



through the Flood Control Assistance Account Program (FCAAP), funding may be available to assist in this regard. Mr. Brookings recommended to the Board that the County pursue this study as this area has major problems during flood season. Mr. Brookings further advised that \$40,000 has been set aside in the Surface Water Management budget for pursuing this matter.

A brief discussion ensued on the responsibility of the County to pay for actual construction if the State does not participate.

Mr. Brookings assured the Board that as the lead agency, the County controls the scope of the project. The County needs to put forth a strong effort to persuade the State to contribute funding to this study. Mr. Brookings also indicated that funding at the project level will probably involve an assessment to the people directly benefitting from the improvements.

Commissioner Robinson noted that the State will probably turn over Memorial Highway to the County or City sometime in the future.

Commissioner Hart questioned the participation of the City of Mount Vernon as the City will be greatly benefitted by this project.

John Wise, City of Mount Vernon, stated that the City needs answers and the study proposed by the Corps would determine provide such answers and feasibility.

Commissioner Hart indicated that this is a considerable amount of money for a feasibility study.

Mr. Brookings indicated that he will call an additional meeting with the Corps to get a better understanding of the scope and County involvement in the feasibility study. Mr. Brookings further suggested that public hearings may be in order to determine the parameters of such a study and to ascertain public feeling in this regard. Mr. Brookings urged the Board to levy pressure on the State to contribute to this project.

Chairman Wolden indicated the necessity to involve Dike District #3 and the City of Mount Vernon in further discussions concerning this project.

2. Preliminary Report - Resource Recovery Facility Study.

Rich Medved, Public Works Department Director, reviewed a brief history of the call for privatization options, the receipt of 7 proposals, and the interviews of the 3 top choices. At the conclusion of the interviews, a preliminary report was compiled detailing the history of the incinerator, and various options for the incinerator including consideration of the County to re-fire the incinerator and operate it, thereby simply paying the higher disposal cost, or perhaps chemically treating the ash in post-combustion. The post-combustion treatment of the ash in the lowest cost alternative. The second option is shutting the facility down permanently and possibly converting the facility to a full-time transfer facility, salvaging the equipment, and paying Puget Power's termination payment. The third option contains complete financial and environmental analysis for privatization. All three proposals are looked at and analyzed in such critical areas as legality, environmental reliability, public health and safety, technological feasibility, and economic impacts on Skagit County, primarily in the areas of tipping fees and solid waste handling.

Commissioner Hart stated that the any decision to burn toxic, hazardous, or medical waste would have to go to a vote of the public, no matter what the scientific and technological data indicates.

**RECORD OF THE PROCEEDINGS**

**Monday, November 7, 1994**

**Page #3**

Mr. Medved confirmed that all three firms were advised that an advisory ballot might be necessary during the interview process.

Mr. Medved further stated that Staff has made no recommendations in this preliminary report. It was noted that this preliminary report will answer many questions, but will also generate many new questions. Mr. Medved noted that Staff is trying to reassure the people in Skagit County that their involvement is very important. No one option is weighed heavier than any other. Staff is fully aware that an advisory ballot might be the best way to decide this matter. Mr. Medved indicated that each city and town in the County will receive a copy of the preliminary report, in addition to every member of the Solid Waste Advisory Council (SWAC), and all libraries will have copies that can be reviewed. A copy of the preliminary report will cost \$15, and if copies of the preliminary report plus the three privatization proposals are needed, that cost would be \$60. Mr. Medved indicated that Staff would like to collect as many comments as possible from the citizens of Skagit County.

The comments received by November 18 will be included in the report presented to the Board on November 29, the date of the public hearing on this matter. Comments received after November 18 will be accepted but will not be able to be included in the final report. A recommendation from Staff will not be made until after the public hearing on November 29th.

Mr. Medved advised that the cost of an advisory ballot will be approximately \$70,000 and could take place in February, March or April of 1995. It is necessary to give 45 days advance notice, and the cost would be less if additional items are contained on the same ballot.

Chairman Wolden indicated that the cost of an advisory ballot is high, but feels it is appropriate in this regard.

Commissioner Hart stated that the Board must be convinced that any new option is cost beneficial and not dangerous to the environment or public health.

3. Signature - Resolution Calling for Public Hearing for Consideration of Available Options Regarding the Future of the Skagit County Resource Recovery Facility.

Mr. Medved presented to the Board a Call for Public Hearing - Consideration of Available Options Regarding the Future of the Skagit County Resource Recovery Facility, setting the public hearing for Tuesday, November 29, 1994, at 6:00 p.m. Commissioner Hart moved to approve the Call for Public Hearing as presented by Staff. The motion was seconded by Commissioner Robinson and was unanimously approved. (Resolution #15536)

4. Customer Service Strategy Update.

Mr. Medved noted two items of importance concerning Customer Service. First, within next 30 days the Department will bring to the Board an "Adopt-A-Road" program for County roads wherein community groups will volunteer to clean up and maintain various roads. This program should be instituted during the first quarter of 1995.

Secondly, Mr. Medved stated that the Department has nearly completed everything on their original Customer Service strategy list, and is scheduling a Supervisor's Retreat for later this month to assess the progress made and to add new items to the list.

5. Miscellaneous.

Mr. Medved advised the Board that the Clear Lake Compactor Site was robbed Thursday night and that additional security measures have been instituted.

**SIGNATURE - MEMORANDUM OF AGREEMENT - BOATING SAFETY PROGRAM.**

Mike Woodmansee, Budget/Finance Director, explained that a portion of boat registration fees go into a public safety fund to be distributed to counties who have Boating Safety Programs. Washington Administrative Code states that local legislative authority will be responsible for equitably contributing funds to other Boating Safety Programs. The City of Anacortes has such a program and has never received funds in the past. The County received \$10,000 per year in the past, which has covered speed limit control on County lakes and various educational efforts. Mr. Woodmansee advised that this year the County received \$34,000 and consequently, the City of Anacortes would receive approximately \$10,000. Mr. Woodmansee noted that the effective date of this agreement is January 1, 1994 through the end of December 1995.

The Board, after brief discussion, concurred that boating season is over this year and that a more accurate effective date would be January 1, 1995. Chairman Wolden moved to approve the Memorandum of Agreement with the change in effective date to January 1, 1995. The motion was seconded by Commissioner Robinson and passed unanimously. (Revised Contract to be provided by Staff at a Later Date).

**SIGNATURE - RESOLUTION ESTABLISHING COUNTY COMMISSIONERS SALARIES FOR FUTURE TERMS.**

Bob Taylor, Administrative Officer, advised that the proposed resolution is directed toward all three commissioner districts and incorporates a 3% increase in commissioners' salary year-to-year. The exception is District #3 beginning in 1995 has been set in the budget at a 1.76% increase. If approved by the Board, the Resolution establishes the level of compensation for District #3 from January 1, 1995 through January 1, 1998. For Districts #2 and #1, the Resolution provides compensation levels from January 1, 1997 through January 1, 2000. These Commissioner salary increases have been compared to jurisdictions comparable to Skagit County and to the Consumer Price Index.

Commissioner Hart questioned the health care provision in the light of a possible state or federal health care procedures. Mr. Taylor indicated that an amended Resolution could be done at any time that regulations are changed.

Mr. Taylor advised that this still keeps the Board's salaries below the level of comparable counties.

Commissioner Robinson indicated that this is a fair attempt to bring the Commissioners' salaries in line. Consequently, Commissioner Robinson moved to approve the Resolution as provided by Staff. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution #15537)

**CONSENT AGENDA.**

Commissioner Robinson moved to approve the Consent Agenda for Monday, November 7, 1994. The motion was seconded by Commissioner Hart and passed unanimously.

**RECORD OF THE PROCEEDINGS**  
**Monday, November 7, 1994**  
**Page #5**

\* **Commissioners' Office:**

1. Record of the Proceedings from Monday, October 31, 1994.
2. Record of the Proceedings from Tuesday, November 1, 1994.
3. Resolution Calling for Public Hearing - Application for Community Development Block Grant to Support Skagit Community Action Agency. (Resolution #15538)
4. Letter of Understanding By and Between Skagit County Public Works Department and Inlandboatmen's Union of the Pacific ratifying the 1993-1996 labor agreement and agreeing to meet by 11/30/94 to discuss and resolve the issues involved in Rule 3.04. (Contract #02214)
5. Hold Harmless Agreement with the City of Mount Vernon relative to liability concerning the real property located at 1814 Harrison and 1813 Cleveland for Search & Rescue training purposes from October 25, 1994 until the County notifies the City that the facilities will no longer be available. (Contract #02215)

\* **Sheriff:**

6. Memorandum of Understanding with the Skagit County Deputy Sheriff's Guild regarding Educational Incentive Pay Guidelines. (Contract #02216)

\* **Facilities:**

7. Personal Services Agreement with Window Dressing and Floor Covering for the installation of carpeting in the former holding cell on the 2nd Floor of the Courthouse effective from the date of signature until December 31, 1994 for a maximum amount of \$500. (Contract #02217)

\* **Parks:**

8. Instructional Services Contract with Karen FitzGerald for Pop Piano Workshop on November 1, 1994 for the fee of \$15/student. (Contract #02218)

\* **Juvenile Probation:**

9. Personal Services Agreement with Hopp's Counseling Services for juvenile offender evaluations for the period January 1, 1994 until terminated for rates as detailed in Exhibit "B." (Contract #02219)

• **Health:**

10. Interagency Agreement with DSHS to receive matching funds of \$50,000 for Health Department activities terminable with 30 days notification. (Contract #02220)

\* **Public Works:**

**RECORD OF THE PROCEEDINGS**

**Monday, November 7, 1994**

**Page #6**

11. Resolution Calling for Bids - Pioneer Highway, et al. Road Improvement Project, C.R.P. #8009-2). (Resolution #15539)
12. Ordinance Establishing Speed Limits on various County Roads on Fidalgo Island. (Ordinance #15540)
13. Ordinance - Reduction of Speed Limits for the Entire Length of Various County Roads on Fidalgo Island. (Ordinance #15541)
14. Supplemental #1 to Personal Services Agreement with American Linen extending the contract time to December 30, 1994 and adding an additional \$2,000 in compensation for total compensation of \$11,500. (Contract #01790)

**MISCELLANEOUS.**

1. 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 7, 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 4013855 through 4014178, 4001-44, 4001-47, 4007-100 through 4007-112, 4010-638 through 4010-662, 4014-152 through 4014-193, 4017-153 through 4017-169, 4018-12 through 4018-13, 4019-173, 4019-175 through 4019-176 (Warrant numbers 121265 through 121825) in the total amount of \$1,927,523.77 (Transmittal #C58-94).

2. Staff presented the Board with a corrected Private Roadway and Utility Crossing Easement concerning property of Lois Theodoratus. Staff advised that this corrected easement is necessary due to an error in the property description on the easement previously recorded. Commissioner Hart moved to approve the easement as presented by Staff. Commissioner Robinson seconded the motion, which was unanimously approved. (Deed #00387)

**CONCERNED CITIZENS OF SOUTH BURROWS BAY APPEAL OF HEARING EXAMINER'S DECISION #AAP-93-028 - ENVIRONMENTAL REVIEW OF PROPOSED COUNTY DRAINAGE ORDINANCE.**

Peter Eglick, Attorney for Concerned Citizens of South Burrows Bay (CCSBB) presented a Settlement Agreement to Dave Brookings, Surface Water Management Staff, for his review, and stated that this document should address all issues between the parties. Mr. Brookings advised the Board that the document Mr. Eglick presented had not been reviewed by Staff.

Chairman Wolden clarified that the Board had not previously received a copy of any such settlement agreement. Commissioner Hart questioned whether a settlement can be discussed when an appeal is pending. A brief discussion ensued on this point.

Mr. Eglick stated that if the settlement agreement is acceptable, the appeal could be withdrawn.

Commissioner Hart noted that until the appeal is withdrawn, other aspects of the case cannot be discussed.

**RECORD OF THE PROCEEDINGS**  
**Monday, November 7, 1994**  
**Page #7**

John Moffat, Chief Civil Deputy, advised that the Board is in a unique situation being the decisionmakers on appeal and closely involved in the project.

Mr. Brookings stated that time is of the essence and it is important not to lose the opportunity to hear this issue at this time.

Commissioner Hart advised that if appeal is not withdrawn, it will be heard this afternoon.

Mr. Moffat advised that the Board can always hear the appeal and postpone making a decision pending settlement.

Commissioner Robinson urged those in attendance to come up with an agreement or some resolution to this matter today.

The parties agreed to take a half-hour recess to discuss this matter among each party to decide on the proper course of action.

After time for consultation, Chairman Wolden stated for the record that this is an environmental appeal of the County drainage ordinance.

John Moffat advised that there is a proposal for a Settlement Agreement which would dispose of this appeal, and advised the Board to adjourn into Executive Session to discuss the Settlement Agreement to determine if the Settlement Agreement is satisfactory to the County. It was agreed to do so. Mr. Eglick advised that this meets with his approval and the approval of his clients. The Board then adjourned into Executive Session to discuss the Settlement Agreement.

Upon resumption of the regular session, Commissioner Hart moved that Skagit County enter into the Settlement Agreement with CCSBB as presented with minor modifications on page 3 of said agreement. Commissioner Robinson seconded the motion, which was unanimously approved. (Contract #02221)

The document was executed by the parties.

One of the private citizens in attendance commended Mr. Brookings for his diligent efforts in working out a solution to this situation.

Carol Ehlers, private citizen, spoke briefly concerning the effect of this agreement on the Del Mar Community.

Mr. Eglick confirmed with Mr. Moffat that the agreement had been signed by the Board, and consequently, withdrew the appeal and stated that he would confirm such in writing to the Board.

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

  
\_\_\_\_\_  
Robert Hart, Commissioner

ATTEST:

  
\_\_\_\_\_  
Patti J. Owen, Clerk  
Skagit County Board of Commissioners