

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

Monday, December 13, 1993:

8:30 a.m. - 10:00 a.m. Board of Health:

- 1) Food Advisory Committee Report - Manager Certification Awards.
- 2) Report on DSHS Healthy Kids Project.
- 3) Discussion - National Guard Program to Provide Services to Skagit County.
- 4) Discussion - Needle Exchange Programs as a Component of HIV/AIDS Efforts Around Washington.
- 5) Review of Draft Agenda for January 28, 1994, Strategic Planning Session.

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

- 1) Discussion - Material Recovery Facility.
- 2) Discussion - Regional Recycling Concepts.
- 3) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:00 p.m. 1) Public Hearing - Changes to User Fees for Howard Miller Steelhead Park.
2) Public Hearing - Changes to User Fees for Skagit County Fairgrounds.

2:00 p.m. - 3:00 p.m. Hearing Examiner Recommendation - Denial - Agricultural Variance #VAR-93-028 for Leonard Lee, .25 Miles South of the Intersection of Chuckanut Drive and SR237.

3:00 p.m. - 3:30 p.m. Work Session - Proposed Ordinance Regarding Disposal of Confiscated Firearms.

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, December 13, 1993, with Commissioners Robert Hart, Harvey Wolden and Robby Robinson present.

BOARD OF HEALTH:

- 1) Food Advisory Committee Report - Manager Certification Awards.

Corinne Story, Environmental Health Specialist, stated that the primary goal of the food advisory committee has been to further advance the goals of the Health Department in the arena of safe delivery and handling of food for the public, and communication between Skagit County and food service establishments. She provided information regarding the committee's accomplishments.

One of the fruits of the Food Advisory Committee was the establishment of a Food Manager Certification Course to encourage advanced food safety education. Lyle Hildahl, a member of the Food Advisory Committee and Culinary Arts Director at Skagit Valley College, offered to teach the course. A total of 28 persons attended the course, with a total of 22 graduates. Ms. Story presented certificates recognizing completion of the course to several graduates in attendance.

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2) Report on DSHS Healthy Kids Project.

Geri Prater, a representative of the Washington State Department of Social and Health Services, had previously provided the Board with reports on the Skagit "Healthy Kids" Project, 5-01-93 to 7-31-93, and the Mount Vernon Community Service Office Mentor Project Proposal. Ms. Prater commented only briefly on these reports. She then reported that the Mount Vernon DSHS has received an immunization grant from the State Department of Health. She stated that her office would like to subcontract with the Skagit County Health Department for two staff positions in the amount of \$13,000 for existing staff using these funds.

Finally, Ms. Prater requested that the Board continue to contribute to the "Healthy Kids" funding for the next 18 months.

Ms. Prater stated that her organization would like to tie the "Healthy Kids" project, the immunization project and the Mentor Project into one project.

Ms. Prater then presented the Board with a "Pride Award" from the Medical Assistance Administration.

3) Discussion - National Guard Program to Provide Services to Skagit County.

Barb Meier, Nursing Supervisor, stated that the National Guard sent out letters to all counties offering to work together with local health departments on immunizations for the general public. Skagit County received a letter, and was later contacted by the National Guard to offer involvement in immunization programs and dental care. Primarily, the National Guard was interested in assisting those with no access to care.

Ms. Meier stated that the Health Department has recently started an oral health program. A proposal for assistance was submitted to the National Guard, and the Health Department was later informed that it had been selected as a site for services.

4) Discussion - Needle Exchange Programs as a Component of HIV/AIDS Efforts Around Washington.

Pat Pearce, Health Department Director, stated that public health nurses have become aware of the importance of addressing the existence of contaminated needles in the general population. Ms. Pearce stated that nurses have received reports of children playing with discarded needles the children have found. Ms. Pearce stated that 1/3 of all HIV infected individuals contracted the infection through contaminated needles. Ms. Pearce stated that her department met with local police chiefs to discuss programs to provide needle exchanges.

Ms. Pearce asked for the Board's support in an effort to gather information from seven Washington counties which offer a needle exchange program. A survey of the agencies would be made prior to the formation of a program for Skagit County, which would involve the assistance of local police chiefs.

The Board concurred that it is important to address the issue of contaminated needles.

Linda Speck, representing the public health nurses, stated that needle exchange is not a religious or moral issue, it is a health issue which should be addressed.

5) Review of Draft Agenda for January 28, 1994, Strategic Planning Session.

Ms. Pearce provided an advance agenda for a planned Strategic Planning Session scheduled for January

28, 1994, which she requested that the Board attend. She reviewed the agenda briefly, touching upon plans to promote Public Health Week April 4 through 8, 1994.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

1) Discussion - Material Recovery Facility.

Rich Medved, Public Works Director, introduced this topic. He stated that the proposal Skagit County received approximately one year ago for a Materials Recovery Facility (MRF), has now been withdrawn by Environmental Wastes of America (EWA). Since there are no other proposals currently being considered, Mr. Medved asked that the Board approve a new request for proposal, with specifications altered according to what has been learned through this negotiation process.

Commissioner Wolden asked if EWA will want to be paid for the funds they may have expended by EWA in the negotiations process. Mr. Medved assured the Board that much of the work that was completed will be applied to a second proposal. Mr. Medved stated that he has offered to consider compensation, but EWA does not seem interested in reimbursement. A letter indicating that EWA will continue to compete for the project has been received.

Chairman Hart remarked on all of the valuable information that the Board has gathered from tours of recycling operations since the request for proposals was first advertised last year. Chairman Hart noted that it appears that if a private contractor can be found who is willing to develop markets for recyclables, it would be most efficient to privatize a materials recovery facility.

Commissioner Wolden noted that high-priced curbside recycling may defeat the ability to remove recyclable materials from the waste stream by discouraging the public from recycling.

Recycling services should be convenient, with emphasis on source separation, Ric Boge, Recycling Coordinator, stated. He stated that the Solid Waste Advisory Committee is not necessarily opposed to a MRF which would process industrial garbage, but was concerned that the institution of a MRF would discourage residential recyclers from participating in recycling because they know it will be done later at a MRF. Mr. Boge stated that both source separation programs and recovery of materials prior to incineration are necessary components of a recycling project that expects to achieve at least 50% recycling. Source separation will also not achieve the protection of the incinerator facility from the processing of metals that are hazardous to its operation.

Mr. Medved agreed, but stated that the primary goal of the program should be to clean up the waste stream, not just to protect the incinerator.

Mr. Boge pointed out that there are several goals of a solid waste disposal program that should be kept in mind when considering this topic.

The program should:

- Clean up the waste stream
- Divert damaging items from the incinerator
- Divert smaller metals to clean up ash
- Provide a flexible system to exchange and expand as the need arises

To accomplish these goals, Mr. Boge stated private industry needs to be able to remove items in a convenient and efficient manner that permits their redemption at purchaser's plants.

Mr. Boge brought up the question of whether post-burn metal recovery is more efficient for removal of small metals.

Commissioner Robinson mentioned that another component that was not mentioned by Mr. Boge was the need to clean up incinerator ash, by removing metals which make the ash toxic.

Mr. King noted that the current incinerator was not designed for post-burn removal of metals from incinerator ash. He reviewed the changes that would be necessary to the current facility in order to perform post-burn metals removal. He remarked on the cost, and noted that pre-burn separation will not cost any more for transportation.

The Board and staff discussed pre- and post-burn metals recovery. Photographs of a recent incident in which an engine block was recently processed at the Incinerator, causing extensive damage to equipment, were provided. Mr. King noted that State Law requires a waste stream audit to determine ash content. He stated that in addition to trying to decide whether or not to pursue a MRF, a waste stream audit in conjunction with the proposal review should be conducted. He stated that an annual waste stream audit will cost approximately \$55,000. It could be done in-house, Mr. King stated, but overtime will be required.

Mr. Medved stated that any pre-processing will be costly, but it is important to start out with a modest program that can be expanded as successes are recorded. He recommended negotiating the best proposal possible with room for expansion at a later date.

Commissioner Wolden asked if C&D Recycling could be kept under contract on an as-needed basis to perform materials recovery on the tipping room floor in case of emergencies. Mr. Medved indicated that current County staff can perform that function, if needed. Mr. King agreed and noted that crews are currently not staffed for extensive picking, the tipping floor is not large enough for extensive picking, and it tends to cause a line of trucks waiting to dump garbage to form.

Mr. Boge suggested consideration of a variable tipping fee which would take into consideration a surcharge for loads containing heavier metals. Perhaps this would discourage commercial generators from trying to dispose of heavy metals in the incinerator instead of separating it for alternative disposal.

Answering a question from Chairman Hart, Public Works staff conceded that there is neither rule nor law which prohibits disposal of heavy metals within the waste stream.

Mr. Medved noted that a new scope of work for an MRF will be provided to the Board in January.

Chairman Hart asked if the current arrangement for recycling with C&D Salvage will be continued. Mr. Boge indicated that it would likely be phased out in connection with the implementation of a materials recovery facility. He noted that the County currently pays C&D Salvage to recycle material, where an MRF would not cost the County. It will therefore be likely that C&D's operation will be eliminated.

The Board discussed how to deal with white goods (household appliances) if C&D Salvage's services are phased out.

Chairman Hart asked staff to provide a breakdown of how much it costs for mitigation of past solid waste operations and regulatory costs, and how much it actually costs to dispose of wastes.

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2) Discussion - Regional Recycling Concepts.

Mr. Medved noted that two weeks ago when the Board toured a recycling facility in California, there was informal discussion of joining with neighboring counties to form regional recycling or composting facilities.

Chairman Hart noted that in order to perform financially viable recycling or composting, a large waste stream is required. Chairman Hart remarked that San Juan and Island Counties transport wastes through Skagit County to their eventual disposal destination already. A large, regional facility would provide the raw product required by private business to attract buyers of recycled materials.

Mr. Medved remarked on the inefficiency of having several small recycling operations scattered over several counties.

The Board and staff agreed that finding a market for recycled materials is the major deterrent to successful recycling.

Mr. King noted that the Board has the authority to designate disposal sites within Skagit County; however, an ordinance prohibits the import of solid wastes into facilities operated by Skagit County from out-of-county sources.

Since the development of the ordinance prohibiting importing of wastes, Mr. Boge stated, the definition of waste has changed. Now some wastes are considered a valuable material for the purposes of recovery.

Mr. Medved also stated that now that the incinerator has proven to be successful, there is less reluctance on the part of the public to accept out-of-county wastes.

Mr. Medved ended the discussion by offering to write a letter to neighboring counties inviting them to discuss regional recycling/composting.

3) Miscellaneous.

A. Don King submitted a supplement to the contract for consultant services with Parametrix, Inc., for the Inman Landfill closure in the amount of \$55,714.17. This amount is budgeted for closure of Inman Landfill. Mr. Medved stressed that these are not unexpected costs, and are included in the funds budgeted for landfill closure.

Mr. King noted that a portion of the supplement addresses a request by the State Department of Ecology for a pre-plan or a plan outline prior to the completion of the final plan.

Commissioner Robinson motioned to approve the supplement. Commissioner Wolden seconded the motion, which passed unanimously. (Contract #01344)

B. Mr. Medved noted that approximately half of the Solid Waste Advisory Committee is due for reappointment or replacement. Before individual members are contacted regarding future service, staff wished to discuss whether the Board wishes to limit terms or to introduce new members. Mr. Medved noted that members currently serve two years and are then reappointed or replaced. Mr. Medved noted that some of those members who are up for reappointment have served for quite some time, while others are new.

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Chairman Hart noted that he would not favor a firm two-term limit, but that service of longer than four years should be discouraged. Particularly ex-officio members should remain constant, he stated.

The Board continued to discuss SWAC membership with staff, and the Board determined that service should be limited to two, two-year terms, with non-voting alternates approached to replace expiring voting members. The Board agreed that city representatives could be allowed to exceed the term limits if the mayors of the cities so desire.

CONSENT AGENDA.

Commissioner Wolden motioned to approve the Consent Agenda of December 13, 1993, as presented. Commissioner Robinson seconded the motion, which passed unanimously.

* Public Works:

1. Resolution transferring \$600,000 to the Equipment Rental Fund from the County Road Fund for the purchase of a replacement quarry to support the future needs of rock and gravel for the County. (Resolution #15153)
2. Ordinance establishing a 25 m.p.h. speed limit revision on Dunbar Road and on Dunbar Lane. (Resolution #15154)

• Senior Services:

3. Signature of the ACTION Grant award which assists in the operation of the Retired and Senior Volunteer Program. (Contract #1846)

• Sheriff:

4. Annual agreement with MTC/Cascades Job Corps Center enabling the Sheriff's Office to investigate crimes committed on the Job Corps campus. (Contract #1847)
5. Resolution establishing a \$300.00 change fund for cash transactions in the Sheriff's Office. (Resolution #15156)
6. Agreement with the U.S. Immigration Service to provide detention and care of persons charged with violations of the Immigration and Nationality Act and related criminal statutes. (Contract #1848)

* Commissioners:

7. Record of the Proceedings for Wednesday, December 1, 1993.
8. Record of the Proceedings for Monday, December 6, 1993.
9. Record of the Proceedings for Tuesday, December 7, 1993.
10. Resolution appointing Scott Stewart to Position #1 for a one year term beginning December 13, 1993, and continuing through December 12, 1994, and Colleen Thulen to Position #2 for a two year term

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beginning December 13, 1993, and continuing through December 12, 1995, to the LaConner rural partial County library district Board of Trustees. (Resolution #15157)

- Treasurer:

11. Personal Services Agreement with Moore Business Communications Services to provide Skagit County's tax statement mailings in its entirety. (Contract #1849)

- Facilities:

12. Personal Services Agreement with A & C Striping to paint the numbers and the word "reserved" on 176 parking spaces in the new Skagit County Parking lot at Third and Kincaid Streets at a cost of \$1,189.01 beginning October 28, 1993, through October 29, 1993. (Contract #1856)

- Department of Health:

13. Amendment to the Consolidated Contract with Washington States Department of Health to add \$9,068.00 to the contract for Hepatitis B vaccines and for the WIC/Breastfeeding Program. (Contract #1486)

- Planning and Community Development:

14. Call for Public Hearing on Tuesday, December 28, 1993, at 10 a.m., to consider extending the moratorium on the acceptance of new applications for commercial fish net pen operations which expires on December 31, 1993, for an additional year. (Resolution #15158)

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, December 13, 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) Warrant #MW105551-30 in the amount of \$1,950.00. Transmittal #C-62-93.
 - 2) Warrants #97923 through #98050 (Vouchers #97923 through #98050) in the amount of \$381,629.16. Transmittal #R-28-93.
- B. Mike Woodmansee, Budget/Finance Director, presented a resolution authorizing a budget line item change pertaining to \$54,000 for the County road fund, \$20,000 for the special paths fund, \$125,000 for the solid waste operating fund and \$37,000 for the equipment rental fund. The movement in the road fund reflects the use of County forces instead of private contractors.

Commissioner Robinson motioned to adopt the resolution presented by Mr. Woodmansee. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #15159)

- C. Mr. Woodmansee presented a resolution calling for a public hearing on December 27, 1993, at 1:30 p.m., to consider supplemental budgets in the following amounts:

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- Current Expense Fund #001 for \$1,000,000
- Emergency management Fund #105 for \$10,000
- Election Services Fund #113 for \$13,000
- Parks & Recreation Fund #114 for \$6,000
- County Road Fund #117 for \$1,075,000
- Medic 1 Fund #123 for \$75,000
- Emergency Communications Fund #125 for \$35,000

Mr. Woodmansee reviewed those budget supplements briefly with the Board. The Road Fund supplement pertains mainly to costs to defend a lawsuit involving flood control. The Medic I supplement anticipates higher revenues through the Medic I levy.

Commissioner Wolden motioned to authorize a call for public hearing to consider a supplemental budget on December 27, 1993. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution #15160)

PUBLIC HEARING - CHANGES TO USER FEES FOR HOWARD MILLER STEELHEAD PARK.

Jon Aarstad presented a new proposed fee schedule for Howard Miller Steelhead Park. Mr. Aarstad presented to the Board a chart of similar fees at parks throughout the County. These rate changes would take effect January 1, 1994. As there was no public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Wolden seconded the motion and the motion passed unanimously. Commissioner Robinson moved to adopt the proposed user fees schedule for Howard Miller Park; Commissioner Wolden seconded the motion; Motion carried unanimously. (Resolution #15161)

PUBLIC HEARING - CHANGES TO USER FEES FOR SKAGIT COUNTY FAIRGROUNDS

Jon Aarstad presented a proposed resolution adopting a new rental fees schedule for the Skagit County Fairgrounds. Facilities are used at the fairgrounds site for major events. For these events there are increased uses of restrooms and garbage. Mr. Aarstad would like to consider defining a major event at the fairgrounds as an event using more than three buildings and/or 200 participants. For these major events, the rental fee for each building would be \$10. A \$200 refundable deposit would be required for clean-up. If County staff was required to attend or monitor the event, it would be charged to the major event user at \$15 per hour. There would be additional fees for concessions. Mr. Aarstad reported that the Fair Board concurred with these fees.

There being no public comment, Commissioner Robinson motioned to close the public hearing. Commissioner Wolden seconded the motion and it was unanimously passed to close the public hearing. Commissioner Robinson motioned to accept the Skagit County Fairgrounds Rental Rates. It was seconded by Commissioner Wolden and unanimously passed by the Board. (Resolution #15162)

HEARING EXAMINER RECOMMENDATION - DENIAL - AGRICULTURAL VARIANCE #VAR-93-028 FOR LEONARD LEE, .25 MILES SOUTH OF THE INTERSECTION OF CHUCKANUT DRIVE AND SR 237.

Grace Roeder, Associate Planner, provided staff photographs, a vicinity map, and a site plan submitted by the applicant, for the Board's review. Copies of the Hearing Examiner's recommendation and the Planning Department's staff report had previously been submitted for review.

Ms. Roeder explained that the applicant owns approximately 70 acres. One existing home is on the property, which is leased for a mobile home by a tenant. The applicant would like to subdivide the property

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into a 30 acre and a 40 acre parcel in order to sell the property for the purpose of the location of a home on each of the parcels.

Ms. Roeder explained that both the Planning Department and Hearing Examiner have recommended denial of this proposal because it does not meet the variance criteria set forth in the Skagit County Code.

Ms. Roeder explained that the Board has the following options on this variance:

- 1) To approve and adopt the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted

Commissioner Wolden asked Mr. Lee if he had considered the transfer of development rights as a method of receiving this variance. Mr. Lee indicated that he had been informed of this possibility, but was not in favor of it.

Paul Taylor, attorney and representative of Mr. Lee, stated that he realizes that it is possible to argue both for and against the ability of the application to meet the established variance criteria; however, extenuating circumstances do exist. He stated that Mr. Lee was unable to sell the entire 70 acres and no neighboring property owner is willing to sell Mr. Lee an additional 10 acres in order to give him the minimum lot size necessary to divide it without a variance. Mr. Taylor indicated that he was unsure if he could classify the property as primarily agriculture. Mr. Taylor stated that the purchase of a development right is cost prohibitive, as his client is 78 years old and unable to afford it. Mr. Taylor stated that the only avenue left available to Mr. Lee is to ask for a variance. Mr. Taylor told the Board that if Mr. Lee dies, a testamentary division of his property between his three children would divide the property in to three lots. Mr. Taylor indicated that Mr. Maskell, on the north side of the Lee property, would be willing to purchase the 30 acre parcel. He suggested that the Board could restrict the remaining 40 acres to agriculture only, eliminating the building right on the property.

Commissioner Robinson established that the neighbor to the north, Mr. Jerry Maskell, does not intend to use the 30 acres for agricultural purposes.

Commissioner Wolden established the location and proximity of the property.

Chairman Hart established that the proposed lot sizes are slightly less than 30 and 40 acres because of utility easements or purchases. Mr. Lee explained how these purchases occurred and, using an assessor's map, Mr. Lee and the Board located the Lee property and the purchased right-of-ways.

Commissioner Wolden affirmed that Mr. Lee understood that if he were given the variance, the 40 acre parcel must not be further divided through testamentary division. Mr. Taylor stated that Mr. Lee wants to sell both parcels, but suggested a condition that the 40 acres must be sold as one parcel. Mr. Taylor suggested that, given 4 to 6 weeks, Mr. Lee could obtain contingent contracts from potential buyers to bring the Board as proof of Mr. Lee's intent.

Commissioner Robinson stated that he was having difficulty with Mr. Lee's proposal.

John Sandell, a resident of Edison, was present, and commented that the property does not contain prime agricultural soils.

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Chairman Hart agreed that he finds it difficult to grant agricultural variances, but felt that it would be better to see a portion of the property remain in long-term agricultural production rather than have the entire parcel be divided for residential use.

Answering a question from Commissioner Robinson, Mr. Lee and Mr. Taylor stated that Mr. Lee bought the property in 1978 and 1969.

Commissioner Robinson remarked that if this variance is approved, the Board is opening the door for every similar request.

Mr. Taylor again suggested that the Board allow Mr. Lee two months to establish some purchase contingencies on his property.

Mr. Sandell and Mr. Lee continued to discuss the difficulties of farming.

The Board then reviewed their options, and discussed whether to continue the meeting for a period of time to allow Mr. Taylor to negotiate contingent agreements, or to schedule a public hearing to consider approval of the matter.

Commissioner Wolden motioned to continue the consideration of the Hearing Examiner's recommendation on the Leonard Lee variance for 60 days. Commissioner Robinson seconded the motion, which passed unanimously, and a date of Tuesday, February 8, 1994, at 10:00 a.m., was set.

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:



Patti Owen, Clerk
Skagit County Board of Commissioners