

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

Monday, May 13, 1991

9:00 a.m. - 10:00 a.m. Board of Health:

- 1) Review of Proposed Changes to Sludge Regulations.

10:00 a.m. - 11:30 a.m. Public Works Department:

- 1) Public Hearing - Vacation of Unused County Right-of-Way - Roney Road.
- 2) Public Hearing - Consideration of Lowering the Speed Limit on All or a Portion of LaConner Whitney Road.
- 3) Certificate of Commendation - Recycler of the Month - Skagit County Custodial Crew.
- 4) Discussion - Summary of Drainage Utility Public Meetings.
- 5) Call for Public Hearing - Declaration of Sole Source Replacement Components at Resource Recovery Facility.
- 6) Call for Bids - Purchase of Two New Small Pickup Trucks.
- 7) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:00 p.m.

- 1) Introduction of New Senior Services Employees: Penny Bernhardt and Shirley Claybo.
- 2) Consideration - Recommendation of PTBA Board of Directors to Convene Public Transportation Improvement Conference.

2:00 p.m. - 2:30 p.m.

Update - W.S.U. Cooperative Extension Agency Home Economist.

2:30 p.m. - 3:00 p.m.

Board of Health:

- 1) Presentation - APEX-H Program.

The Skagit County Board of Commissioners met in regular session on Monday, May 13, 1991, with Commissioners W. W. Vaux, Ruth Wylie and Robby Robinson present.

BOARD OF HEALTH:

- 1) Review of Proposed Changes to Sludge Regulations.

Ken Willis, Environmental Health Specialist, reviewed the following recommendations of the ad hoc sludge advisory committee which was formed several months ago as a result of complaints from residents of the upriver area regarding sewage sludge application.

- 1) Requirement for pre-testing of soil for pH, cation, exchange capacity, cadmium, copper, lead, nickel and zinc.
- 2) Detail of past sludge use on the site.
- 3) Public notification of property owners within 500 feet of application site and posting of signs at site.

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- 4) Perform background surface water and ground water monitoring for nitrate, chloride, conductivity and bacteria.
- 5) Allow Health Department option to require more frequent sludge testing.
- 6) Require Health Department to develop guidelines for setbacks, seasonal restrictions and other permit conditions.
- 7) Allow Health Department to impose monetary penalties for violations of permit conditions.

Mr. Willis stated that, with the addition of these recommendations to the County's sludge regulations, the regulations will either meet or exceed DOE regulations and proposed EPA regulations.

The audience was then given an opportunity to comment.

Don Bockelman of Day Creek thought that the proposed additions were not adequate because of:

- no change to in-house water testing of treatment plan samples.
- no analysis for "organotoxins" or "organotins".
- no mention of resolution of odor complaints.
- pathogens and vectors are not addressed.

Mr. Bockelman stated that he would like Skagit County to stop the utilization of pathogen-bearing sludge.

Dave French, a Shelter Bay sewage generator, stated that studies of their "ripe" sewage showed that lime stabilization reduced pathogens by 98%. The other 2% could not be measured with current instruments and testing methods. He felt that communities which produce only residential wastes should have different regulations than those with industrial wastes.

Noel Monnan read a prepared statement. The statement discussed pathogens, groundwater contamination, and a lack of sludge research. The statement suggested that contamination occurs in products of animals that consume sludge treated grasses and soils. He called for a five year moratorium on field application and stated that sludge applicators should pay for all testing costs.

Dan Peterson of Sedro Woolley asked why sludge was being transported from its originating areas to be dumped in other, far removed areas. He inferred that a number of wells in the upriver area have been contaminated.

Mr. Willis stated that, to his knowledge, no contamination of wells has been discovered.

Gary Jones asked to what degree generators are encouraged or required to dispose of sludge close to its origin. He stated that encouraging at-home disposal would create incentive for proper application.

Several audience members felt that out-of-County sludge was being applied in Skagit County.

Chairman Vaux asked Mr. Willis if inspections are made of sludge disposal sites. Mr. Willis replied that field detectives do not patrol the sites, but that the Health Department does require the submittal of reports by the applicator documenting the origin of the sludge.

Ken McKenzie, private consultant and past representative of Solganics Corporation, stated that each sludge transport truck carries with it a bill of lading for the sludge it carries. Each treatment plant also has a testing log. Since sludge must be disposed of somewhere, agricultural application is the best method that has been found. He stated that sludge has been more rigorously tested than commercial fertilizers. He stated that

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even when heavily applied, it has not been found to contaminate groundwater.

Keith Holbrook of Birdsvlew stated that sludge has been spread near his property inappropriately. Some was raw sludge, some was applied too heavily and washed off during the heavy rains this winter.

Bockelman blamed the Department of Ecology for being "negligent" in assuring the public's safety. He did not document this claim. He continued to make unsubstantiated claims regarding his prior knowledge that the Burlington sewer treatment plant would be ruined by processing sewage that is "too toxic". He gave a number of his theories and claims.

Robert Mullen of Clear Lake stated that he felt today's proposal is too general to evaluate, and asked if there would be a more specific proposal and public hearing.

Mr. Willis replied affirmatively, stating that the proposal will be constructed as language to add to the Skagit County Code, and will be considered in a formal public hearing.

Linda LaCount stated that even though County officials held meetings in the fall at which over-application was reported, it has continued.

Mr. Willis stated that he is unaware of additional violations, at which time he asked Ken McKenzie if Solganics had exceeded the appropriate application rate, to which Mr. McKenzie replied that they had not.

The audience members maintained that the Health Department received telephone complaints.

Britt Pfaff, Environmental Health Specialist, stated that she did respond to one call which was received during a period of heavy rains. She stated that she walked the entire 40 acre application site and saw no entry of sludge into a nearby creek. She took water samples and found no fecal coliform or other harmful bacteria.

Grady Mathis, who resides on the hill above the application site, stated that the applicator applied sludge at a rate of less than 24 hour intervals. He stated that if Ms. Pfaff had reviewed the site a few hours later, the rain would have caused much more deterioration in the conditions. He suggested that truck driver records can be falsified.

Mr. French asked if the Health Department has adequate manpower to address the additional regulations.

Bernice Mullen stated that sludge was applied during the flooding times. She asked if police could report when sludge trucks are seen headed upriver to give authorities warning.

Mr. Bockelman wanted to see all sludge trucks clearly and uniformly marked.

Mr. Peterson stated that he has seen several unmarked sludge trucks from Seattle in Skagit County. He suggested that citizens get these truck license numbers.

Dr. Susan Cook of Bow, who stated that she is a fresh water consultant for the Zander family in Whatcom County, stated that she has found indications of contaminated water, milk products, bovine birth defects, and human illness as a result of the application of sewage sludge near the Zander property. She stated that after digging a new well, the Zanders' health problems disappeared. She stated that Dibutyl-10 was found to be the cause. She was unsure of the source of the Dibutyl-10, but stated that it is used in industry in PVC pipes, fumigants, and fertilizers. She stated that pre-treatment of sewage sludge is the only method to

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assure safety to the public, but it is expensive.

Again Mr. Willis explained that the proposals will be constructed as language to amend the Skagit County Code and a public hearing will be held. He offered a sign up sheet for those wishing to receive a copy, and sludge information offered by Washington State University.

PUBLIC WORKS DEPARTMENT:

1) Public Hearing - Vacation of Unused County Right-of-Way - Roney Road.

Chairman Vaux waived the reading of the notice of public hearing.

Linda Johnson, Office Engineer, used a vicinity map to locate Roney Road on Samish Island. She stated that an 880 foot by 30 foot stretch has never been used as a road, and divides some property owners' lots. Additionally, the right-of-way in places is sloughing down the hill, and the County desires to divest itself of this potential liability. The adjacent property owners have been contacted, and they are willing to accept ownership of the property at no charge.

Mr. Mercereau was in favor of the vacation, as the road serves no purpose.

Dick Dunnington, another petitioner, agreed with Mr. Mercereau.

Seeing no further public testimony, Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Chairman Vaux confirmed that, on a visit to the site, he observed sloughing of the right-of-way and advised in favor of the vacation.

Commissioner Wylie motioned to vacate a portion of the Harold R. Roney Road, as described in the Order Vacating County Road. Commissioner Robinson seconded the motion, which passed unanimously.

2) Public Hearing - Consideration of Lowering the Speed Limit on Al or a Portion of LaConner Whitney Road.

Chairman Vaux waived the reading of the notice of public hearing, and asked John Gardner to explain the intent of his citizen's petition, which requests that the LaConner-Whitney Road speed limit be reduced to 35 m.p.h. from Highway 20 to the LaConner City limits, or at least at the intersection of McLean and Downey Roads.

Mr. Gardner stated that the petition was written by a friend who is a judge, and that during the two days he was gathering signatures, he represented the petition as being in favor of a 35 m.p.h. speed limit reduction at the intersection only.

Robin LaRue, Design/Construction Engineer, used a vicinity map to outline the road. He stated that Mr. Gardner's petition contains the signatures of approximately 75 people. Mr. LaRue reported that traffic studies indicate that the roadway carries about 3,300 vehicles per day. Accident history shows 18 vehicle accidents occurring on LaConner-Whitney Road between 1988 and 1990. Speed studies indicate that 85% of the vehicles traveling the road are going 59 m.p.h. The average vehicle speed is 52 m.p.h., but most are grouped around the 46 to 55 m.p.h. range. Mr. LaRue stated that the road was designed for 50 m.p.h. speeds. The staff recommended that the speed limit remain at 50 m.p.h., with upgrading of the signage for

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the intersection to high intensity signs, addition of street lights and luminaries at the intersection. The staff would also work with the Sheriff's Office to provide increased traffic patrol.

Mr. LaRue stated that a good comparison is the 35 m.p.h. speed limit reduction that occurred at McClean and Best Road intersection, speed studies indicated an 85th percentile speed of 45 m.p.h. before the study, and 49 m.p.h. after the reduction in speed limit. Three accidents were reported at the intersection before the reduction, and three had also occurred after the reduction.

Chairman Vaux read letters from Jim Reaves and from Beth Haley who both opposed the speed limit reduction.

David Alvord felt no one would comply if the speed limit was reduced on the entire roadway, but that it would be appropriate to reduce speeds at the intersection. He stated that accidents occurring on the S curves are a result of driver negligence rather than speed.

Casey Coons stated that he would be very disappointed to see the speed limit reduced. He agreed that accidents are caused by driver error and not speed, and felt that upgrading of signage would help reduce the possibility of accidents.

Mr. Alvord said that sight distance is also a concern when entering LaConner Whitney Road from the intersection because of the presence of a substation on the corner.

Jack Blanchard, a petitioner, suggested a caution light at the intersection.

Bill Littler of Channel Drive advocated a speed limit reduction only at the intersection.

Dave French advocated more reflectors at the S curves.

John Gardner again clarified that the petition was presented to signators as emphasizing a reduction at the intersection only.

The audience also asked that a 35 m.p.h. sign be installed on Downey Road.

Seeing no further testimony, Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Chairman Vaux then suggested an advisory posting at the intersection.

Commissioner Wylie, however, favored the speed limit reduction over an advisory posting. Commissioner Robinson, too, favored a reduction as, he stated, an advisory posting cannot be enforced until after an accident occurs.

Commissioner Wylie then motioned to reduce the speed limit to 35 m.p.h. at the intersection of McClean and Downey Roads with LaConner-Whitney Road, and the added safety precautions suggested by the Public Works Department. Commissioner Robinson seconded the motion, which passed with votes from Commissioner Wylie and Commissioner Robinson.

Chairman Vaux voted negatively, explaining that he favors the Public Works Department recommendations and an advisory posting.

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3) Certificate of Commendation - Recycler of the Month - Skagit County Custodial Crew.

The Certificate of Commendation for Recycler of the Month was awarded to the Skagit County Custodial Crew. Sharon Dubois, Custodial Supervisor, accepted the award.

4) Discussion - Summary of Drainage Utility Public Meetings.

Dave Brookings, Flood Control Engineer, provided a summary of the drainage utility meetings held during late March and early April, and a tally of the citizen surveys handed out at the meetings. Mr. Brookings explained that 87% of the respondents advocate a long-range drainage program. Eight-five percent agree that a study is necessary as a component of the program. Forty-four percent would pay \$30 to fund the utility, and 35% would pay up to \$50 to fund the utility.

Mr. Brookings suggested that the next steps be that he meet with each individual city to discuss their inclusion in the utility and in the study assessment, and that he prepare a resolution for the Board's consideration which would:

- create a county-wide utility.
- assess a per-parcel flat fee property tax assessment for the next one or two years.
- apply the initial flat fee to all areas, including the cities.
- create a 9 member citizens advisory committee.

The initial assessment, Mr. Brookings said, would be either a one or two year duration, depending upon whether it was decided to spend part of the initial money beginning some emergent projects.

Mr. Brookings recommended that Hat, Sinclair and other smaller islands be excluded from the utility, but Guemes Island not be excluded.

Mr. Brookings stated that although the assessment could be made on the October tax statement, an interfund loan will be necessary to get the program started right away.

5) Call for Public Hearing - Declaration of Sole Source Replacement Components at Resource Recovery Facility.

Commissioner Wylie motioned to call for a public hearing to consider the declaration of sole source suppliers of replacement components for the Resource Recovery Facility. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12961)

6) Call for Bids - Purchase of Two New Small Pickup Trucks.

Commissioner Wylie motioned to call for bids for two new small pickup trucks, one for the Health Department and one for the Noxious Weed Office, to be received and opened on May 28, 1991, at 1:30 p.m. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12962)

7) Miscellaneous.

There were no miscellaneous items for the Public Works Department.

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CONSENT AGENDA.

Commissioner Wylie motioned to adopt the consent agenda of Monday, May 13, 1991. Commissioner Robinson seconded the motion, which passed unanimously.

* Petitions for Property Tax Refunds:

1. E.S. Natsiopoulos, 16917 130th Ave. S.E., Renton, WA 98058, in the amount of \$22.02, due to an inadvertent payment. (002991)

* Planning Department.

2. Resolution - Interim controls on development in the Gibraltar Area. (Resolution # 12963)

* Health Department:

3. Resolution - Setting temporary working housing inspection fees. (Resolution # 12964)
4. Contract with American Environmental Management Corporation to pick up and dispose of biohazardous wastes per EPA infectious waste management guidelines. Pick up occurs on the third Thursday of each month, and rates depend upon number of boxes picked up. (Contract #00983)

* Personnel Items:

5. Endorsement #2 to Skagit-Island Preferred Care Contract which incorporates prescription drug benefit under the Preferred Provider provisions of the contract.

* Senior Services:

6. Amendment #1 to Contract #91-3100-06 with Northwest Regional Council. Awards additional \$5,000 in Respite Case Management funds which are available on a one-time only basis, and which must be expended by June 30, 1991.

* Commissioners' Office:

7. Resolution appointing Dr. Valann Valdason as deputy designated mental health professional, per request of Skagit Community Mental Health Center. (Resolution # 12965)
8. Resolution calling for public hearing regarding request for clarification of existing contract rezone for Roy Harrison. (Resolution # 12966)
9. Record of the Proceedings from April 30, 1991.
10. Record of the Proceedings from May 6, 1991.
11. Record of the Proceedings from April 18, 1991.

* Parks and Recreation Department:

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12. Contract for Professional Services with First American Title Company of Skagit County to provide original location and copy of right-of-way documents of the Snohomish County to Sedro Woolley Burlington Northern Railroad, and the current deed of ownership claimed fee title parcels of Burlington Northern Railroad. \$40 per hour with maximum of 10 hours to complete this project. (Contract #00985)

MISCELLANEOUS ITEMS:

- A. Commissioner Robinson motioned to adopt the resolution authorizing a budget line item change in the amount of \$4,600 for the Current Expense Fund #001, providing the Assessor, Treasurer and Auditor with an addition \$1,200 each for their travel budgets, and the History Society travel budget with an additional \$1,000. These funds would come from the Incidental Equipment line item. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution # 12967)
- B. Commissioner Robinson motioned to call for a public hearing on May 22, 1991, at 8:30 a.m. to consider a supplemental budget in the amount of \$160,000 for the Current Expense Fund and \$25,235 for the Public Health Fund. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution # 12968)
- C. The Board approved for signature letters to each of the seven school districts asking them to participate in the amount of \$25,000 for the hiring of one full-time counselor for use by the ARIS program. The assessments would be based upon enrollment, and the County would participate by paying the remaining portion of the counselor's salary, an amount which is available in the ARIS counseling line item.
- 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, May 13, 1991, 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 #68080 through #68088 (Vouchers #105577 through #105569) in the amount of \$130,773.14. Transmittal #C-22-91)
- E. Mike Woodmansee, Budget/Finance Director, presented a letter relative to the 911 program to the Board for their review. After discussion the Board approved for signature a letter to be mailed to all the cities participating in the 911 program.

INTRODUCTION OF NEW SENIOR SERVICES EMPLOYEES: PENNY BERNHARDT AND SHIRLEY CLAYBO

Tim Holloran, Director, Senior Services, introduced Shirley Claybo, the new Upriver Senior Services Coordinator, to the Board. He advised that Penny Bernhardt was unable to be present.

Mr. Holloran and Ms. Claybo discussed with the Board some of the issues around the repair and maintenance of the Concrete Senior Center.

CONSIDERATION - RECOMMENDATION OF PTBA BOARD OF DIRECTORS TO CONVENE PUBLIC TRANSPORTATION IMPROVEMENT CONFERENCE.

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Stephanie Wood, Clerk, Board of County Commissioners, discussed with the Board the recommendation of the PTBA Board of Directors to convene a Public Transportation Improvement Conference. She also noted that correspondence had been received from Earl Lind asking that Skagit County completely withdraw from the PTBA.

After discussion the Board requested that staff prepare a resolution directing that a meeting of the PTBA be called for Thursday, May 30, at 7:30 p.m.

UPDATE - W.S.U. COOPERATIVE EXTENSION AGENCY HOME ECONOMIST

Kay Haaland, Director, Cooperative Extension, and Joanne Austin, Home Economist, were present.

Ms. Austin explained that she is the Area Extension Home Economist for Skagit and Island Counties. She said that her salary is split between the two counties and that she endeavors to maintain a balance between the two counties.

Ms. Austin reviewed with the Board some of the Extension education programs in Family Living for adult and 4-H youth audiences in Skagit and Island Counties. Some of those programs are a news column, "Living Smart"; programs for youth and low income families; programs for the Hispanic/Native American members of the community; programs for 4-H Home Economics leaders; nutritional programs for County employees; and programs relative to food preparation and handling. Ms. Austin pointed out that the Cooperative Extension Office is the only place in Skagit County where people can obtain information on food preservation.

The Board thanked Ms. Austin and Ms. Haaland and expressed appreciation for the many fine services provided by Ms. Austin to the community.

BOARD OF HEALTH

1) Presentation - APEX-H Program

Carolyn Milat, Director, Health Department; Ray Nichola, M.D.; John Thayer, Director of Environmental Health; and Barbara Meier, Director of Nursing Services were present.

Dr. Nichola reported on the Assessment Protocol for Excellence in Public Health (APEX) project. He advised that the APEX-H Program is a self-assessment tool for health departments developed by the Centers for Disease Control and the National Association of County Health Officials. The APEX process will assist local health departments in Washington State in assessing and improving the organizational capacity of each department. It will also assist the Health Department in working with each local community to assess and improve the health status of citizens. Several communities in Washington State have been through a similar process with very positive results.

Dr. Nichola explained that there are three parts to the process, which is a step-by-step process: 1) organizational capacity assessment; 2) problems prioritized and plan put together to address problems; and, 3) quality improvement. The second part to the process is the community process, connecting and analyzing community health data and also involving the community by using an advisory group to come up with an action plan. They are basically looking at a comprehensive community approach to health problems. Dr. Nichola concluded that the training begins in June and it is then expected that over the next 6 to 12 months departments will start to work on the APEX-H Program.

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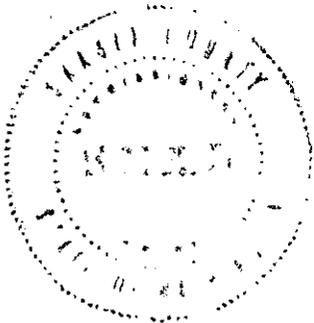
Commissioner Vaux requested that the Board be advised if the Health Department is able to determine what the impact will be to Skagit County.

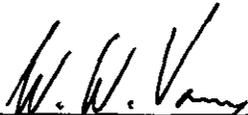
Dr. Nichola advised the Board that he would be working with NACO in Atlanta. The Board thanked Dr. Nichola and the Health Department staff for the presentation.

ADJOURNMENT:

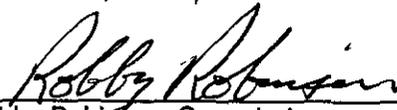
Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





W. W. Vaux, Chairman

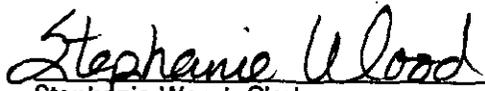


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners