

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, July 2, 1990

- 9:00 a.m. - 10:30 a.m. Work Session - Law and Justice Funding
- 10:30 a.m. - 11:30 a.m. Public Works Department - Mark Spahr, Director:
- 1) Resolution Requesting Approval of 1990 Flood Control Grant Fund Recommendations
 - 2) Bid Award Recommendation: Ferry Propulsion Units
 - 3) Call for Bids: Scheduled 18-Month Ferry Haul-Out and Maintenance
 - 4) Call for Public Hearing: Speed Limit Reduction Portion of Peterson Road
 - 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:30 p.m. Public Hearing - Ordinance Enacting a One-Quarter Percent Real Estate Excise Tax For Unincorporated Skagit County.

2:30 p.m. - 4:00 p.m. Presentation and Discussion of Home Rule Charter.

The Skagit County Board of Commissioners met in regular session on Monday, July 2, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

1) Resolution Requesting Approval of 1990 Flood Control Grant Fund Recommendations.

Mr. Spahr stated that 14 projects have been recommended by the Flood Control Grant Recommendation Committee for allocation of the County's \$150,000 in yearly flood grant funds. Mr. Spahr introduced Don Nelson, Flood Control Section Manager.

-	Dike District #12	\$25,013.00
-	Dike District #20	\$ 9,096.00
-	City of Sedro Woolley	\$ 5,000.00
-	Town of Lyman	\$ 2,500.00
-	Town of Hamilton	\$ 1,500.00
-	Dike District #25	\$ 9,096.00
-	City of Mount Vernon	\$18,191.00
-	Dike District #22	\$ 3,200.00
-	Dike District #5	\$ 7,277.00
-	Dike District #3	\$27,287.00
-	Dike District #4	\$ 6,822.00
-	Dike District #1	\$22,739.00
-	Dike District #25	\$ 5,912.00
-	Dike District #25	\$ 6,367.00
		\$150,000.00

Mr. Nelson provided a proposed schedule of grant awards. He gave a slide presentation, showing each proposed improvement which has been recommended by the committee for approval.

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Robert Hulbert, Flood Committee Chairman, and committee members Pete Walker and Richard Smith made short statements in support of the funding recommendations.

Commissioner Rohrer motioned to adopt the resolution presented by Mr. Nelson, awarding flood controls grants as delineated above. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12547)

2) Bid Award Recommendation: Ferry Propulsion Units.

On the recommendation of the Public Works Department, Commissioner Vaux motioned to adopt the resolution awarding the bid for three new deck mounted propulsion units and steering systems for the Guemes Ferry to Ulstein Maritime, Ltd., of Coquitlam, B.C., Canada, for the bid price of \$418,445.00. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12548)

3) Call for Bids: Scheduled 18-Month Ferry Haul-Out and Maintenance.

Commissioner Vaux motioned to adopt the resolution calling for bids for the scheduled 18-month periodic maintenance of the Guemes Ferry which is required by the U.S. Coast Guard. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12549)

Commissioner Vaux directed the staff to see that the specifications for the bid include a breakdown of the costs to install the new propulsion units.

4) Call for Public Hearing: Speed Limit Reduction Portion of Peterson Road.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing on July 16, 1990, at 10:00 a.m., to consider a reduction in the speed limit on a portion of Peterson Road #3240 between the Burlington City Limits and the Skagit Regional Airport from 35 m.p.h. to 25 m.p.h. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12550)

5) Miscellaneous.

A. Ric Boge, Recycling Coordinator, updated the Board on the pilot curbside recycling project which will begin on July 18. He also informed the Board that an agreement has been reached with Community Trades and Careers (CTC) for a two month trial of weekly pick up of County office recyclables.

B. Jeff Mosen, Assistant Public Works Director, asked for clarification on the distribution of the new appliance recycling surcharge. He requested to know if the Board had intended that the recycler be paid for stockpiled appliances. Commissioner Vaux explained that the Board's intent was not to differentiate between stockpiled and new appliances, but to ensure that appliances are hauled away from the County facility and to a recycler before payment is made. He suggested that proof of delivery should be received from the recycling center before payment is made.

The Board directed that no payment be made to the recycler until proof of disposal is received for stockpiled or new appliances.

C. The Board approved for signature an Agreement for Professional Services with Woodward-Clyde Consultants of Seattle to research and address leachate problems at the Butler Lagoon. (Contract #00346)

CONSENT AGENDA.

Commissioner Vaux motioned to adopt the Consent Agenda of July 2, 1990, as submitted. Commissioner Rohrer seconded the motion, which passed unanimously.

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* Public Works Department:

1. Call for Bids: One New 3/4 ton Pick-Up Truck for Resource Recovery Facility. To be opened July 17, 1990, at 1:30 p.m. (Resolution #12551)
2. Signature - Deeds: Drainage District #15 - area along Chilberg Road. (Contract #00347 and 00348)
3. Signature - Ordinance: Speed Limit Reduction Pioneer Parkway #4200 between Sneeoosh/Reservation Road intersection (m.p. 0.00) to LaConner City Limits (m.p. 0.85) from 35 m.p.h. to 25 m.p.h. (Resolution #12552)

* Petitions for Property Tax Refunds:

4. George W. Turner II, 1294 Honey Lane, Mount Vernon, WA 98273, in the amount of \$379.46, due to over payment of property tax. (007790)
5. Jack F. Miner, 1787 East Johnson Road, Mount Vernon, WA 98273, in the amount of \$451.22, due to a senior citizen exemption. (006690)
6. Hazel R. Keene, 2317 East Kincaid, Mount Vernon, WA 98273, in the amount of \$164.64, due to a senior citizen exemption. (007390)
7. Helen E. Morlan, 806 29th Apt. E, Anacortes, WA 98221, in the amount of \$139.87, due to a senior citizen exemption. (007490)
8. Maritime Resource Int. Ltd., 10202 Brennahill Crt, Great Falls, VA 22066, in the amount of \$80.22, due to a clerical error. (006590)
9. Elsie Jensen, 1709 6th, Anacortes, WA 98221, in the amount of \$1,127.65, due to a senior citizen exemption. (006890)

* Parks and Recreation Department:

10. Signature - Washington State Department of Labor and Industries Permit to Employ Minors. (Contract #00349)

* Skagit County Fair:

11. Advertising Contract: Skagit Valley Publishing Company. 150 inches of display advertising space starting June 1, 1990 and ending May 31, 1991. \$7.80 per inch per insertion with a discount of \$.35 per inch per insertion if full payment of invoice is made by 10th of the month following charges. County agrees to use a minimum of 100 inches in Skagit Today at \$3.90 per inch. (Contract #00350)
12. Commercial Displays and Vendors Contracts - All contracts run from August 8, 1990, through August 12, 1990.
 - a) Shades of '76 - \$159.50 for space outside. (Contract #00351)
 - b) I Stol It/Scatch - \$159.50 for space outside ballpark. (Contract #00352)
 - c) Ecodream - \$159.50 for space outside/ballpark. (Contract #00353)
 - d) Skagitonians to Preserve Farmland - \$159.50 for commercial outside space. (Contract #00354)
13. Record of the Proceedings of June 25, 1990.
14. Record of the Proceedings of June 26, 1990.

MISCELLANEOUS ITEMS.

- A. Mr. Gordon Henderson approached the Board with claims that the County continually causes drainage to be diverted onto his property because of a drainage ditch that the County installed some years ago in front of his property.

Commissioner Vaux encouraged Mr. Henderson to explain to the other Board members his attempts for legal remedy to this situation.

Mr. Henderson stated that he took Skagit County to court in Snohomish County, at which time, Mr. Henderson stated, John Moffat, the County's legal representative, "lied" and asked that the case be heard in Skagit County. Eventually, Judge Mullen heard the case, over the objections of Mr. Henderson. Judge Mullen found in favor of Skagit County.

Mr. Henderson complained of the behavior of Don Nelson, Flood Control Section Manager. Mr. Henderson indicated he feels the County is responsible for the costs he has incurred associated with the flooding, and threatened to take the County to court again if his problem is not remedied.

Commissioner Vaux stated that during the heavy rains he toured the site of Mr. Henderson's property. He later spoke with Don Nelson, who agreed that the pipe at the end of the drainage ditch adjacent to the Henderson property was installed 30 years ago. Commissioner Vaux wrote Mr. Henderson a letter offering to service the pipe, but informing him that the water that is running in the drainage ditch is from the Skagit Regional Airport, not the Farm-to-Market Road.

Commissioner Rohrer argued with Mr. Henderson that his property is in a low spot, so it is natural for water to flow onto his property, regardless of a drainage ditch. He asked Mr. Henderson if he would allow the County to survey his property, and Mr. Henderson agreed. Commissioner Rohrer stated that he felt a survey will show that Mr. Henderson's property is in a spot lower than the drainage ditch.

Commissioner Vaux stated that he did not think even a survey would satisfy Mr. Henderson, but agreed to direct the Public Works Department to perform one.

- B. Commissioner Rohrer motioned to adopt the resolution awarding a bid for the re-roofing of the County Administration Building to Scholten Roofing, Inc., of Lynden, the low bidder, for the bid price of \$189,595.00. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12553)
- C. Commissioner Rohrer motioned to adopt the resolution establishing the schedule of events leading up to the adoption of the 1991 County Budget. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12554)
- D. 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, July 2, 1990, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #56788 through #57285 (Vouchers #006533 through #007186) in the amount of \$216,590.29 (A-29-90).
- 2) Warrants #80009 through #80173 (Vouchers #80009 through #80173) in the amount of \$285,469.53 (PR-12-90).
- 3) Warrants #4358 through #4939 (Vouchers #2819 through #3395) in the amount of \$869,127.05 (P-13-90).

PUBLIC HEARING - ORDINANCE ENACTING A ONE-QUARTER PERCENT REAL ESTATE EXCISE TAX FOR UNINCORPORATED SKAGIT COUNTY.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on June 19, 1990.

Mike Woodmansee, Budget/Finance Director, explained that a text of the ordinance has been published in accordance with applicable laws. He presented the ordinance to the Board, stating that the sales tax would go into effect on September 1, 1990. Mr. Woodmansee stated that the ordinance amends Chapter 3.12 of the Skagit County Code to allow for the assessment of a 0.25% tax on real property sold within unincorporated Skagit County. The ordinance refers to RCW 82.45 for definitions of "sale" and "seller". An accompanying resolution establishes a Capital Improvement Fund to hold the funds generated by the tax, which can be spent for a variety of infrastructure capital improvements. Neither the ordinance or the resolution restricts the expenditure of funds to specific projects, except those referenced in RCW 82.46. The resolution establishes an advisory board to make recommendations to the Board of Commissioners for expenditures. The advisory board is composed of the Chairman of the Board of County Commissioners, the Budget/Finance Director, Directors of the Parks and Planning Departments, the President of the Skagit County Realtors Association, the President of the Skagit-Island County Builders Association, and the mayor of one incorporated city. Mr. Woodmansee stated that expenditures from the fund will always go through the yearly budget process and associated public hearings.

Mr. Woodmansee reviewed a report from the Treasurer's Office, which stated that the amounts that would have been collected for the past six years, had the tax been in place, would have been an average of \$302,000 per year. The lowest collection would have been \$164,000 in 1987, and the highest \$589,000 in 1989. From January to May, 1990, \$205,000 would have been collected.

Chairman Wylie then opened the floor for comments from the audience.

Don Bockelman, a Day Creek resident, asked if there would be a sunset clause in the ordinance.

Mr. Woodmansee stated that there would not be; however, the Board could enact an ordinance ending the tax whenever they desire.

Paula Hawkins of the Realtors Association clarified that the fund would be accessed only one time per year at budget time.

Commissioner Vaux compared the advisory committee that will be established to the Flood Control Grant Committee, which reviews suggested projects and makes recommendations for fund expenditures.

Mr. Woodmansee explained, for Mr. Bockelman, that the interest from the tax revenues will be returned to the Capital Improvement Fund established for the tax.

Ms. Hawkins asked if, instead of the president of the Realtor's Association, a designee could be established. Mr. Woodmansee agreed that this language could be inserted.

Chris Thompson, a person active in a movement to establish recreational trails in Skagit County, asked if the fund could be used for land acquisitions. Mr. Woodmansee answered that the fund could not be used for any operating costs, but can be used for any capital improvements. Mr. Thompson felt that the fund should be used in part for recreational trails. He felt that providing recreational trails is, at this point, more important than installing more sewerline.

Jon Aarstad, Parks and Recreation Director, agreed that recreational trails are important. He synopsized a study of the positive effect the Burke-Gilman Trail has had on property values of homes near the trail.

More discussion was held with members of the audience. Commissioner Vaux divulged that he will suggest that water lines to areas surrounding two landfills be included in the advisory committee's project review list.

When there was no further public comment, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion, which passed unanimously.

Commissioner Vaux then motioned to adopt the ordinance amending Skagit County Code Chapter 3.12 to impose a one-quarter percent real estate excise tax, as authorized by RCW 82.46.010(1), and adopting the current statutory language. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12555)

Commissioner Vaux then motioned to adopt the resolution establishing Capital Improvement Fund #341 for the retainage of revenues derived from the one-quarter percent real estate excise tax and the associated interest, and establishing an advisory committee to make recommendations for the expenditures of the tax revenues. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12556)

Brief discussion was held with the audience on the suggestion to allow a designee to serve in the place of the president of the Realtors Association. Commissioner Vaux indicated that he believed only the president should represent the voting members of his organization. Commissioners Rohrer and Wylie agreed.

PRESENTATION AND DISCUSSION OF HOME RULE CHARTER.

The Board learned via telephone just prior to this presentation that Linda Zander, who had intended to give a part of the presentation, was unable to attend.

Don Bockelman, a Day Creek resident, indicated that Vince Sellen, who had intended to give a second part of the presentation, was also unable to attend. Mr. Bockelman had asked Rich Royston of Mount Vernon to attend in Mr. Sellen's place.

Mr. Royston presented the Board with a letter signed by himself requesting that the board place on the ballot an issue which would establish a home rule charter for Skagit County. Mr. Royston read the brief request.

The Board indicated that they had expected from Mr. Sellen an informational presentation regarding home rule charters in general, in addition to whatever request Mr. Sellen intended to make. Mr. Royston was unable to supply any further information on the proposal.

Helen Day, a concerned citizen, felt the request should be considered because the Board does not have time to deal with all of today's important issues such as the

need to develop oil spill tactics.

Mr. Bockelman offered to answer the Board's questions. The Board had no questions, having received no information on which to base questions.

Commissioner Vaux requested from Mr. Royston clarification of a statement contained in the request that says, "Skagitonians for Home Rule believe that the current form of County Government does not adequately and fairly serve the interests of the citizens of Skagit County. This is especially true in the areas of explosive population growth".

Mr. Royston stated that the reason for the statement is that the three commissioners are unable to attend to all issues presently facing County government. A government composed of five freeholders would spread the work out among more representatives.

Chairman Wylie asked if there has been a problem with accessibility to the Board of Commissioners.

Mr. Bockelman stated that there has been. As an example, he stated that a petition was brought to the Board containing 7,000 signatures, which the Board, he claimed, ignored.

Chairman Wylie disagreed with Mr. Bockelman's statement. She related that the petition Mr. Bockelman referred to was regarding the ban on importation of solid waste to Skagit County disposal facilities. She stated that the Board had acted in the best interests of the citizenry in the matter, when it was discovered that a total ban on solid waste importation would lead to a constitutional challenge.

Commissioner Rohrer stated that he, at the time the petition was considered, personally contacted a number of petition signators, and they indicated that the cause of the petition was misrepresented by the group sponsoring it.

Judy Menish, Skagit County Treasurer, stated that she attended a presentation on Home Rule Charter at a recent Association of Treasurers meeting in Whatcom County. She stated that one of the speakers made the statement that Home Rule is an unacceptable form of government for small counties. One of his main objections was the great expense of running the government. Ms. Menish felt that better public input could be obtained through more advisory groups and committees. Mrs. Menish was opposed to Home Rule government.

Commissioner Vaux stated that the present three-commissioner government allows all commissioners to be informed on all issues, and cast votes in an informed manner. A system of five freeholders would cause tasks to be so widely distributed that the voting would be uninformed.

Commissioner Rohrer also pointed out that the Home Rule system of government has met with mostly failure in Whatcom County. Chairman Wylie stated that Home Rule would cause most information to be filtered through a County Executive, and would not reach the five members of the ruling branch.

Ms. Day persisted in her statements regarding oil spill response. She stated that she would rather have an elected official representing Skagit County on committees that are discussing oil spill prevention than Tom Sheahan, the Director of Emergency Services for Skagit County.

The Board so noted Ms. Day's comment.

Gordon Henderson, another citizen, accused the commissioners of "making up each others' minds". He made provocative statements about former Commissioner Otto

Walberg, and was called out of order.

Commissioner Vaux stated that Mr. Sellen was quoted in a recent article in the Skagit Argus as saying that Skagit County was the only government along the I-5 corridor that was not under charter rule. Commissioner Vaux stated that this statement is untrue, as six other counties have three-commissioner government along the I-5 corridor. Commissioner Vaux stated that he hoped the Skagitonians for Home Rule's campaign would not be based on misinformation such as this.

There was some further discussion between the Board and the audience, but no action was taken.

Commissioner Vaux invited Mr. Bockelman to ask Mr. Sellen to reschedule his presentation at a later date.

MISCELLANEOUS.

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.

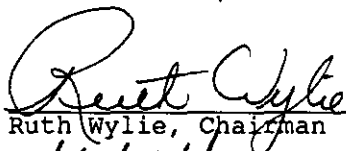
As of this date, July 2, 1990, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #71249 through #71348 (Vouchers #71249 through #71348) in the amount of \$231,821.67 (R-18-90).

ADJOURNMENT:

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


BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Ruth Wylie, Chairman


W. W. Vaux, Commissioner

Dave Rohrer, Commissioner

ATTEST:


Stephanie Wood, Clerk
Skagit County Board of Commissioners