

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

Monday, March 15, 1993:

10:00 a.m. - 11:00 a.m.

Public Works Department - Rich Medved, Director:

- 1) Public Hearing - Consideration of Speed Limit Reduction on a Portion of Josh Wilson Road, Burlington.
- 2) Signature - Grant Agreement with the Department of Ecology for the Nookachamps Creek Emergency Project.
- 3) Signature - Interlocal Agreement with Drainage District Number 15.
- 4) Signature - Intergovernmental Construction Agreement with the Bureau of Indian Affairs for the Cokedale Road Project.
- 5) Signature - Supplement Number 3 to the Contract with Parametrix Incorporated, for the Inman Landfill Study and Remediation Project.
- 6) Signature - Declaration of Emergency for Work Performed at the Resource Recovery Facility.
- 7) Signature - Resolution Amending Resolution 14633 regarding Sole Source Replacement Components at the Resource Recovery Facility.
- 8) Signature - Amendment "B" to Contract Number 01067 with Kennedy/Jenks, Incorporated for Underground Storage Tank Evaluation.
- 9) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

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

Discussion - Starling Control Contract with the United States Department of Agriculture.

The Skagit County Board of Commissioners met in regular session on Monday, March 15, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

The following items were taken out of order as a matter of convenience.

- 2) Signature - Grant Agreement with the Department of Ecology for the Nookachamps Creek Emergency Project.

Dave Brookings, Flood and Drainage Engineer, presented an agreement to the Board for approval and signature that had been discussed previously and concurred.

Commissioner Wolden motioned to approve the Grant Agreement with the DOE for the Nookachamps Creek Emergency Project. Commissioner Robinson seconded the motion, which carried unanimously. (Contract #01064.

- 3) Signature - Interlocal Agreement with Drainage District Number 15.

Mr. Brookings presented an Interlocal Agreement to the Board for approval and signature with Drainage

District #15 allowing the County to provide reimburseable labor by County forces for a five year period. The agreement commences on January 1, 1993, and terminates, December 31, 1997.

Commissioner Wolden motioned to approve the agreement as presented. Commissioner Robinson seconded the motion, which carried unanimously. (Contract #01597).

- 1) Public Hearing - Consideration of Speed Limit Reduction on a Portion of Josh Wilson Road, Burlington.

Chairman Hart waived the reading of the notice of the public hearing as advertised in the Skagit Argus.

Mr. Steve Blair, Traffic Engineering Technician, displayed a vicinity map of the area containing the portion of road between mile post 5.65 and 6.11 being recommended to have a speed limit reduction in the community of BayView. The speed is currently 50 mph, from mile post 0.00 at State Route 11 (Chuckanut Drive) to mile post 6.11. The speed limit then drops to 25 mph to the end of the road. The portion of road being recommended to have a speed reduction is approximately .44 miles in length and has five intersections, comprised of three County roads, and two private roads. The location of the recommended reduction begins at a private access, Wilson Road, to the 25 mph zone at mile point 6.11.

Commissioner Robinson asked whether the speed limit consideration was at a citizens' request.

Mr. Blair stated that it was. The residents felt it necessary to create a buffer zone between the 50 and 25 mph zones. The average speeds recorded at the present speed reduction point ranges from 30 mph to 43 mph.

Chairman Hart opened the public hearing for comment.

Mr. Jack Middleton, subject area resident, addressed the Board stating that he was the person who submitted a request to reduce the speed limit as recommended. He said that there have been problems in the area regarding the speed limit. There is a speed zone buffer to the south at Whitney. He said that the residents felt it was necessary for a speed reduction buffer from the east also. He expressed appreciation for the Public Works Department for their concurrence on his proposal. Mr. Middleton presented a signed petition from 32 residents in the BayView community supporting the proposed speed reduction. He said that it would be more desired to reduce the speed on the "S" curve portion of the road as well.

Mr. Ron Hatten, BayView resident, addressed the Board. He said that he concurred with Mr. Middleton's proposal and added that when traveling west on Josh Wilson road during sunset hour the sun is blinding on the curves.

Barbara Bond-Howard, BayView resident, addressed the Board. Ms. Bond-Howard identified herself as a reformed speeder living on Josh Wilson Road. She felt that a reduction in the speed limit would help those who do speed on the current 25 mph area to consciously slow down.

Al Udd, BayView resident, addressed the Board, stating that there was more than one instance when cars ended up in one of his neighbors' yards due to navigating the curves at too great a speed.

Commissioner Robinson suggested beginning the proposed speed reduction prior to the mile post recommended to before the "S" curves.

Mr. Ed Hawes, Traffic Engineering Technician, stated that the Public Works Department had no problem with beginning the speed reduction further back.

Seeing and hearing no further comment from the audience, Commissioner Robinson motioned to close the

public hearing. Commissioner Wolden seconded the motion, which carried unanimously.

Commissioner Robinson motioned to approve reducing the speed limit on Josh Wilson Road from 50 to 35 mph at a starting point prior to the "S" curves. Commissioner Wolden seconded the motion, which carried unanimously.

4) Signature - Intergovernmental Construction Agreement with the Bureau of Indian Affairs for the Cokedale Road Project.

Doug Barnet, County Engineer, stated that the Agreement he was presenting was at the request of the Board from previous discussion and concurrence. The Agreement provides for the Bureau of Indian Affairs (BIA) to perform improvements to the Cokedale Road County right-of-way in order to provide better access to the Tribal residential area.

Commissioner Robinson motioned to approve the Intergovernmental Agreement with the BIA for improvements on the Cokedale Road. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #01598).

5) Signature - Supplement Number 3 to the Contract with Parametrix Incorporated, for the Inman Landfill Study and Remediation Project.

Don King, Operations Manager, stated that the supplement will allow Parametrix to complete a SEPA checklist as required by Department of Ecology (DOE), for the Inman Landfill study and remediation project in addition to the existing contract. He stated that he felt it was the most efficient method in which to complete the SEPA requirement. This amendment will increase the contract by \$5,000. The existing contract with Parametrix was awarded prior to DOE notification of the requirement of a SEPA checklist.

Commissioner Robinson motioned to approve the amendment to the Parametrix contract in an increase of \$5,000 for a SEPA checklist. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #01344).

6) Signature - Declaration of Emergency for Work Performed at the Resource Recovery Facility.

Mr. King addressed the Board stating that on December 28, 1992, the tie breaker in the high voltage yard failed, causing a disconnect from the Puget Power Grid and an erratic Turbine Generator operation. Electro Test was called to perform the work to repair the problem, as their work performance for the County in the past was favorable. The downtime was costing the County \$2,000 per day. Mr. King recommended that a state of emergency did exist and requested the Board to approve the payment to Electro Test in the amount of \$12,865.74. The original mechanical operator was not an item that could be contract for repair, it had to be replaced.

Don Bockleman, citizen, asked why a state of emergency wasn't requested within a few days instead of weeks, and whether it was legal for the Board to do at this point.

Chairman Hart stated that it is legal to recognize it as an emergency at this point even though it should have been filed immediately.

Commissioner Wolden stated that the County is obligated to pay the bill for services whether it is declared a state of emergency or not. The work has been performed and the payment is due. He then motioned to accept the declaration of an emergency situation and to approve to pay the invoice submitted from Electro Test in the amount of \$12,865.74.

Commissioner Robinson seconded the motion, which carried unanimously.

Mr. Bockleman questioned whether there were any other "emergency" situations that the County appeared, in his opinion, to be hiding.

Mr. Medved stated that there were not.

Discussion continued regarding the cost savings to the County and the necessity to have the situation resolved as soon as possible. It would have been unproductive and costly to wait for the work performance.

- 7) Signature - Resolution Amending Resolution 14633 regarding Sole Source Replacement Components at the Resource Recovery Facility.

Mr. King stated that there have been changes in the vendors for replacement components at the Resource Recovery Facility which makes it necessary to amend the list of Sole Source suppliers. He said that he anticipates vendors to continue changing, making further amendments as necessary.

Commissioner Robinson motioned to approve the resolution amending the Sole Source Replacement Components suppliers list at the Resource Recovery Facility. Commissioner Wolden seconded the motion, which carried unanimously. (Resolution #12171).

- 8) Signature - Amendment "B" to Contract Number 01067 with Kennedy/Jenks, Incorporated for Underground Storage Tank Evaluation.

Robin LaRue, Assistant Public Works Director, addressed the Board regarding amending Contract Number 01067 with Kennedy/Jenks. They were hired to discover the status of various underground storage tanks. When work was performed at the Burlington site, contaminated soil was discovered that required removal. Three monitoring wells and sampling of the ground water are now necessary to be installed. This requires increasing the contract for the performance of the required work.

Roger Howard, Facilities Manager, stated that the contaminated soil was removed but it is required to continue monitoring the ground water in case there is further contamination. There are now only 8 underground tanks remaining.

Commissioner Wolden suggested the possibility of getting rid of any County storage tanks completely and acquiring a tank truck.

Mr. Medved stated there will possibly be further amendments similar to this as the study continues. There was no way to forecast the outcome of the study and allow for the extra expenses now occurring.

Commissioner Robinson motioned to approve the amendment to contract #01067 in the amount of \$16,975. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #01067).

9) Miscellaneous.

- A) Mr. Medved stated that the Public Works Department will have a revised inventory list next week. Of the 37 items on the inventory that were unaccountable, 28 have been located. There are 5 radios that have not been located. He said that they are not missing, they are in use but possibly asset tags have fallen off. He said that cross referencing of tags and serial numbers is being performed to verify the location of the radios. He said that a few of the items listed as missing have been traded for new equipment, or junked.
- B) Mr. Medved informed the Board that a fatal accident occurred Saturday, March 13, 1993, on the Dodge Valley Road.

CONSENT AGENDA.

Commissioner Wolden motioned to approved the Consent Agenda for Monday, March 22, 1993. Chairman Hart seconded the motion which carried and was so ordered.

* ARIS:

1. Signature - Contract for professional services with Diaz Karate, 404 S. 3rd, Mount Vernon Washington 98233, to provide instruction to assist with the development of self esteem, impulse control and internal structure for A.J. Skidmore. Fee shall be \$99.00 for 2 months of instruction. Contract commences February 3, 1993, and terminates April 3, 1993. (Contract #01599).

* HEALTH DEPARTMENT:

2. Signature - Amendment to Interim Family Resources Coordination Contract with DSHS to provide additional funds to extend the period of performance date to September 30, 1993, replace the budget exhibit; and make changes to the Statement of Work. (Contract #01252).

* HUMAN SERVICES:

3. Signature - Amendment to Contract #01328 with SPARC for service to people with developmental disabilities. This amendment increases the total amount payable under the contract by \$10,000, deemed necessary due to increased numbers of referrals to the agency. The funds are available within the contract between DSHS and Skagit County . (Contract #01328).

* PARKS, RECREATION, AND FAIR:

4. Signature - School Facility use Agreement and Rules and Regulations for Community Use of Conway School Facilities. For the use of softball fields on Tuesdays, Wednesdays, and Thursdays April, 1993, through June, 1993, from 5:00 p.m. to 8:00 p.m. There will be no fees charged for the use of the fields. (Contract #01292).

• PUBLIC DEFENDER:

5. Signature - Contract for Professional Services with Rex Smith, 24244 S.E. 43rd Court, Issaquah, Washington 98029, for the provision of handwriting analysis of Public Defender clients at the rate of \$75.00 per hour. Contract shall commence on January 1, 1993, and continue until December 31, 1993. (Contract #01600).
6. Signature - Contract for Professional Services with Starck Follis, Resick and Hansen, 412 N. Commercial Street, Bellingham, Washington 98225, to provide professional legal services in performing all Superior Court and Juvenile Court conflict cases that are considered to be conflict of interest cases for the Public Defender's Office and are determined to be of indigent defense. Fees for services range from \$82.50 per case to \$550.00 per case depending on the situation. (See attached fee schedule for details). Contract shall commence March 15, 1993, and terminate December 31 1993. (Contract #01601).

• PUBLIC WORKS:

7. Signature - Call for Bids - Motor Fuel - to be opened Monday, March 31, 1993, at the hour of 1:30 p.m., or as soon thereafter as possible, in the Commissioner's Hearing Room, 202A, 700 S. Second, Mount Vernon, Washington 98273. (Resolution #14772).
8. Signature - Bid Award for One New 1993 Truck with Bed and Complete Striping Apparatus to Morton Industries, for the low bid of \$117,460.85. (Resolution #14773).
9. Signature - Contract with Coral Construction for the Guardrail Project on South Skagit Highway, et.al. (Contract #01602).

MISCELLANEOUS ITEMS.

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, March 15, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #94055 through #94716 (Vouchers #3002184 through #3003091) in the amount of \$467,355.77. (Transmittal #C08-93.

DISCUSSION - STARLING CONTROL CONTRACT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE.

Mr. Mike Pitzler, United States Department of Agriculture, addressed the Board. Mr. Pitzler stated that the Starling Control Committee has met and discussed the future of the program. The hope of the committee members is that the County will continue funding the program as they have in the past. He said that it was his understanding that the County was going to provide funds to the program in the same amount as last year. He wondered why the funds were increased last year, but not increased this year.

Mr. Pitzler felt that it was beneficial for some of the local growers to be present for the days' discussion. The program has been in existence since 1966, and he has been with the program for the past nine years. In 1988 the program was doubled from three to six months in duration. Burlington Frozen Foods has been donating 1500 tons of food for use as bait, and Americold donates freezer space to store it. Mr. Pitzler said that local growers are going to meet to discuss the possibility of running a year round program. What needs to be known is whether the County will continue to contribute funds at a specified amount to the program on a consistent annual basis. He said that employees for the three or six month program duration are hard to recruit and keep. He felt that a year round program would provide more incentive for employees to stay and would also allow for the provision of benefits. He said that he works with 35 different cooperative agreements presently, and understands that funding everywhere has been reduced, at State levels, and County levels.

Chairman Hart stated that the control program has worked well to this point due to the cooperation of the contributors of bait, funding, etc. If a full-time operation was begun, the costs of operation would increase significantly.

Gus Anderson, Anderson's Blueberry Farm, addressed the Board. Mr. Anderson stated that 20 years ago the starling population was migratory, passing through the area during the summer months. There was not a resident population. The starling population reproduces rapidly and a year round program would keep it under control.

Alan Merritt, Merritt's Apples, stated that the starling population fluctuates at his orchard. The apple crop is later in the year toward fall, but he has witnessed the starlings following the pea and blueberry crops that are in close proximity to his property. He said that there are concentrations of starlings that winter at the dairy farms in January and February. If efforts were taken to get rid of these populations, it would contribute greatly to reducing the population. He felt that the starling situation was not being dealt with as well as it could be, but efforts are being made to keep the situation tolerable.

Mr. Anderson stated that contacting the local dairy farmers and crop farmers will provide some contributions, but the assurance from the County is needed in order to begin a year round program.

Mr. Pitzler stated that whatever contributions are made to the program, the Federal government matches. He referenced a letter from Mike Woodmansee, Skagit County Budget/Finance Director regarding the County's budgeted contribution. He wondered why the County budget allowed for a contribution of \$8,300 for 1993, when the contract had been for \$9,200 in 1992. He thought that the amount was going to remain the same.

Mr. Woodmansee clarified that the 1992 budget allowance was also \$8,300, but an amendment was allowed to contract for the higher amount. At the end of 1992, only \$7,200 had been paid out, with another \$500+ paid out in January, 1993, that was a carryover from 1992. At the budgeting time, it appeared that there was no reason to increase the allowance from the \$8,300 amount when it had not been used in its entirety in 1992.

Mr. Pitzler stated that the \$10,900 amount being requested would allow the program to be six months in duration. It would have to be cut to four months at the \$8,300 budgeted amount. A one year program is forecast to cost \$16,200. The Federal Government would match this amount. Mr. Pitzler asked whether the

County will continue to contribute \$8,300 per year to the program in the future.

Commissioner Robinson stated that the County determines where funding is distributed on an annual basis. It is not possible to say that the County will contribute a set amount in future years.

Chairman Hart stated that he and Commissioner Wolden, as farmers, especially would like to see the program continue. The Board has no lessening of intent to support the program, but each budget year could change the amount of funding available.

Mr. Woodmansee stated that the 1993 preliminary budget was \$4 million out of budget. In other words, the requests for funds were \$4 million over the projected revenues. He recommended that a request for funding be submitted to the County in early July to be considered for the 1994 budget.

Commissioner Robinson asked how much support was expected from the farmers in the area.

Mr. Merritt stated that there are 45 farming operations in the County involved in the program. A letter was mailed to these operations requesting their input regarding the fate of the program. The options offered were:

- 1) Maintain the program as it is, asking each farm currently in the program to share the balance of \$2,600 remaining after the County contribution.
- 2) Increase the program to a full time position for one person, at a cost of \$16,200, in 1993, less the County contribution of \$8,300.
- 3) Do nothing and have the program cut back a few weeks.

The responses were as follows:

- 1) About 50% responded favorably.
- 2) The remainder from options 1) and 3) would like a year round program.
- 3) Two responded to do nothing.

Commissioner Robinson asked how long it would take to have the starling population under control with a year round program.

Mr. Pitzler stated that the birds migrating from British Columbia are a major problem source, as there is no control program there. They move in large numbers. The counties of Okanogan, Douglas, Chelan, and Yakima have proven that the population can be reduced due to the birds returning annually to the same place to nest. If the present program is kept, 20,000 birds will be removed. Using a toxicant, 40,000 birds could be removed in a six month period. He said that he is currently developing a program to present to Texaco Oil Refinery to remove birds roosting there. He will set a meeting to offer a removal program, and hopefully receive funding in return.

Commissioner Wolden asked whether a Tri-County Agreement with Whatcom and Snohomish Counties would be feasible.

Mr. Pitzler stated that he has met with the two counties regarding a starling control program, but both would like the Department of Agriculture to be the lead agency. The agencies have to be the responsible entity.

Mr. Marlin Knutzen stated that the dairies have the worst starling problem in the winter when the birds roost. He felt that having a control program during the winter would help reduce the starling population considerably.

Mr. Pitzler stated that the starling population creates a health problem as well, in that ingestion to excretion occurs every 13 minutes, and they carry salmonella.

Commissioner Robinson reemphasized the importance of submitting funding requests to the County in early July for consideration in the 1994 budget. He said that funding allotments to outside agencies are determined by expected revenues and prioritization. There are a lot of programs that request funding from the County, which makes it a difficult decision for the Board.

Mr. Woodmansee suggested that the Board write a letter of support for the program urging Snohomish and Whatcom Counties to become involved.

The Board directed Mr. Woodmansee to assist Mr. Pitzler in drafting a letter as suggested for the Board's signature.

ADJOURNMENT

Commissioner Wolden motioned to adjourn the proceedings. Commissioner Robinson seconded the motion which carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robert Hart, Chairman

Harvey Wolden

Harvey Wolden, Commissioner

Robby Robinson, Commissioner

ATTEST:

Connie Carter 3/29/93

Connie Carter, Clerk of the Board

