

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

Monday, November 1, 1993

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

- 1) Public Hearing - Consideration of Establishment of Lincoln Avenue as a County Road.
- 2) Public Hearing - Speed Limit Establishment on Concrete Road.
- 3) Public Hearing - Consideration of Establishment of a Portion of Concrete Road as a One-Way Road.
- 4) Resolution - Declaration of Sole Source Radio Equipment.
- 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:00 p.m. Public Hearing - Adding a New Chapter to the Skagit County Code to Establish a Method for Issuing Permits for Open Burning in Unincorporated Skagit County.

2:00 p.m. - 3:00 p.m. Work Session - Global Positioning Systems - Skagit County Mapping Department.

3:30 p.m. - 4:30 p.m. Executive Session - Personnel, Litigation, and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, November 1, 1993, with Commissioners Robert Hart, Robby Robinson and Harvey Wolden present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Public Hearing - Consideration of Establishment of Lincoln Avenue as a County Road.

Linda Leonhart, Records Clerk, located Lincoln Avenue on a vicinity map near the Town of Concrete, north of the Dalles Road and west of the Concrete-Sauk Valley Road. She stated that Lincoln Avenue is open and is being used by the public, but it has never been formally opened and designated as open on County road records. She stated that staff is recommending that the road be formally opened by order of the Board of Commissioners.

Commissioner Robinson motioned to close the public hearing, after receiving no public comment. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioner Robinson motioned to establish Lincoln Avenue as a County road. Commissioner Wolden seconded the motion, which passed unanimously.

- 2) Public Hearing - Speed Limit Establishment on Concrete Road.

Steve Blair, Traffic Engineering Technician, located Concrete Road on a vicinity map, north of the Dalles Road and south of Highway 20 near Concrete. The road is heavily populated, yet unposted County roads such as this are set at speed limits of 35 m.p.h. Mr. Blair stated that due to the dense residential population, and the road's exclusive use as local access, staff recommends that the speed limit on Concrete Road be set at 25 m.p.h.

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There being no public comment, Commissioner Robinson motioned to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioner Robinson motioned to set the speed limit on Concrete Road at 25 m.p.h. Commissioner Wolden seconded the motion, which passed unanimously.

3) Public Hearing - Consideration of Establishment of a Portion of Concrete Road as a One-Way Road.

Referring again to the vicinity map, Mr. Blair again pointed out that the portion of Concrete Road that is located south of Highway 20. He indicated that this portion of the road cannot support two-way traffic due to its narrow road surface. Mr. Blair stated that staff is recommending that this portion of Concrete Road be established as one-way traffic flow only. Ed Hawes, County Traffic Engineer, supported this recommendation with information about the road's use.

Commissioner Wolden, seeing no public comment, motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Robinson motioned to establish a portion of Concrete Road as a one-way road. Commissioner Wolden seconded the motion, which passed unanimously.

4) Resolution - Declaration of Sole Source Radio Equipment.

Doug Barnett, County Engineer, explained that the County has had an existing radio system since 1985 which is a Motorola brand. It is now necessary to purchase service and equipment to support the existing system. Mr. Barnett stated that the County has no alternative, now that it is committed to the use of Motorola equipment, than to continue to purchase Motorola brand equipment, as it is impossible to substitute other brands or parts. Mr. Barnett stated that State law recognizes an exception from required bidding processes when a sole source supplier is identified. Mr. Barnett requested that the Board declare the Motorola company a sole source supplier of radio equipment for Skagit County, eliminating the requirement to seek competitive bids for additional equipment.

The Board requested that Mr. Barnett have legal counsel review the resolution declaring a sole source provider before the Board adopts it, as recent legislation has amended the State purchasing laws.

5) Miscellaneous.

There were no miscellaneous items from the Public Works Department at this time.

CONSENT AGENDA.

Commissioner Wolden motioned to approve the Consent Agenda for November 1, 1993, as presented. Commissioner Robinson seconded the motion, which passed unanimously.

* Public Works:

1. Personal Services Agreement with Fred Miller Marketing and Consulting to perform market development for recycled materials in the Whatcom/Skagit region. (Contract #001810)

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2. Resolution calling for bids to provide and install a service body and components upon one County owned one ton cab and chassis which was previously purchased for the Burlington mechanics shop. (Resolution #15084)
 3. Resolutions calling for Public Hearings to consider speed limit reduction on Moore Garden Road #4540, a portion of Dunbar Road #4520, and Dunbar Lane #4603 from 35 m.p.h. to 25 m.p.h. (Resolutions #15085 and #15086 and #15087)
 4. Personal Services Agreement with AAA Rent-A-Pottee to provide portable toilets at several Public Works Department work sites. (Contract #001811)
 5. Out-of-State travel request for Dub Queen's attendance at the Western Snow and Ice Fleet Management Conference Equipment Show and Snow Road-E-O in Estes Park, Colorado to act as the back-up/replacement for Andy Shaw who is unable to attend.
- Parks, Recreation & Fair:
 6. Resolution adopting a storage fee schedule of \$1.50 per foot at the Skagit County Fairgrounds. (Resolution #15088)
 7. Instructional Service Contract with Rebekah and Maria's Star Factory for dance lessons. (Contract #001813)
 9. Facility Use Agreement for use of the MVHS Fieldhouse. (Contract #001292)
 - Senior Services:
 10. Annual review results on the Skagit Nutrition Project.
 - Planning and Community Development:
 11. Call for Public Hearing on the application for an agricultural variance for Ed Kaptein. (Resolution #15089)
 12. Resolution for the shoreline substantial development/variance permit for Larry Reed. (Resolution #15090)
 - * Public Defender:
 13. Personal Services Agreement with Dr. Eric Keisel to perform pathology evaluations on a case by case basis at the rate of \$150.00 per hour. (Contract #001812)
 - Commissioner's Office:
 14. Resolution reappointing John Vaux to the Civil Service Commission with his new term expiring December 1, 1999. (Resolution #15091)
 15. Resolution establishing parking fees for County employees in various County parking lots. (Resolution #15092)

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16. Corrections to the previous Addendum to the District Court Clerk Teamster Contract changing the effective date and a few minor word changes. (Contract #001474)
17. Record of the proceedings from October 25, 1993.
18. Record of the proceedings from October 26, 1993.
19. Record of the proceedings from October 27, 1993.

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.

As of this date, November 1, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Vouchers #P59001, P138001, P134001, P135001 through P59018, P138034, P134002, P136002 (Warrants #103710 through #103746) in the total amount of \$863,472.89. Transmittal #C-55-93.
- 2) Vouchers #124449 through #125156 (Warrants #PW9300006001 through #PW9300006298) in the total amount of \$1,013,473.56. Transmittal #P-24-93.

- B. Commissioner Robinson motioned to adopt the resolution presented by staff which calls for a public hearing to be held on November 22, 1993, at 1:30 p.m., to consider the lease/sale of Skagit County property at 1202 South Second Street, Mount Vernon, to the Skagit Search and Rescue. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #15096)

PUBLIC HEARING - ADDING A NEW CHAPTER TO THE SKAGIT COUNTY CODE TO ESTABLISH A METHOD FOR ISSUING BURNING PERMITS FOR OPEN BURNING IN UNINCORPORATED SKAGIT COUNTY.

Commissioner Hart waived the reading of the Notice of Public Hearing, as published in The Skagit Valley Herald.

Dan Cain, County Fire Marshall, stated that Skagit County is faced with either adopting a burning permitting ordinance, or being declared a "no burn" area by the State Department of Natural Resources. Mr. Cain stated that Skagit County, in conjunction with the Department of Natural Resources and the Northwest Air Pollution Authority, has been working on a mechanism for jointly issuing open burning permits. The Board is now being asked to adopt an ordinance which sets up this mechanism, and a resolution adopting permit fees and burn pile sizes.

Bob Reece from the Department of Natural Resources and Terry Nyman from the Northwest Air Pollution Authority were present. These two representatives were invited to comment.

Mr. Nyman requested that the Northwest Air Pollution Authority rules be included under paragraph 3(C), which defines applicable laws. Under (2) Penalties, the Northwest Air Pollution Authority would like to see wording indicating that violations of Air Pollution Authority rules will be referred to the Air Pollution Authority

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for enforcement action. With the two comments, Mr. Nyman stated, the Air Pollution Authority endorses the proposal.

Mr. Reece stated that the Department of Natural Resources supports the process that has been proposed. He stated that it is much more efficient for the public to have only one set of rules to obey instead of rules from each of the separate agencies.

Phyllis McKeehen, 1121 Third Street, Bayview, asked if the permit process will mean that whenever someone in her neighborhood burns small amounts of tree branches or other materials they will need a burning permit, or if the Ordinance will apply only to larger burning operations.

Mr. Reece explained that from October 15 through June 30, the public may burn piles up to 10 feet in diameter without a burning permit. From July 1, through October 15, the public may burn piles of up to 4 feet in diameter without a burning permit. Mr. Cain explained that the Ordinance being proposed will set the inclusive dates of burning regulations, and a resolution, which will be introduced directly after the adoption of the Ordinance, will set the pile size and fee for permits.

Charles Pruitt of LaConner asked, in reference to 3(C), what Skagit County Health Regulations apply to outdoor burning. He stated that when he called the Skagit County Health Department, they indicated that there are no local health regulations concerning outdoor burning. Mr. Pruitt indicated a concern for the release of carcinogenic or hazardous smoke into the local atmosphere. Mr. Pruitt also suggested that alternate methods of disposal be suggested to permit applicants, such as recycling and composting. Finally, Mr. Pruitt asked how much information will be provided to the permittee regarding the regulations he is expected to follow. Also, Mr. Pruitt asked if the \$20 fee being proposed is for all pile sizes.

Mr. Pruitt ascertained from Mr. Cain that none of the Fire Districts had expressed any interest in participating in the conditioning and issuing of permits.

Mr. Reece explained that these regulations apply only to improved properties for which the DNR does not provide fire protection. He felt it very unlikely that anyone would burn a pile of greater than 10 feet in diameter on improved property.

Mr. Pruitt stated that when the developers of Sea Van, east of Mount Vernon, obtained a forest practices permit to clear their property, the loggers burned a large amount of debris, polluting the air to the east. Mr. Pruitt noted that those persons living to the east of the burning were unable to obtain any redress from anyone.

The Board discussed the changes requested by Mr. Nyman.

There being no further comment, Commissioner Robinson motioned to close the public hearing. Commission Wolden seconded the motion, which passed unanimously.

Chairman Hart noted that the proposed Ordinance, under section 3(C), cites "ICC 8.08A.390", which is undoubtedly a chapter of the Island County Code, which was used as an example in formulating the Ordinance proposed for Skagit County. Chairman Hart noted that this also must be corrected.

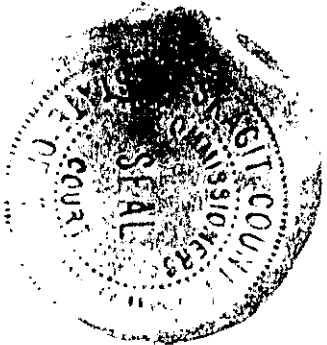
As the Board felt it important to make the changes suggested by Mr. Nyman, yet was unable to make those changes today due to an omission by a typist at the County's legal publication, the Board chose not to adopt the proposed Ordinance at this time. The Board chose instead to re-advertise the public hearing, assuring that an instruction is included in the publication which affords the Board the opportunity to "amend

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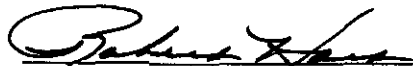
and adopt" proposed language. A second public hearing will be held at a later date where the new language will be proposed and adopted.

ADJOURNMENT:

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



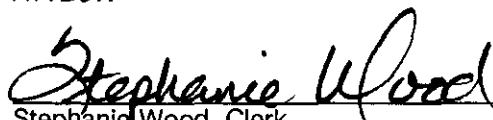
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Robert Hart, Chairman


Robby Robinson, Commissioner


Harvey Wolden, Commissioner

ATTEST:


Stephanie Wood, Clerk
Skagit County Board of Commissioners