanimously.

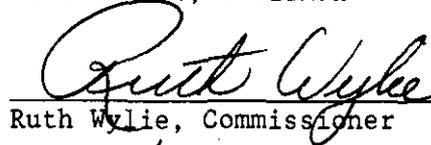
ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman



Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Megan Cheney, Clerk
Skagit County Board of Commissioners