

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

**Monday, May 16, 1994**

Flag Salute.

- 8:00 a.m. - 9:00 a.m.            Executive Session - Personnel, Litigation and Land Acquisition.
- 9:00 a.m. - 10:00 a.m.        Board of Health - Pat Pearce, Director.
- 1)     Discussion - Urgent Needs Task Quarterly Reports:
    - A)     Tobacco-Youth Access and Cessation.
    - B)     Injury Prevention.
    - C)     Food Safety.
  - 2)     Discussion - Proposed Preventing Youth Access to Tobacco Grant.
  - 3)     Discussion - Composition and Appointment of Community Networks Prioritized by E2SHB2319 (1994 Anti-Violence Legislation).
  - 4)     Discussion - Skagit County Recreational Shellfish Funding Grant.
- 10:00 a.m. - 11:00 a.m.        Public Works - Rich Medved, Director.
- 1)     Public Hearing - Consideration of Speed Limit Reduction on Revilo Drive, No. 6162.
  - 2)     Discussion - Status of Incinerator Operation.
  - 3)     Miscellaneous.
- 11:00 a.m. - 11:30 a.m.        Presentation and Fee Waiver Request - Fiesta Unidos.

**CONSENT AGENDA.**

**MISCELLANEOUS.**

- 1:30 p.m. - 2:00 p.m.        Call for Public Hearing Adding a New Chapter to the Skagit County Code Imposing an Excise Tax on the Use of Radio Access Lines for the Continuing Operation of the Skagit County Emergency Services Communications System.
- 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, May 16, 1994, with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

**BOARD OF HEALTH - Pat Pearce, Director.**

- 1.     Discussion - Urgent Needs Task Quarterly Reports:
  - A.     Tobacco-Youth Access and Cessation.

Linda Speck, Public Health Nurse, advised the Board that the emphasis of this urgent needs task is on community education and youth access to tobacco. There has been a brochure developed by Staff

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encouraging area restaurants to become smokefree. The membership of the Tobacco Free Skagit County Advisory Committee has been finalized and the first meeting will be held on May 24, 1994.

B. Injury Prevention.

Meryl Skjei, Health Department Staff, stated that the an injury prevention coalition meeting was held on April 14. The consensus at this first meeting was that a more complete needs assessment is needed. The coalition is creating a survey to go out to the many agencies currently involved in this project.

C. Food Safety.

Corinne Story, Health Department Staff, stated that there are two separate projects ongoing concerning food safety. Staff is currently working with existing licensees on a pilot program regarding Hazardous Analysis Critical Control Projects ("HACCP"). The pilot HACCP inspections have been completed, and evaluations on these are to follow soon. Other food service establishments are also being recruited for this program. The second project is food safety for outdoor recreation. Staff is in the last stages of creating posters for picnic areas delineating several safe food handling steps while camping or picnicking. Staff is also creating an outdoor food safety brochure for distribution at camping vehicle parks and marinas prior to the Memorial Day weekend.

2. Discussion - Proposed Preventing Youth Access to Tobacco Grant.

John Thayer, Health Department Staff, advised the Board that the Washington State Legislature in 1993 adopted HB2071 relating to preventing youth access to tobacco products. Monies from retail tobacco licenses have been allocated to the State Department of Health. The amount available to Skagit County Health Department for the 1993-1994 biennium (June 30, 1993 to July 1, 1994) is \$14,782. Additional resources should be available in future years depending upon the sale of retail tobacco licenses.

Specifics of a proposed grant and implementation of preventing youth access to tobacco were discussed with the Board. Mr. Thayer stated that the Health Department may be requesting a part-time staff member currently not in budget to assist in the administration of this program which involves a coordinated tobacco cessation program together with "sting" operations on the illegal sale of tobacco products to minors. The Board clarified that this would not cost the County any additional funds, and that if grant funds are depleted, the position would have to be eliminated. Mr. Thayer indicated that the monies from the state are reasonably guaranteed for the next 3 or 4 years. The Board indicated their approval of this project.

3. Discussion - Composition and Appointment of Community Networks Prioritized by E2SHB2319 (1994 Anti-Violence Legislation).

Pat Pearce advised that the purpose of the subject legislation (E2SHB2319) is to create a community network system to focus on families with at-risk children.

Twenty-three people are to be chosen to form the community network. Citizens with no fiduciary interest in the health, education, social service or justice system organizations are required to be chosen. In addition, 3 people are to be chosen by chambers of commerce, 3 by school board members, 3 by county legislative authorities, 3 by city legislative authorities, and 1 high school student selected by student organizations within the network boundary. The major emphasis is for families to benefit without red tape. Services will be tailored to individual family circumstances affording greater dignity and respect.

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This program is to be in place by July 1. In order to accomplish this task, Ms. Pearce indicated the Commissioners may want to form a steering committee to act as a vehicle to collect information from those individuals involved. If the County proposal is approved, funds will be forwarded by the State.

Chairman Wolden mentioned that this item was reviewed by the Law and Justice Council last week.

Lyle Poolman, Director of Juvenile Probation, stated that the difficult question posed is how to interface with the network and the community. It was Mr. Poolman's opinion that this matter needs to be coordinated with the Law and Justice Council and the Family Planning Council.

Dr. Leibbrand, County Health Officer, stated that this legislation is aimed at violence prevention outside of the law and justice framework, and that using the Law and Justice Council as a nucleus for this network would save duplication of time and effort.

Chairman Wolden advised that this matter will be discussed in further detail at the regular Law and Justice Council meeting on Wednesday, May 18, 1994.

4. Discussion - Skagit County Recreational Shellfish Funding Grant.

John Thayer, Health Department Staff, advised that the County has been offered the chance to participate in a recreational shellfish project provided for by the State of Washington to enhance the profile of our local shellfish areas. The project is funded by the Environmental Protection Agency in a grant to the Puget Sound Water Quality Authority. The shellfish portion of that grant is administered by the Washington State Department of Health, Division of Shellfish Programs, to be shared with local jurisdictions under the authority of WAC 246-280-015 Joint Plans of Operation.

Monies are to be used to monitor recreational oyster beds to ascertain the status of water quality. No water quality evaluations have previously been done in these areas. Mr. Thayer stated that this is a good project for a field trainee for 10 weeks this summer, and generated information as to status of recreational shellfish harvest areas. The County can better control the development of the resource and keep the premier quality of recreational resources under local management. The Health Department is seeking support from the Board to pursue available grant funding for this project. Commissioner Hart indicated the County would be wise to go ahead with this project. Mr. Thayer indicated the Health Department will continue to pursue this matter.

PUBLIC WORKS - Rich Medved, Director.

1. Public Hearing - Consideration of Speed Limit Reduction on Revilo Drive, No. 6162.

Ed Hawes, Public Works Department Staff, reviewed with the Board the location of the subject street, and advised that the residents along Revilo Drive have asked for a reduction in the speed limit from 25 miles per hour to 20 MPH. Mr. Hawes reviewed the engineer's report, which recommended that the speed limit remain at 25 MPH to conform to other residential road speeds in that area. Mr. Hawes advised the Board that the majority of the residents are currently driving at or below 25 MPH. Mr. Hawes further advised 20 MPH zones are usually only allowed in school zones or under special situations.

Theresa Morey, a resident of Revilo Drive, presented to the Board a letter written by her next door neighbor, Louis Coletta, that sums up the feelings about the reduction in speed request and the neighborhood. Ms.

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Morey noted the large number of children along the road which live and play there. She further noted that the street has no sidewalks, and is very narrow. Ms. Morey reviewed several suggestions for improvements to the roadway. Ms. Morey produced photographs showing two areas of Revilo Drive. Ms. Morey requested the Board to arrange for the painting of a centerline and a reduction in speed to 15 MPH.

Commissioner Hart suggested that perhaps the radar reader board might be helpful in this area. Chairman Wolden noted that the corner should be posted as a recommended 15 MPH curve. There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously.

It was the consensus of the Board that the existing speed limit on Revilo Drive is appropriate as recommended in the Engineer's Report. Chairman Wolden noted that the 25 MPH speed limit is consistent with speed limits throughout County areas such as this. Commissioner Hart indicated that painting a stop line would assist drivers in determining where the middle of road is located. Commissioner Robinson also indicated that enforcement would help deter speeders.

Chairman Wolden stated that raising the awareness in the neighborhood of this problem is very important and thanked Ms. Morey for her enthusiastic participation. The Board directed Staff to install a stop line and signage at the corners indicating a recommended speed of 15 miles per hour.

2. Discussion - Status of Incinerator Operation.

Rich Medved, Director of Public Works, reviewed with the Board the options for the continued operation of the incinerator. Mr. Medved advised that the economics of operating the incinerator due to accelerated degradation of the plant had caused the County to consider whether incinerator operation should be continued. On May 2, the Supreme Court issued an opinion that essentially indicated that ash generated from resource recovery facilities is now governed by Subtitle C and essentially is considered hazardous waste. Mr. Medved assured the Board that this does not mean the ash is necessarily hazardous waste, but the ash must be tested to determine its content. This poses broad implications on the economics of running the incinerator.

Mr. Medved advised that the Environmental Protection Agency ("EPA") has indicated that the County has until May 27 to implement some sort of operating change to effectuate this Supreme Court decision. If the County continues to operate in the current manner, the County will be subject to a penalties up to \$25,000 per day.

As a result of the Supreme Court ruling and the implications on the operation of the incinerator, the County has 3 choices:

1. Continue to operate the incinerator as presently operated, thereby treating the ash as hazardous waste, and shipping such hazardous waste to Arlington, Oregon at a dramatically higher cost;
2. Condition the ash, cleaning it up to meet solid waste criteria by either cleaning the waste stream before processing or condition the ash post-combustion in order to pass the solid waste criteria, at an extremely high cost; or

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3. Shut down the incinerator and set up the facility as a transfer station, long hauling all of the municipal solid waste to a landfill in Eastern Washington, at a cost commensurate with today's tipping fees.

Mr. Medved stated that in view of the facts presented and as a result of the Supreme Court ruling, it is the *Public Works Department recommendation* that the Board consider shutting down incinerator effective May 25.

Commissioner Hart indicated that the County would be looking at a \$40 per ton increase in tipping fees to keep the incinerator running and is clear what the proper avenue should be.

Mr. Medved indicated that if the County chooses to keep the incinerator in operation, substantially the increase would be at least 50% in operating costs. Mr. Medved further indicated that even though the recommendation is to cease operations, *Public Works is not convinced that the incinerator does not have value*, and is proposing a 90-day study period for the possible reopening of the incinerator.

Chairman Wolden then opened up the discussion for comments from the floor.

Mayor Bill Stendal, City of Sedro Woolley, asked for clarification of the shipping costs. Chairman Wolden indicated that these fees will be about \$85 per ton, and Mr. Medved stated that at least for the time being, the tipping fees will not move as a result of this closure.

Chairman Wolden reiterated that the County needs 90 days to take a look at the different options for the operation of the incinerator, and stated that there are other options the County can look at to maintain the operation in a different way. It was pointed out that there are 157 incinerators in the United States and this ruling affects all of them.

Mayor Ray Henery, City of Burlington, noted his concern that government always seems to be in a hurry to implement these decisions, and that nothing can be so important that the incinerator has to be shut down in 10 days.

Commissioner Hart stated that the Board has been questioning the numbers concerning the operation of *the incinerator for the past three weeks*, and has been looking at investing in major repairs, and that now this ruling makes the incinerator twice as expensive to operate. Commissioner Hart indicated that it makes no sense to threaten the people of Skagit County with a \$25,000 a day fine, and that it is definitely less expensive to ship the waste than to pay the fine.

Mayor Dean Maxwell, City of Anacortes, stated that this is the age of accountability, and that those involved have to look at the cost of processing solid waste, and that the dollar amount expended is the bottom line.

Mr. Medved noted that according to the union contract, *the County is required by law to bargain the effects of the shutdown*, and such meetings have been scheduled.

Mayor Ray Reep, City of Mount Vernon, noted that research needs to be done on setting up the long hauling of waste on a regional basis and in conjunction with San Juan and Island counties.

A discussion ensued on various contract escape clauses and that bond repayment is not predicated on incinerator operation, and would therefore not be impacted.

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Several members of the audience representing disposal and recycling service companies, offered their assistance in making this transition effective and smooth, and the Board indicated their appreciation for this support.

After further discussion concerning mothballing the existing equipment to retain the integrity of the incinerator for future use, Commissioner Robinson moved to close the incinerator. Commissioner Hart seconded the motion and indicated that much work is ahead to review staff and bargaining unit information. Chairman Wolden indicated his concurrence with both Commissioners that this is a good business decision *knowing that costs would make operation prohibitive at the current level.* The motion carried unanimously to close the incinerator by May 25, 1994.

### 3. Miscellaneous.

Doug Barnet, County Engineer, presented County Road Project plans for both Chilberg Road and Franklin Road for the Board's approval. Commissioner Wolden moved to approve the plans for both of these projects. Commissioner Hart seconded the motion, which was unanimously approved.

### PRESENTATION AND FEE WAIVER REQUEST - FIESTA UNIDOS.

Representatives from the 1994 Fiesta Unidos Planning Committee, Nan Hough and Lisa Starcevic, requested the Board consider a fee waiver of the 15% concession fee charged to food vendors at the Fairgrounds. Commissioner Hart indicated that normally the County has been hesitant to waive fees as there exists the need to at least pick up the costs of the various services required such as garbage removal, etc.

Steve Colby, Parks Department Staff, noted that the 15% concessionaire fee is generated to meet the budgeted amount for the year of operating expenses for the Fair. The second issue is that the waiving of fees may be misconstrued as a *donation or sponsoring* by Skagit County of that activity, and the Board should be concerned about setting a precedent.

Commissioner Hart indicated that he would like to have more information on which to base this decision, and he does not want the Board put in a position of granting special privilege to a certain group. Chairman Wolden pointed out that many concessionaires use these events as fundraisers and pay the 15% fee.

Ms. Hough stressed the importance of this festival in supporting Hispanic charities in the community.

Commissioner Robinson indicated that there is plenty of time to make this decision and stated he wants to get more information from the Parks Department.

Chairman Wolden stated that this is a difficult situation, and after the Board receives more information from the Parks Department, they will make a final decision on this matter. The Board indicated their understanding of the reasons for the requested waiver.

### CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for May 16, 1994. Commissioner Hart seconded the motion, which passed unanimously.

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\* Commissioners' Office:

1. Record of the Proceedings from Monday, May 9, 1994.
2. Record of the Proceedings from Tuesday, May 10, 1994.
3. Personal Services Agreement with Book Publishing Company to provide a legal review of the Skagit County Code, complete a code conversion and reformatting, and provide 50 copies of the converted Code for a total price not to exceed \$7,000 for the period April 15, 1994 through April 15, 1995. (Contract #02030)
4. Addendum to Contract with Northwest Administrators for Skagit County Dental Trust Plan dated April 29, 1991 to expand and clarify the language concerning COBRA. (Contract #00923)

\* Health:

5. Contract Amendment with the Department of Social and Health Services for child protective services, extending the contract period through June 30, 1995 and increasing the maximum consideration by \$20,790 in order to serve additional clients. The maximum consideration payable under this contract shall not exceed \$41,580. (Contract #01706)
6. Resolution Calling for Public Hearing to Revise Skagit County Code Chapter 12.16 to Allow Recording of Demolition Waste Disposal Sites with the Skagit County Auditor. (Resolution #15355)
7. Support Group Facilitator Contract with Lana Rosten-Mahoney to provide services for the Skagit AIDS Volunteers group for the fee of \$40 per month for Wednesday evenings through 1994. (Contract #02031)

\* Juvenile Probation:

8. Personal Services Agreement with Affiliated Behavioral Health to provide specialized juvenile offender evaluations from January 1, 1994 until terminated at the rates attached thereto as Exhibit "B." (Contract #02032)
9. Personal Services Agreement with Elizabeth Nyblade, M.D. d/b/a Sehome Behavioral Health to provide specialized juvenile offender evaluations from January 1, 1994 until terminated at the rates attached thereto as Exhibit "B." (Contract #02033)

\* Public Works:

10. Supplement No. 7 to the Consultant Services Agreement with Parametrix, Inc. for landfill gas extra work and flare relocation design and construction monitoring for the sum of \$16,654.88 for a total contract value not to exceed \$661,804.41. (Contract #01344)
11. Resolution Calling for Bids for road construction on 1.02 miles of Chilberg Road #4220 and 0.36 miles of Best Road #4401. (Resolution #15356)

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12. Resolution Calling for Bids for road construction on Franklin Road, #8220. (Resolution #15357)
13. Out-of-State Travel Request for Marcia Jaeger to attend a GFOA 88th Annual Conference in Minneapolis, Minnesota from June 4 - 8 for a total cost of \$1,505.
- \* Planning:
  14. Resolution Considering the Timeliness of Appeal to William Youngsman Preliminary Plat #PPT-91-004 and Variance #VAR-91-039. (Resolution #15358)
- \* Data Processing:
  15. Agreement for Computer Access with the City of Mount Vernon for the period January 1, 1994 through December 31, 1996, with the City to pay the County an annual fee of \$19,000 payable upon execution of this agreement and in January of each successive year of the agreement. (Contract #02034)
- \* Emergency Management:
  16. Personal Services Agreement with Jeff Harsha to provide nine hours of instruction in hazardous materials awareness level classes for total compensation of \$180 for the period May 16, 1994 through June 17, 1994. (Contract #02035)
  17. Personal Services Agreement with Tom Scally to provide 11 hours of instruction in hazardous materials awareness level class for total compensation of \$220 for the period May 16, 1994 through June 17, 1994. (Contract #02036)

**MISCELLANEOUS.**

- A. Staff presented a Resolution Delegating Authority to Sign Documents Regarding Purchase of Real property by Skagit County to the Administrative Officer. Commissioner Hart moved to approve the Resolution as presented. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution #15360)
- B. Staff presented a Resolution Awarding the Bid for the ADA projects at Howard Miller Steelhead Park to Earl Hanson Trucking Company in the amount of \$34,894. Commissioner Hart moved to approve the award of the bid and Commissioner Robinson seconded the motion. The motion passed unanimously. (Resolution #02036)
- C. 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, May 16, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher numbers PDRAWMY05596 through PDRAWMY05766 and payroll warrants numbered 47446 through 47616 in the total of \$69,426.04 (Transmittal #P-10-94).

**CALL FOR PUBLIC HEARING ADDING A NEW CHAPTER TO THE SKAGIT COUNTY CODE IMPOSING AN EXCISE TAX ON THE USE OF RADIO ACCESS LINES FOR THE CONTINUING OPERATION OF THE SKAGIT COUNTY EMERGENCY SERVICES COMMUNICATIONS SYSTEM.**

Tom Sheahan, Director of Emergency Management, presented to the Board a Resolution Calling for a Public Hearing to add a new chapter to the Skagit County Code imposing an excise tax on the use of radio access lines for the continuing operation of the Skagit County Emergency Services Communications System. Commissioner Robinson moved to approve the Resolution as presented by Staff. Commissioner Wolden seconded the motion, which was unanimously approved. (Resolution #15362)

**ADJOURNMENT.**

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

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



  
Harvey Wolden, Chairman

  
Robby Robinson, Commissioner

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Robert Hart, Commissioner

ATTEST:

  
Patti J. Owen, Clerk  
Skagit County Board of Commissioners