

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Monday, April 29, 1991

- 8:00 a.m. - 10:00 a.m. Tour of Resource Recovery Facility.
- 10:00 a.m. - 11:30 a.m. Public Works Department:
- 1) Public Hearing - Vacation of County Right-of-Way - Joe Johnson Road.
 - 2) Signature - Supplement #3 - Professional Services Contract for Landscaping - Resource Recovery Facility.
 - 3) Signature - Professional Services Contract for Drawings and Specifications for New Maintenance Shop at Resource Recovery Facility.
 - 4) Signature - Professional Services Contract for Emergency Call-Out Electrical Services at Resource Recovery Facility During Winter Freeze.
 - 5) Recommendation - Rock and Gravel Product Bids.
 - 6) Call for Bids - Peterson Road Paving, et al.
 - 7) Call for Public Hearing - Speed Limit Reduction on All or a Portion of LaConner Whitney Road.
 - 8) Recommendation - Designating Eligible Suppliers of Culvert Stock.
 - 9) Recommendation - Designating Eligible Suppliers of Asphalt Mix Products.
 - 10) Recommendation - Designating Eligible Suppliers of Liquid Asphalt Products.
 - 11) Miscellaneous.
- CONSENT AGENDA.
- MISCELLANEOUS ITEMS.
- 1:30 p.m. - 1:45 p.m. Bid Opening - Five New Small Passenger Vehicles.
- 1:45 p.m. - 2:00 p.m. Call for Bids - Remodel Burlington Shop
- 2:00 p.m. - 2:30 p.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Planning Commission Agenda Report.
 - 2) Discussion - Wellhead Protection Program.
 - 3) Day Care/Elder Care Fee Proposal.
 - 4) Enforcement Report Update.
 - 5) Miscellaneous.
- 2:30 p.m. - 3:00 p.m. Signature - Parks and Recreation Department IAC Grant.
- 3:00 p.m. - 3:30 p.m. Wetlands Discussion.

The Skagit County Board of Commissioners met in regular session on Monday, April 29, 1991, with Commissioners W. W. Vaux and Robby Robinson present.

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PUBLIC WORKS DEPARTMENT:

1) Public Hearing - Vacation of County Right-of-Way - Joe Johnson Road.

Chairman Vaux waived the reading of the notice of public hearing, as published in The Skagit Argus on April 9 and 16, 1991.

Linda Johnson, Records Division, reported. She reviewed the location of the road and explained that the road vacation is being requested by Mrs. Myrtle Spurling-Bistline. She submitted the Engineer's Report to the Board.

Commissioner Robinson motioned to approve the recommendation of the Public Works Department for vacation and closure of the right-of-way known as the Old Joe Johnson Road Right-of-Way as indicated in the Engineer's Report. Commissioner Vaux seconded the motion, which was carried.

2) Professional Services Contract for drawing and specification work on new maintenance shop at Resource Recovery Facility

Jeff Monsen, Assistant Director, Solid Waste Division, presented a Contract for Professional Services with Dahl's Valley Electric for Board approval.

Commissioner Robinson motioned to approve for signature a Contract for Professional Services for drawing and specification work on the new maintenance shop for the Resource Recovery Facility at the rate of \$40.00 per hour. Commissioner Vaux seconded the motion, which was carried. (Contract #00919)

3) Signature - Professional Services Contract for Emergency Call-Out Electrical Services at Resource Recovery Facility During Winter Freeze.

Jeff Monsen presented a Contract for Professional Services with Mr. Dick Snow for Board approval.

Commissioner Robinson motioned to approve for signature a Contract for Professional Services with Dick Snow for call out services for changing electrical breakers for emergency services rendered during the freezing weather of December 20, 1990. Commissioner Vaux seconded the motion, which was carried. (Contract #00920)

4) Call for Bids - Peterson Road Paving, et al.

Robin LaRue, Assistant Director, Engineering Division, reviewed the location of the proposed project. He explained that it is the recommendation of the Public Works Department to make an all weather road so there will not have to be road restrictions in the winter.

Commissioner Robinson motioned to approve for signature a resolution to call for bids for the improvement of Peterson Road #3240 et al, asphalt overlay. Bids to be opened on Tuesday, May 21, 1991, at 1:30 p.m. or as soon thereafter as possible. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12953)

5) Call for Public Hearing - Speed Limit Reduction on All or a Portion of LaConner Whitney Road.

Robin LaRue reported that the Public Works Department has been requested to conduct an Engineering Study of the LaConner Whitney Road to evaluate lowering the posted speed limit.

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Commissioner Robinson motioned to approve for signature a resolution to call for public hearing to receive public testimony in regard to the lowering of the speed limit on LaConner-Whitney Road, #4241, between the LaConner City Limits, (M.P. 0.00) and SR 20, (M.P. 4.03) on May 13, 1991 at 10:00 a.m., or as soon thereafter as possible. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12954)

6) Recommendation - Designating Eligible Suppliers of Culvert Stock.

Rich Medved, Acting Director, Public Works Department, explained that a call for bids for culvert stock had been issued and it was determined that a bid for a fixed amount of a specific material is not in the best interest of the County and would not be awarded to a single supplier. Therefore, in place of an individual bid award, a list of eligible suppliers was established for Board approval.

Commissioner Robinson motioned to approve for signature a resolution designating eligible suppliers of culvert stock for use by the Public Works Department during the period May 1, 1991, through April 30, 1992. Boral Cascade Culvert and Advanced Drainage Systems are considered eligible suppliers, and County representatives will purchase culvert stock from these suppliers, subject to the needs of the County, availability of the product needed and total project cost to the County. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12955)

7) Designating Eligible Suppliers of Asphalt Mix Products.

Rich Medved explained that a call for bids had been issued for asphalt mix products and it was determined that a bid for a fixed amount of a specific material is not in the best interests of the County, and would not be awarded to a single supplier. Therefore, in place of an individual bid award, a list of eligible suppliers was established for Board approval.

Commissioner Robinson motioned to approve for signature a resolution designating eligible suppliers of asphalt mix products for use during the period May 1, 1991 through April 30, 1992. Associated Sand and Gravel Company, Inc., and Lakeside Industries are considered eligible suppliers and County representatives will purchase asphalt mix products from these suppliers subject to availability of the product needed and total project cost to the County. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12956)

8) Designating Eligible Suppliers of Liquid Asphalt Products.

Rich Medved explained that a call for bids had been issued for liquid asphalt products and it was determined that it is not in the best interests of the County to award the bid to a single supplier. Therefore, in place of an individual bid award, a list of eligible suppliers was established for Board approval.

Commissioner Robinson motioned to approve for signature a resolution designating a list of eligible suppliers for liquid asphalt products for use during the period May 1, 1991 through April 30, 1992. Chevron U.S.A., Koch Materials Company, U.S. Oil and Refining Company and Georgia Pacific Corporation are all considered eligible suppliers, and County representatives will purchase liquid asphalt products from these suppliers, subject to availability of the product needed and total project cost to the County. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12957)

9) Recommendation - Rock and Gravel Product Bids.

Robin LaRue explained that a call for bids was issued to establish a list of suppliers for various rock and gravel products and that after review, the Department of Public Works has recommended that some bids

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be rejected that do not meet bid specifications. The Public Works Department is recommending that an eligibility list be established to supply rock and gravel products from those which do meet specifications.

Commissioner Robinson motioned to approve for signature a resolution designating a list of eligible suppliers for rock and gravel products. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12958)

Mr. LaRue explained to Henry Campbell and another audience member the reasons some bidders were disqualified.

Commissioner Wylie was present for those agenda items that followed.

10) Signature - Supplement #3 - Professional Services Contract for Landscaping Resource Recovery Facility.

Jeff Monsen reported, explaining that consideration is being given at this point to increasing the scope of the original landscaping project at the Incinerator by about \$30,000, depending on the outcome of the discussion this date. He reviewed a site map of the area with the Board.

The Board discussed the proposed additional work with Laurie Freeman, Landscape Architect. Commissioner Wylie complimented Ms. Freeman on the job that has been done to date.

Commissioner Wylie motioned to approve for signature Supplement 3 to the Professional Services Contract entered into with Landscape Associates on July 23, 1990. The total additional amount will be \$26,767.50. The signage for \$2500 will be deleted and an irrigation system along the south fence line for \$2,000 will be omitted. At a later date a drainage system will be added along the east side of the fence to allow water to escape. (Contract #00404)

11) Miscellaneous.

There were no miscellaneous items from the Public Works Department.

CONSENT AGENDA

Commissioner Wylie motioned to approve the Consent Agenda as presented by Stephanie Wood, Clerk of the Board. Commissioner Robinson seconded the motion, which passed unanimously.

* Facilities:

1. Lease Agreement with Skagit County Historical Society for buildings located at Public Works Department Bayview Shop. This is a two year lease, and lease rental is set at \$1.00 per year. (Contract #99821)
2. Documents pertaining to purchase of Warren Presentin property. Closing agreement and escrow instructions, buyers closing statement, real estate contract, real estate excise tax report. Purchase price: \$110,000.00.

* Commissioners' Office:

3. Record of the Proceedings from Monday, April 22, 1991.

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* **Planning Department:**

4. Consultant Services Agreement with Aippersbach and Ryan to develop an environmental impact statement for the Swinomish Comprehensive Plan. Contract duration is from May 1, 1991, through December 31, 1991. Compensation occurs at \$23,080. Letter of intent to participate in the amount of \$11,310 from the Swinomish Tribal Community is attached. (Contract #00926)

* **Juvenile Probation Department:**

6. Contract for professional services with Reachout Expeditions to provide and lead a Wilderness Experience for up to five juveniles and two Skagit County Council on Alcoholism staff who are a part of the County Residential Substance Abuse Program. The program will begin on May 2, and end on May 5. Compensation will occur at \$260.00 per person, which will be reimbursed through a State substance abuse grant. (Contract #00922)

* **Personnel Items:**

7. Letter of Understanding with Inlandboatmen's Union of the Pacific modifying language in Rule 20.01 of the Labor Agreement regarding rate for daily maintenance. (Contract #00821)
8. Letter of Understanding with Inlandboatmen's Union of the Pacific modifying the current Labor Agreement by adding an Appendix A containing a Drug-Free Workplace Policy. (Contract #00821)
9. Agreement with Northwest Administrators for the processing of claims pertaining to the County's employee dental insurance and prescription drugs benefits. Contract duration is April 1, 1991, through March 31, 1992. The company receives \$450 initial set up fee and \$2.49 per eligible employee for dental claims and \$1.42 per eligible employee for prescription drugs. (Contract #00923)

BID OPENING - FIVE NEW SMALL PASSENGER VEHICLES.

Chairman Vaux waived the reading of the notice of call for bids, as published in The Skagit Argus on April 16 and 23, 1991.

The following bids were received and opened:

- 1) Skagit Ford
P.O. Box 1377
Mount Vernon, Wa 98273

Bid Item #1: Ford Escort
Bid Price: \$9873.02

Bid Item #2: Ford Escort
Bid Price: \$9873.02

Bid Item #3: Ford Escort
Bid Price: \$9873.02

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Bid Item #4: Ford Escort
Bid Price \$10,171.97

Bid Item #5: Ford Escort
Bid Price: \$10,171.97

- 2) Blade Chevrolet
1100 Freeway Drive
Mount Vernon, WA 98273

Bid Item #1: Chevrolet Cavalier
Bid Price: \$9433.13

Bid Item #2: Chevrolet Cavalier
Bid Price: \$9317.03

Bid Item #3: Chevrolet Cavalier
Bid Price: \$9317.03

Bid Item #4: Chevrolet Cavalier
Bid Price \$10,331.48

Bid Item #5: Chevrolet Cavalier
Bid Price: \$9,849.15

CALL FOR BIDS - REMODEL BURLINGTON SHOP.

Commissioner Robinson motioned to adopt the resolution calling for bids for the remodel of the Public Works maintenance operation headquarters located at Burlington, to be received and opened on May 21, 1991, at 1:30 p.m. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution # 12959)

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

- 1) Planning Commission Agenda Report.

A memo was presented providing proposed changes to the Planning Commission and Hearing Examiner's schedules in light of an increased volume of activities.

The discussion of the item was deferred to next week.

- 2) Discussion - Wellhead Protection Program.

A letter from the Swinomish Tribal Community, Ed Knight - Environmental Planner, was presented and reviewed by Tom Karsh, County Environmental Health Specialist. The letter states that the Tribe is seeking a grant from the Environmental Protection Agency for the funding of a Wellhead Protection Program for the Swinomish Indian Reservation which would provide funding for activities such as the delineation of wellhead protection zones, identification of current and potential threats to groundwater resources, and establishment of ongoing monitoring and evaluation of Tribal aquifer and contaminant sources. Mr. Knight's letter requests a letter of support for the grant from Skagit County.

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Mr. Kirkpatrick stated that it is unknown if the County will be participating in the program. He recommended that the County learn more about the program before submitting a letter of support.

Esther Fowler, owner of Dahlman Pump and Well Drilling, made comments in opposition to the program.

The Board agreed with Mr. Kirkpatrick's recommendation, and Chairman Vaux directed Mr. Kirkpatrick to obtain a copy of the grant application for review.

3) Day Care/Elder Care Fee Proposal.

Mr. Kirkpatrick provided a local survey of building departments and their fees, noting a great disparity in the charges for special use permits. Mr. Kirkpatrick reported that the most recent information indicates that the County has no regulatory authority over facilities of fewer than 12 users. He will return with more information.

4) Enforcement Report Update.

The weekly enforcement report was provided for review.

5) Miscellaneous.

- A. The Board approved for signature the application of Dale French for a sewer hook up to Whatcom County Water District #12 for his property located off of Old Hwy 99 at Alger.

SIGNATURE - PARKS AND RECREATION DEPARTMENT IAC GRANT.

Commissioner Wylie motioned to approve for signature the resolution and grant application to the Interagency Committee for Outdoor Recreation for financial assistance from the Washington Wildlife and Recreation Coalition fund for the purchase of the Presentin property in Marblemount. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12952) (Contract #00924)

MISCELLANEOUS ITEMS.

- A. A school facility use agreement with the Mount Vernon School District for use of the LaVenture Gym on Wednesdays from March 27 through June 5, 1991, at \$50 per night was approved. (Contract #00925)
- B. Commissioner Wylie motioned to adopt the resolution awarding bids for a total of 5 new small sedans as follows: to Blade Chevrolet for three new 1991 Chevrolet Cavalier sedans at \$9,433.13, \$9,433.13, and \$9,317.03 respectively, and one Chevrolet Cavalier station wagon at \$9,849.15, and to Skagit Ford for one Ford Escort station wagon at \$10,171.97. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12960)

WETLANDS DISCUSSION.

This discussion was held at the request of Dave Patterson, a local realtor, who provided each Board member with a copy of the proposed legislation House Bill 1303.

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Mr. Patterson stated that there is a lack of categorization or defined criteria within recent legislation supporting the preservation of wetlands. This lack of criteria impacts his industry. The proposed bill would categorize, prioritize and delineate the approved uses of wetlands. It allows areas to be used for other purposes which serve no useful environmental function. The bill seems to indicate that wetlands made as a result of development may not be categorized as wetlands. It allows trade-offs via a "wetlands bank", and purchases of high priority wetlands by government agencies.

Lloyd Brown, land use chair of the Skagit Audubon Society, stated that this bill is an attempt by special interest groups to "gut" section 4 of the Clean Water Act. The State's goal of "no net loss" of wetlands will be achieved under the bill because certain wetlands which are destroyed won't be counted as wetlands. The Puget Sound Water Quality Authority actually had categorized wetlands, but their proposal was defeated by these same special interest groups.

Don Bockelman, a Day Creek citizen, asked if the County would comply with State rules to identify wetlands by September of 1991.

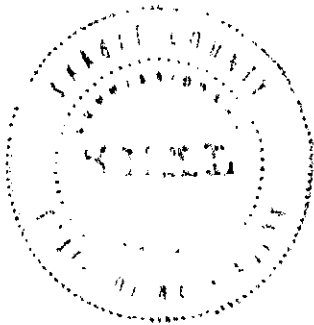
Brian McGuiness of Skagit-Island Builders Association objected to Mr. Brown's depiction of the new bill. He stated that it attempts to clarify and rectify the provisions of the Clean Water Act. He also stated that the PSWQA did not have the authority to mandate wetlands standards, as the courts have proved.

Other discussion continued regarding the complexity of the issue and the compensation possibilities for impacted properties.

ADJOURNMENT:

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

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



W. W. Vaux, Chairman

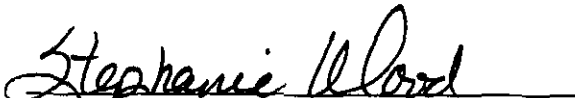


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners