

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

Monday, December 20, 1993

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

- 1) Introduction - New Employee - Engineer Tech III (Mazen Wallaia).
- 2) Discussion - Maintenance/Overhaul Line No. 1 - Resource Recovery Facility.
- 3) Discussion - Proposed Revision to Drainage Plan Review Fees.
- 4) Resolution - Bid Award - Butler Lagoon Removal.
- 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

2:00 p.m. - 3:00 p.m. Discussion - Hunting Rights on Properties Adjacent to Padilla Bay Sanctuary and Interpretive Center.

3:00 p.m. - 3:30 p.m. Skagit Valley Symphony Board - Discussion Regarding Discretionary Funds Allocation.

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

PUBLIC WORKS DEPARTMENT - Rich Medved, Director:

- 1) Introduction - New Employee - Engineer Tech III (Mazen Wallaia).

Doug Barnet introduced to the Board a new employee in the Public Works Department, Mazen Wallaia.

- 2) Discussion - Maintenance/Overhaul Line No. 1 - Resource Recovery Facility:

Discussion: Don King, Solid Waste Division Manager, discussed with the Board a possible Resource Recovery Facility Line #1 shutdown. Mr. King reviewed with the Board the possibility of a Declaration of Emergency for diversion of waste. Mr. King presented methods of correcting previous damage with a completion date of January 7. The need for a diversion on the lines due to heavy hauling over the holidays may develop and Mr. King requested that the Board consider a resolution regarding declaration of emergency operations at the Resource Recovery Facility during this time period. Rich Medved, Director of Public Works, agreed to inform the Board if and when it would be necessary to divert the line and institute emergency purchasing power for needed repairs. Mr. King presented the resolution to the Board for signature. Commissioner Robinson moved to adopt the Resolution Regarding Declaration of Emergency Operations at the Resource Recovery Facility. Commissioner Wolden seconded the motion, which was unanimously passed. (Resolution #15168)

- 3) Discussion - Proposed Revision to Drainage Plan Review Fees:

David Brookings, Division Manager of Flood Control, reviewed Resolution No. 9703 concerning Establishing Corrected Fee Schedule for Drainage Plan Review and Inspections. Mr. Brookings advised the Board that the County has not been collecting the fees the County is entitled to pursuant to this Resolution. Mr. Brookings asked the Board for their input on implementation of the fee schedule. Mr. Brookings advised that the County is only collecting about 60% of their costs at

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this time. Mr. Brookings and Dave Hough will prepare a report for the Board showing a 3-year comparison of costs to actual fees received. This report may indicate that a possible fee increase may be necessary. Mr. Brookings advised the Board that it may be necessary to call for a public hearing in the future in order to amend this resolution. Commissioner Robinson noted that perhaps the resolution could be amended to allow fees to be modified as needed as costs to the County increase. Chairman Hart noted that this should not be instituted until a comprehensive plan is approved by the Planning Department. Mr. Brookings noted that it is important that we interact with the DNR (Department of Natural Resources) on forest practices due to costly site reviews that need to be evaluated. Commissioner Wolden asked when the background information would be available from Mr. Hough. Mr. Brookings indicated that the information would be available within one week.

4) Resolution - Bid Award - Butler Lagoon Removal.

Douglas J. Barnet, County Engineer, presented to the Board the contracts for the Butler Lagoon removal. Wilder Environmental was awarded the contract for \$391,300, which includes tax. Wilder Environmental's bid is approximately 10% less than the County engineer's estimate.

Mr. Barnet recommended to the Board that the County not use County forces dedicated to Butler Lagoon. The diversion of County forces to Butler Lagoon would distract them from possible emergency situations prevalent during the winter months. Mr. Barnet informed the Board that the County could not do the work any less expensively than the contractor. Public Works will oversee the contract. Rich Medved, Director of Public Works, advised that the Board considers using County forces for such projects before going to contractors to ascertain whether the job can be done more cost effectively by County forces.

Mr. Barnet advised the Board that the Contract with Wilder Environmental should be signed by January 25. Commissioner Robinson moved to adopt the Resolution Awarding Bid for Butler Lake Removal. The motion was seconded by Commissioner Wolden and passed unanimously. (Resolution #15169)

5) Miscellaneous: There were no miscellaneous items to be discussed by the Public Works Department.

CONSENT AGENDA:

Commissioner Wolden motioned to approve the Consent Agenda of December 20, 1993, as presented. Commissioner Robinson seconded the motion, which passed unanimously.

* Commissioners' Office:

1. Record of the Proceedings from Monday, December 13, 1993.
2. Record of the Proceedings from Tuesday, December 14, 1993.
3. Record of the Proceedings from Wednesday, December 15, 1993.
4. Lease/Purchase Agreement between Skagit County and Skagit Search and Rescue for purchase by Skagit County Search and Rescue of the real estate commonly known as 1202 South Second, Mt. Vernon, for an initial payment of \$40,000 on December 15, 1993 and ten subsequent yearly payments of \$9,300. (Contract #1854)

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5. Skagit-Islands Preferred Care Contract for Skagit County effective for a period of one year from January 1, 1994 subject to the sums specified in the Schedule of Monthly Rates included therein. (Contract #1855)
6. Resolution amending the Skagit County Personnel Policies and Procedures Manual and Amending Resolution No. 10744. (Resolution #15170)

* **Public Works:**

7. Signature: Resolution Awarding Bid - West State Street Project. ¹⁵¹⁷¹ (Resolution #15171, Contract #1856)
8. Signature: Out-of-State Travel Request (Rich Medved).
9. Signature: Resolution Establishing C.R.P. #40073-1, Lookout Creek Bridge. (Resolution #15172)
10. Signature: Resolution Establishing C.R.P. #40008-1, South Fork Bridge. (Resolution #15173)
11. Signature: Interlocal Agreement - Bureau of Indian Affairs, to allow the Skagit County Public Works Department to provide materials, equipment rental, and perform work on a reimbursable basis for the Bureau of Indian Affairs for a period of five years beginning December 20, 1993. (Resolution #15174, Contract #1857)

MISCELLANEOUS ITEMS:

- A. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.808, 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.
 - 1) As of this date, December 20, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll Warrants #42189 through #42364 (Vouchers #PDRAWDE04765 through PDRAWDE04940) in the amount of \$70,688.56. Transmittal #P-28-93.
- B. The Board approved the final plat for Bay Hill Village Div. II.
- C. Mike Woodmansee, Director of Finance, presented a Resolution entitled Diversion of Road Levy for Traffic Enforcement to the Board for signature. Commissioner Robinson moved to adopt this resolution. Commissioner Wolden seconded the motion, which was unanimously adopted. (Resolution #15175)
- D. Mr. Woodmansee presented a Resolution entitled Certification of Property Tax Levies to the Board for signature. Commissioner Robinson moved to adopt this resolution. Commissioner Wolden seconded the motion, which was unanimously adopted. (Resolution #15176)

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- E. Mr. Woodmansee presented to the Board a Budget Line Item Change pertaining to \$165,808 for Current Expense Fund #001, \$11,000 for Public Health Fund #101, \$14,000 for Senior Services Fund #118, and County Fair Fund #106. Commissioner Robinson moved to adopt this resolution. Commissioner Wolden seconded the motion, which was unanimously adopted. (Resolution #15177)
- F. Mr. Woodmansee then discussed with the Board the emergency medical services levy. Six years ago the Board put a 3% restriction on this levy. The EMS council has sent the County a letter requesting representation on the council by the County. The Board discussed the use of surplus funds, how the County emergency services might be affected by the hospital consolidation and the lack of emergency facilities in certain outlying areas of the County.
- G. Tom Sheahan, Emergency Services Director, discussed with the Board a request for proposals for an enhanced 911 (E911) Telephone System Consultant. The Skagit Emergency Management Council is inviting proposals from experienced and qualified consultants to assist in upgrading the current basic 911 system. Commissioner Wolden asked Mr. Sheahan about the status of current 911 service. Mr. Sheahan advised the Board that those with no 911 service would benefit first from the enhanced 911 service. The commissioners queried about the overlapping and duplication of services in the various districts. Commissioner Robinson asked if the consultant would be looking at the consolidation issue. Mr. Sheahan confirmed that the consultant would investigate the feasibility of Skagit County joining with Island, San Juan and Whatcom Counties in the establishment of a regional E911 Center.

Mr. Sheahan advised the Board that the Request for Proposals for Enhanced 911 (E911) Telephone System Consultant has been reviewed by Bob Taylor and Mike Woodmansee. Commissioner Robinson moved to go forward with regional 911 (E911) Telephone System Consultant proposals. Commissioner Wolden seconded the motion, which carried unanimously.

DISCUSSION - HUNTING RIGHTS ON PROPERTIES ADJACENT TO PADILLA BAY SANCTUARY AND INTERPRETIVE CENTER.

Bob Petrish, a hunting enthusiast, reviewed with the Board a history of the Padilla Bay Sanctuary formation. He explained that it was his understanding that the main function of the sanctuary was to keep industry out of Padilla Bay. Mr. Petrish stated that originally it was his understanding that the boundaries of the sanctuary would never be changed. Mr. Petrish believed the original discussions were held in either 1982 or 1983. He explained to the Board various conditions were discussed regarding the restrictions of hunting boundaries and hunting rights. It was Mr. Petrish's understanding that the reasons given at these meetings for development of the sanctuary included lack of eel grass, lack of graveling areas, and airplane noise from the Bayview airport.

Mr. Petrish then discussed with the Board his feelings about the shortened brant hunting season compared to the California hunting season, the alternatives Mr. Petrish ascertained from various individuals regarding ways to attempt to extend the hunting season, and various other opinions about personnel involved in administering the boundaries, limits and extent of the hunting season.

Commissioner Robinson established from Mr. Petrish that the hunting community was upset because of their understanding of changes in the original sanctuary proposal.

Dr. Oswald, a property owner in the Padilla Bay area, then took the floor. He stated that he had moved to the area 40 years ago. He and his family hunted on some property owned by a Mr. Yates. The hunting was

excellent on Mr. Yates' property. Five other people joined Dr. and Mrs. Oswald and purchased the property. The land had been reclaimed, had a very shallow well, and also consisted of the land along the road. At that time a house existed on the land. The people who had joined the Oswalds in purchasing the property started to lose interest in the property as the hunting worsened. The bay has slowly been reclaimed by the sea and is now a wetland. About 10 years ago, some of the shares of the property were sold. Three people in Seattle bought shares in the land. The land cannot be divided. The State attempted to buy the property but the owners did not want to sell, so the State contacted each individual member and eventually two men in Seattle sold their three shares to the State after agreeing to sell it to Dr. Oswald. Dr. Oswald wants to be able to hunt on the property, not sell the property for profit.

A friend of Dr. Oswald's came to the property to hunt on opening day and found that the property had been posted with signs saying no hunting, no dogs. As far as Dr. Oswald knows, there was no advance notification of this posting. Dr. Oswald stated that the State claims they had contacted the owners. Dr. Oswald has contacted the Game Department and assured the Board that he feels the Game Department is unwilling to talk to him concerning this problem. The State has offered Dr. Oswald \$1,000 an acre for purchase of his property. Similar Whatcom County property has been listed at \$22,000 per acre according to Dr. Oswald. Dr. Oswald stated that the property is basically unusable and that the cabin on the property has been destroyed. Dr. Oswald told the Board that thousands of ducks are now resident of on his property. Dr. Oswald has had two attorneys working on the problem of his property being posted.

Mr. Petrish asked why the public was not notified when the sanctuary was established. He feels that the hunters are being denied their rights to hunt on the Padilla Bay waters.

Dr. Oswald then reported that his site and the property north of him is an ideal graveling point for the brant. In his opinion, Dr. Oswald feels that part-time or occasional hunting would not affect the birds to any great extent. Dr. Oswald feels that game biologists need to be scientists rather than politicians in establishing the rules and regulations for the sanctuary. Dr. Oswald stated that he has not hunted in the area or on his property for the past ten years.

Commissioner Wolden advised that he intended to have the State Game Department present at today's meeting, but was unable to get through to the Game Department, and is disappointed that the Game Department is not represented.

Terry Stevens, Director of the Padilla Bay Natural Preserve, stated that the reserve was established in 1980 after approximately 120 local meetings, with the premise that the reserve be used in perpetuity for research. Mr. Stevens stated that no where in their management plan do they control waterfowl hunting. Mr. Stevens informed the Board that a settlement was recently reached in an 11-year old litigation with the Orion Corporation, and the reserve bought 8,004 acres bringing the total acreage to 10,600. The property does take in marshlands and the 7 owners of the gun club mentioned by Dr. Oswald above. The State of Washington has set up no shooting, no hunting areas along the Padilla Bay reserve. It was Mr. Stevens opinion that these areas were set up to protect the graveling areas of the brant. The tidelands are open for recreation and the dikeland trail is open for hunting. The Breazealle property was a deeded gift to the reserve that stated as a condition that no hunting can be allowed on the property. Mr. Stevens stated that the reason additional gun clubs have not been purchased by the reserve is due to lack of acquisition funds available for this purpose.

Commissioner Hart confirmed with those present that the Washington State Game Department set up the no shooting areas along the reserve.

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Mr. Robert Peronius, an employee of the national wildlife refuge, stated that this is a very complex problem. He stated that the reasons to have a sanctuary are many. It was Mr. Peronius' opinion that the local governing entity, Skagit County, should have the power to do something about the no hunting postings.

Mr. Stevens reviewed with the Board that the Padilla Bay reserve is a national reserve and a joint effort with the federal and state governments. The Reserve and the no shooting areas are separate and distinct.

Commissioner Robinson reiterated that the Game Department needs to be contacted and involved in these discussions. Commissioner Robinson further stated that the commissioners need to research what has been documented in the past, and the Game Department needs to explain to property owners what legal authority exists for them to post hunting rights on private property.

Dr. Oswald stated that his attorney stopped working on this problem when he purportedly discovered that the State is considered the owner of all wildlife. When the birds land on an individual property owner's property according to Dr. Oswald's attorneys, the State has the right to close down the property to protect the wildlife.

Mr. Ed Knudson and Mr. Peronius stated that this was not true. Some of the boundaries closed down are within the Swinomish Tribe property lines.

Mr. Petrish stated to the Board that he is in favor of preserving Padilla Bay from development and industrialization but feels hunting rights could exist three days a week for two months and the birds would still be protected in their graveling areas.

In closing, Commissioner Hart stated that the State Department of Wildlife needs to be contacted to ascertain if the State is operating within the proper jurisdiction of the law. The Board stated that they were unsure of the County's jurisdiction.

Commissioner Robinson assured Mr. Petrish that he believes public hearings were held concerning the original formation of the sanctuary.

SKAGIT VALLEY SYMPHONY BOARD - DISCUSSION REGARDING DISCRETIONARY FUNDS ALLOCATION.

Mr. Earl Angevine, President of the Skagit Valley Symphony Board, introduced Kathleen Ash Barraclough, the music director of the Skagit Valley Symphony, Katrina Pierson, one of the original members of the symphony, Theresa Goldsten, and Ruth Wylie, board members. Mr. Angevine presented to the Board a copy of a flyer that went out to 20,000 homes in the valley as inserts with the Skagit Valley Herald and the Argus. He informed the Board that the symphony has broadened its base, and has become a "working board." They have no paid personnel except for their conductor and music director. The Symphony has taken big steps to become financially responsible by adopting a fund development committee which solicits donations from local businesses and individual donors. The Symphony, he states, has a positive impact on tourism in the Skagit Valley. He therefore feels that the Symphony deserves some funding based on the hotel/motel tax bases for support of their programs. The Symphony believes that they can deliver impact on the hotel/motel occupancy during the tulip festival and to the quality of life in Skagit County. Attendance at the last two concerts was over 800 people per concert.

Kathleen Ash Barraclough expressed to the Board the importance of the arts in the community. Members

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of the symphony come from every community in the County. Community symphony is not the Seattle Symphony. Ms. Barraclough stated that Lincoln Center performances will bring people into the area to utilize restaurants and hotels.

Mr. Angevine requested a \$1,000 allocation from the hotel/motel tax base to support the Symphony next year to help pay for music, guest artists, and those things not available through volunteers. Mr. Angevine assured the Board that this is not long-term financing request, but perhaps a standing request for the next 2-3 years.

Commissioner Wolden asked if the Symphony had approached the cities for contributions. Mr. Angevine advised the Board that Mt. Vernon has agreed to contribute \$1,000. Mr. Angevine will be meeting with the City of LaConner tomorrow.

Mr. Woodmansee advised that the hotel/motel tax base budget is currently \$40,000. According to Mr. Woodmansee, \$39,000 has been committed. Commissioners Wolden and Hart advised that they would support a motion allocating \$1,000 to the Skagit Valley Symphony. A motion allocating \$1,000 to the Skagit Valley Symphony was made by Commissioner Wolden, seconded by Commissioner Hart, and passed unanimously.

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 J. Owen, Clerk
Skagit County Board of Commissioners