

RECORD OF THE PROCEEDINGS

SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, December 14, 1992

10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director:

- 1) Discussion - Intermodal Surface Transportation Efficiency Act - Surface Transportation Program.
- 2) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

11:00 a.m. - 11:30 a.m. Discussion - Mount Vernon Senior Center Rental and Usage - Tim Holloran, Senior Services Director.

- 1:30 p.m. - 2:00 p.m.
- 1) Bid Opening - 20-Ton Tilt Bed Trailer.
 - 2) Resolution - Addition to County Personnel Policies and Procedures Manual - "Whistleblowers Act".
 - 3) Resolution Authorizing Request for Proposals for Guardian Ad Litem Services.

2:00 p.m. - 3:30 p.m. Executive Session - Personnel.

7:00 p.m. - 9:00 p.m. Continuation of Discussion - Solid Waste Disposal Options. (County Administration Building, Hearing Room A, Mount Vernon)

The Skagit County Board of Commissioners met in regular session on Monday, December 14, 1992, with Commissioners Ruth Wylie, Robby Robinson and W. W. Vaux present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Discussion - Intermodal Surface Transportation Efficiency Act - Surface Transportation Program.

Kelly Molstad, Skagit Council of Governments Executive Director, was present for this discussion.

Mr. Medved explained that this discussion is being held today because this coming Wednesday at the Skagit Council of Governments (SCOG) meeting the members will be asked to make a decision on a series of recommendations made by the RTPO technical committee. This meeting will brief the Board on the recommendations that will be introduced.

Dave Baltz, Transportation Planner, drew the Board's attention to a five-page report prepared by the RTPO technical committee. He explained that there is a requirement within the STP (Surface Transportation Program - a part of the ISTEA funding process) that a group consisting of the County and local cities must make a decision on creating an RTPO Board, its composition, and assign the responsibility for the STP process to that Board. Once this is done, the STP Board will assign the STP lead agency. On Wednesday night at the SCOG meeting, staff will be asking SCOG members to assign an STP Board.

Mr. Baltz stated that it was agreed that the County would be the lead agency for the STP activities with SCOG staff assuming many of the responsibilities of support staff and major coordinating aspects. At the technical committee meeting, wherein every local entity except the Town of Hamilton was represented, the

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group unanimously approved this recommendation. Additionally, the Cities were in favor of adopting a goal of creating a long-term transportation planning agency serving the entire county.

The second issue, Mr. Baltz stated, was the make up of the technical committee. This group has heretofore enjoyed excellent representation from city and county engineers and staff. The technical committee recommended that this committee continue to function as the technical committee of the STP Board, however it is made up. This was also a unanimous recommendation.

The most difficult issue, Mr. Baltz stated, was the membership of the STP Board, as there are a number of options available to the SCOG. The technical committee has recommended that the SCOG Board create a new STP Board consisting of three county commissioners, the eight city mayors, a local transportation representative and a port representative. This recommendation received a 12 to 1 vote of approval.

The options considered were:

- Designate SCOG Board as STP Board
- Create new board consisting of only required members (County, Cities, local transit)
- Designate RTPO Subregional Board as STP Board
- Choose a sub-group of one of the two existing Boards that could meet during one of the already existing meetings

Commissioner Wylie suggested that the newly formed transportation system should be represented on the SCOG Board. With this addition, the SCOG Board or a sub-group of it could act as the STP Board.

Mr. Baltz explained that the technical committee's purpose was to cut down on the number of extraneous members that would be involved if the SCOG Board were designated.

MISCELLANEOUS.

- A. Doug Barnet briefed the Board on a response from the State regarding Hermway Heights Road. This is the result of a direction some months ago that staff should coordinate with the State to arrange for a shared improvement of sight distance at an intersection on Hermway Heights Road. At this time, according to correspondence from WSDOT, the State is not willing to enter into any such shared project.
- B. Dave Brookings, Flood Control Engineer, stated that this weekend the Similk Beach pump once again failed. This has occurred periodically over the year since the pump was installed. It operated correctly for a period of four months before a malfunction of the impeller. The manufacturer, Cascade, has disavowed any responsibility for this malfunction; however, continued attempts at improving the pump conditions have not corrected the malfunction. Mr. Brookings suggested that at this time the county seek legal recourse against the manufacturer for the malfunctioning pump. A temporary replacement is being arranged.

The County, State and property owners originally placed this pump in the early 1970's. The original pump lasted 20 years before it was replaced, again in a joint funding arrangement, last year.

CONSENT AGENDA.

Commissioner Vaux motioned to adopt the Consent Agenda, as presented. Commissioner Wylie seconded the motion, which passed unanimously.

* Facilities Management:

1. Lease Agreement with Fir-Conway Lutheran Church for use of vacant lot adjacent to Church property for overflow parking. Term of lease is 10 years, at \$1.00 per year. (Contract #001491)

* Parks, Recreation and Fair:

2. School facility use agreement to use Lincoln Gym for basketball season for \$25 per night. (Contract #001292)

* Permit Center:

3. Out-of-State Travel Request for Roxanne Michael, Building Official, to travel to Omaha, Nebraska, to attend the ICBO Building Code Hearings on February 10th and 11th. As chairman of the committee, Roxanne's expenses are entirely paid by ICBO.

* Juvenile Probation:

4. Contract for professional services with Sonja Henly of Behavior Therapy and Counseling Associates, Fairfield, CA, to provide specialized juvenile sex offender evaluations and treatment. Term of contract is indefinite. Compensation occurs at \$135 for intake interview, \$105 for individual therapy, and \$60 for group therapy. (Contract #001492)
5. Contract for educational services with Northwest Educational Service District #189 for providing educational instruction to juveniles on behalf of local school districts. Term of agreement is from September 1, 1992, to August 31, 1993. No funds are exchanged through this agreement. The program is funded existing State, Federal and other funds. (Contract #001493)

* Department of Planning and Community Development:

6. Resolution approving Northwest District Comprehensive Plan Map Amendment for Farm Food Co-Op, #CPA-92-007. (Resolution #14665)

* Commissioners' Office:

7. ARIS contract for professional services with Diaz Karate to provide an ARIS referral with training to develop impulse control and self esteem. Program runs for two months, at a cost of \$99. (Contract #001494)
8. Resolution reappointing Betty Crippen to another term on Fair Advisory Board. Term expires May 22, 1996. (Resolution #14666)

MISCELLANEOUS ITEMS.

- 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.

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As of this date, December 14, 1992, 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 #90669 through #91041 (Vouchers #2016760 through #2017335) in the amount of \$779,829.02. Transmittal #C45-92.
- B) In accordance with action previously taken, the Board approved for signature an interlocal agreement with Clallam County and Grays Harbor County to, along with participating timber counties, provide \$1,825 for the timber project headed by Harriett Buchmann of Clallam County for the year 1993. (Contract #001495)
- C) Dewey Hyatt of One-Way Construction reported to the Board that his company has not been paid for work performed on the Indian Slough Bridge since October. Mr. Hyatt explained that although his company is entitled to a "progress payment", Public Works has decided to hold all funds for a final payment. Mr. Hyatt felt his company is entitled to \$70,000 in payments. Mr. Hyatt complained about Skagit County's poor payment record. The Board agreed to look into the matter.

DISCUSSION - MOUNT VERNON SENIOR CENTER RENTAL AND USAGE - TIM HOLLORAN, SENIOR SERVICES DIRECTOR.

Mr. Holloran explained that some requests to use the Mount Vernon Senior Center have been received which warrant the Board's attention. Current regular users are Sweet Adelines, Senior Square Dancers, Mount Baker Singles and other senior-based groups.

In addition, rental policies need to be revamped. Sections which address hold-harmless agreements, alcohol consumption and other issues need to be reworked to reflect the use of all of the county's senior centers. Mr. Holloran explained that many problems are experienced with private users, the costs of which cannot be passed on to the user. Mr. Holloran had obtained copies of use policies of other local centers and meeting halls to research updates to the County's policies.

Most recently, the Sea Mar Community Health Center has requested to use the Mount Vernon Center three nights each week for a feeding program for the homeless and indigent. Mr. Holloran stated that he feels that not only would many users be displaced, but additionally, the kitchens would need to be upgraded to support preparation of food, as the Center currently has facilities only for keeping prepared foods hot. Mr. Holloran has suggested to the Sea Mar representative, Juan Ortiz, that he research alternate sites, but wanted to bring this request to the Board for concurrence. Mr. Holloran stated that it is his understanding that the Center should be used primarily for educational and recreational activities.

Finally, Mr. Holloran stated that the rate structure for use of the Centers is based on the user group. There has been no difficulty with this system to this point.

Mr. Holloran suggested that he draft updated policies, in consultation with Risk Manager Dave Fleming, and bring the completed draft to the Board for their approval, and the Board concurred.

The Board discussed and determined that no alcohol should be served or consumed at any of the County's senior centers.

- 1) Bld Opening - 20-Ton Tilt Bed Trailer.

Chairman Robinson waived the reading of the Notice of Call for Bids, as published in The Skagit Argus.

The following bids were received and opened:

- 1) J&K Associates
15 Central Way #363
Kirkland, WA 98033

1993 Butler BT-4024-AW
\$13,862.59
Cashier's Check enclosed
- 2) Bakerview Equipment, Inc.
4107 Strider Loop
Bellingham, WA 98226

1993 Trailmax TD40-T
\$14,719.15

1993 Interstate 40TDL
\$14,747.26

Cashier's Check enclosed
- 3) Northern Commercial Company
P.O. Box 130
Mount Vernon, WA 98273

1992 Eager Beaver 20TXL
\$14,658.85
Bid Bond enclosed
- 4) Smith Tractor and Equipment Co.
1712 Hickox Road
Mount Vernon, WA 98273

1993 Trail King TKT 40
\$14,259.88
Cashier's Check enclosed

The bids will be reviewed by Public Works Department staff, who will return at a later date to recommend an award.

- 2) Resolution - Addition to County Personnel Policies and Procedures Manual - "Whistleblowers Act".

Bob Taylor, County Administrative Officer, provided a resolution which would amend the County's Personnel Policies and Procedures Manual to include a new section in compliance with a new law signed by the Legislature in March of 1992 to protect government employees who raise issues of improper governmental actions. (Resolution #14667)

Commissioner Vaux motioned to approve the resolution amending the Skagit County Personnel Policies and Procedures manual to include a "whistleblower" policy. Commissioner Wylie seconded the motion, which

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passed unanimously.

3) Resolution Authorizing Request for Proposals for Guardian Ad Litem Services.

Mike Woodmansee, Budget/Finance Director, explained that three years ago Skagit County put out a Request for Proposals for Guardian Ad Litem services for juvenile dependency matters that are heard in Superior Court. As the contract expires in December, it is now time to again advertise for proposals to continue the service.

Commissioner Vaux motioned to approve the resolution authorizing proposals for Guardian Ad Litem services. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14668)

4) Miscellaneous Items.

- A. Mr. Woodmansee explained that since 1990, the County has, at the beginning of each year, put out a request for proposals for computer hardware and software to be purchased throughout the year. It is once again time to advertise for proposals to continue this service.

Commissioner Wylie motioned to adopt the resolution authorizing a request for proposals for computer hardware and software purchases in 1993. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #14669)

- B. Mr. Woodmansee presented a resolution to authorize a public hearing to be held on December 28, 1992, at 11:00 a.m., to consider budget amendments for the following:

Current Expense Fund \$421,000
Public Health Fund \$136,000
County Fair Fund \$15,600
Parks and Recreation Fund \$12,000

Within the Current Expense Fund, Mr. Woodmansee explained, \$21,000 is for the Prosecutor's Office. Additionally, \$400,000 is the maximum amount available to transfer to fund #340, the Land Acquisition and Facilities Improvement Fund. The actual number presented at the public hearing, once researched by Mr. Woodmansee, will be between \$100,000 and \$400,000. Other funds mentioned have received revenues that are not accounted for in the 1992 budget.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing on December 28, 1992, at 11:00 a.m. to consider a budget amendment. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14670)

- C. Mr. Woodmansee presented a resolution authorizing a budget line item change which shifts \$311,825.00 within the Current Expense fund budget from line items that have appropriations beyond needs to items where appropriations will not meet expenditures. Similarly, budget line item changes totaling \$400 in the Emergency Management Fund, \$200 in the Law Library Fund and \$28,000 in the 911 Emergency Communications are shifted.

Within the current expense fund, the largest items being shifted are the Community Action Agency contract in the amount of \$37,000 to account for donations to relief agencies made throughout the year and funneled through SCAA. A total of \$36,000 is added to Superior Court salaries to cover the impact of adding a third judge. The amount of \$38,000 is added to District Court to cover

salaries and overtime.

Commissioner Vaux motioned to adopt the resolution authorizing budget line item changes totaling \$311, 825.00 in the Current Expense Fund, \$400 in the Emergency Management Fund, \$200 in the Law Library Fund and \$28,000 in the 911 Emergency Communications Fund. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14671)

CONTINUATION OF PUBLIC DISCUSSION - SOLID WASTE DISPOSAL OPTIONS.

Chairman Robinson explained that this is a continuation of a discussion regarding three options presented by the Public Works Department as follows:

- Construction of an MRF (Moderate Risk Facility) where recyclables and hazardous materials are removed from the waste stream and appropriate wastes are disposed of at the incinerator or long-hauled
- Use only longhauling and incineration for disposal, without an MRF.
- Close down the incinerator and longhaul all solid waste generated in Skagit County.

Rich Medved, Public Works Director, explained that in early April a request for proposals was issued by Skagit County for an MRF. Two addendums were later issued and the RFP was finally closed in June. A total of 41 companies picked up copies of the RFP. At the proposal deadline, Waste Management Northwest and Environmental Wastes of America were the only respondents.

Woody Truleson with EWA stated that at the previous meeting there were some misconceptions discussed. He explained that the County tells the contractor what is to be pulled off the line so that changing markets can be taken advantage of. In the EWA proposal, the County receives 50% of the total revenues realized from sale of recyclable materials.

Eric Colgan did not wish to speak at this time.

Mark Pirkle represented Chuck Decker. He provided a letter from Rich Medved received by Chuck Decker three days after the last meeting. He read excerpts from the letter to the audience, which turned down Mr. Decker's latest proposal of October, 1992, to provide recycling services at the Incinerator floor on a trial basis. Mr. Pirkle maintained that the letter stated that the County could accept only the two proposals received and not Mr. Deckers proposal submitted four months after the RFP closed. He maintained that Mr. Decker can be allowed to submit a proposal even after the other two companies' proposals are made public. He stated that he had worked for numerous corporations who could accept new proposals at any time.

Commissioner Vaux maintained that it is unethical to allow additional proposals to be submitted after the close of proposal submittal.

Mr. Pirkle suggested that the Board delay a decision until the two new commissioners who are slated to take office in January have taken office.

Finally, Mr. Pirkle picked apart the two proposals received, and reiterated that the Board should delay their decision.

Charles Decker stated that he has recycled under contract with the County for the past 7-1/2 years. He

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pointed out that curbside recycling has been operational for nine months. He suggested that the County should provide a staff person to meet with businesses to encourage recycling activities. In this way the County could delay the construction of a pick line. Mr. Decker complained that had the County filed for renewal of the permit for Inman Landfill, it would not be necessary to have this discussion.

Don Bockelman explained why he became involved in solid waste. He stated that he started his education on solid waste at the University of Washington Library, where he studied the history of solid waste disposal. He criticized the County's environmental testing process, which he felt did not address stack analysis. He stated that the purpose of the pick line is to reduce stack emissions that the County did not test for. He stated that he also became involved because of his concerns for other emissions from the incinerator. He stated that his analysis shows that by removing all of the aluminum from the incinerator, the amount of electricity generated by the plant is cut in half. Finally, Mr. Bockelman stated that his concern for the amount of CO2 produced by the incinerator also led him to become involved.

Mr. Bockelman stated that he was unhappy with all of the proposals (apparently because they involve the continued use of the incinerator) and submitted that the vendor selection had been a "very suspicious" process, although he was not specific as to how. He felt that the decision should be delayed until new commissioners take office.

Clayton TenBrink, a C&D employee, advocated the use of funds for public education regarding recycling.

Mr. Nutter followed up with an earlier line of questioning, asking if all longhaul costs are known and had been calculated.

Mr. Medved said that all longhaul costs are known and have been calculated.

Don Hill stated that Waste Management Northwest is a large company which does business in a "dubious manner". He stated he is a former employee of Waste Management Northwest. He suggested that the current Board pass the decision on this issue on to the Board that will take office in January.

Bill Stensland asked if all of the options had been reviewed with the Solid Waste Advisory Committee (SWAC).

Don King responded that the cost analyses had not been shared, nor had the option of closing the Resource Recovery Facility.

Mr. Stensland suggested that the County not give any contract for waste disposal to a private enterprise.

Terry Knutzen, a local representative of Environmental Wastes of America, questioned Mr. Pirkle's motives, as at one point Mr. Decker was the sole bidder for a County recycling service and was willing to allow the process to continue. Mr. Knutzen also pointed out that at one time Mr. Decker was not bonded. Mr. Knutzen supported the notion of an MRF.

Mr. Decker rebutted Mr. Knutzen's testimony. He stated that he is now bonded. He stated that he won the bids he has received fairly. He complained about the process by which the RFP's were solicited. He claimed the bid specifications required that each prospective bidder list three operational projects in which they are involved and neither company can meet this specification.

Charlie Urbick of Skagit River Steel and Recycling stated that solid waste disposal cannot be accomplished and then never dealt with again. He stated that since landfill materials do not decompose totally for 20 years

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they will always require attention. He stated that the industry changes so rapidly that any decision made today will not be the final decision.

Tim Crosby of Waste Management Northwest defended his company. He asked Mr. King to clarify whether the staff is confident that ash can be disposed of as a solid waste instead of a hazardous waste if the MRF is constructed.

Mr. King replied that the staff is confident that removal of hazardous materials will render the ash safe for disposal as a solid waste; however, fly ash will remain a hazardous waste under Subtitle D.

Commissioner Vaux asked Tim Crosby questions regarding public participation in the curbside recycling program.

Mr. Crosby stated that in Anacortes recycling accounts for 14% of the disposal of the waste stream. Although a State mandate requires that recycling account for 50% of the disposed solid waste by the year 1996, he did not feel that goal could be reached strictly by curbside recycling.

Mount Vernon Mayor Ray Reep supported aggressive recycling activities.

Mark Backlund, SWAC member, referred to a letter transmitted from the SWAC to Skagit County which lists a number of concerns the SWAC has discussed regarding the construction of an MRF. He stated that prior to making a decision, a carefully constructed cost/benefit analysis must be completed for several scenarios ranging from a fully equipped MRF down to a simple conveyor pick line. Mr. Backlund stated that if a simpler form of an MRF is chosen, the additional funds can be used for an enhanced recycling program. In terms of removal of hazardous wastes, Dr. Backlund stated, an MRF would be marginally effective as hazardous compounds are generally closely incorporated into other wastes. Broken light bulbs was an example given.

Commissioner Vaux asked Dr. Backlund if he felt that the County drop off station for hazardous wastes was a good approach, or if collections would be hampered because the public is accustomed to door-to-door service.

A discussion between Commissioner Vaux and Dr. Backlund was held.

Ross Barnes spoke on behalf of the Anacortes Urban Ecology Committee, a recently formed group which has a loose advisory role with the City of Anacortes. He stated that the group has been researching regional composting and feels that alternative, cheaper methods have not been addressed as carefully as has the MRF plan. He suggested that better education of the public can accomplish much of what an MRF can. Large, heavy objects such as engine blocks, Mr. Barnes stated, are primarily in commercial wastes, and the County has the ability to regulate these. He supported diverting yard wastes to a regional composting facility.

Commissioner Wylie questioned Mayor Reep about Mount Vernon's program of diverting yard wastes to a City composting facility, and Mayor Reep explained the process.

An unidentified woman noted that yard waste composting has been cut from the 1993 City of Anacortes budget.

Glen Johnson, another SWAC member, stated that he had recently attended a composting conference. He stated that one speaker had indicated that in Europe composting has proven unsuccessful because of the poor mix of the compost, which reduces the quality of the finished material. Mr. Johnson stated that

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compost is easily made, but if the end product is of poor quality, no one will want to buy it. He stated that along with developing composting alternatives, ways to improve compost quality must be developed. He suggested that Skagit County follow the European method and not accept any wastes that have not been source separated.

Woody Nielsen of Environmental Wastes of America answered Mr. Decker's charges of his company's lack of qualifications. He defended the RFP process and the integrity of the County. He stated that the question of providing more options has been answered in the EWA proposal, which lists several different scenarios to choose from. He stated that Mr. Decker's suggestion to pick recyclables from the waste stream on the incinerator floor would back disposal trucks up all the way to Burlington.

An unidentified woman stressed the need to educate the public about the difficulty and expense of disposing of solid waste.

Bill Wetzel, a C&D employee, stated that by telling the public that engine blocks and car parts are reaching the incinerator, the general public feels that household recycling is useless.

Finally, Mr. Pirkle asked questions regarding the detailed option analysis provided by Public Works staff with the three options. Those questions were answered by Mr. King, but Mr. Pirkle completed his argument by stating his distrust of the two large firms who bid for the MRF.

At that point, seeing no further public comment, the meeting was closed.

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



Robby Robinson, Chairman




Ruth Wylie, Commissioner



W. W. Vaux, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners



PUBLIC HEARING - SPEAKERS SIGN OF SHEET - PLEASE PRINT

NAME	ADDRESS	CITY, STATE, ZIP
✓ Woody Coulson	Belleid, WA EWA/RSS	
✓ Erik Colville	Bellevue, WA SAS Engrs.	
✓ Lawrence Pindle	321 W. Washington	Mt. Vernon, WA 9827
✓ Charles Decker	120 ⁵⁰ 10 th St	MT VERNON
✓ Don Bockelman	2863 S. SRAFF ^{EST} Hwy	Sakas Woolley 98284
✓ Larry Forsythe	1206 Hillwood Dr	Mt Vernon
✓ Clayton TenBrink	931 Orange Ave	Burlington
✓ Louis Nutter	1582 Mt Vernon Rd.	MT VERNON
✓ Don Hill	503 S. 5 th Street	Bellevue, WA
✓ BILL STEINSLAND	1151 PORTVIEW-ED RD MT.V.	MT. V.
✓ TERRY Krutz	998 Chestnut Dr	Burlington WA