

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

Monday, December 19, 1994

- 9:00 a.m. - 10:00 a.m. Public Hearing - Application for Community Development Block Grant of the Swinomish Tribal Community.
- 10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director.
- 1) Public Hearing - Consideration of Revision of Hours of Operation at the Resource Recovery Facility (Transfer Facility).
 - 2) Signature - Supplement No. 1 to Agreement with Snelson Refractory Services.
 - 3) Signature - Personal Services Agreement with Adolfsen Associates, Inc. (Wetland Services - Fish Passage Projects).
 - 4) Signature - Resolution of Bid Award for One New/Demo 1994 Self-Propelled Highway Sweeper to Sahlberg Equipment Inc.
 - 5) Signature - Supplement No. 5 to Agreement with Preston Gates & Ellis for Solid Waste Services.
 - 6) Miscellaneous.
- 11:00 a.m. - 11:30 a.m. Emergency Services - Dan Cain, Fire Marshall.
- 1) Signature - Resolution Establishing Pile Size and Burning Permit Fees for Written Burning Permits.
 - 2) Signature - Memorandum of Understanding with Northwest Air Pollution Authority re: Outdoor Burning.

CONSENT AGENDA.

MISCELLANEOUS.

- 2:00 p.m. - 3:00 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, December 19, 1994, with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

PUBLIC HEARING - APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT OF THE SWINOMISH TRIBAL COMMUNITY.

Paul Schissler, a Grant Proposal Writer, presented to the Board a copy of the proposed Community Development Block Grant. Mr. Schissler briefly discussed with the Board the need for development of water and sewer improvements along the West Shore area of the Swinomish Indian Reservation of Fidalgo Island. The grant would allow the County to receive Federal funding through the State to assist low-income residents which would, in turn, benefit the entire community. Mr. Schissler reviewed with the Board the definition of low-income limits for Skagit County households. The estimation is that between 70-80 households will apply and may be eligible based on their income and the fact that they own homes in the area. The application has been reviewed with John Petrish, the Director of the Swinomish Tribal Community, and Mike Woodmansee, Skagit County Budget/Finance Director.

Commissioner Hart questioned whether the BIA as a major property owner in the area pick up the

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assessment, rather than the lessee living there. Mr. Schissler stated that households that lease land will qualify. Undeveloped property will not be eligible. Commissioner Robinson clarified that tenants will be able to demonstrate low income eligibility and thereby receive funds from this grant.

Commissioner Hart indicated that there are people in the area who are genuinely pressed financially to pay for these improvements, and stressed the need for the improvements for the sewer system in that regard. Commissioner Hart indicated the Board's support of the application.

Blair Painter, Shorewood Homeowner's Association, LaConner, asked for the Board's support on this application. Mr. Painter advised that this whole project has been a constant battle between people and government. Mr. Painter indicated that the original estimates were around \$3,500 per household and have escalated to \$8,000, and he is concerned that grant monies are generated by taxes that all citizens pay. Mr. Painter expressed his opinion that those people spending the taxpayer's money need to get things done reasonably and with a sensible approach.

Bo Miller, President of Westshore Tenants Association, briefly reviewed the situation in his area regarding the sewer/water assessment being levied against leaseholders, together with increases in rents. This grant is for 60-80 people in the area who are in dire need of such assistance. Mr. Miller concurred with Mr. Painter's remarks. This block grant will help those in need stabilize their lives, and feels this grant may assist those who may lose their homes.

John Petrish, who manages the Tribal utility department, verified that the numbers included in the grant application are correct and appropriate, and are fair and equitable based upon internal analysis and public comments. Mr. Petrish has worked with the Tribe and agrees that the project needs to be completed, and through the public hearing comments, a number of folks who live in the area they are concerned about the assessments and know that improvements are needed.

Commissioner Hart moved to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Robinson moved to approve the Resolution supporting the Application for a Community Development Block Grant for the Swinomish Tribal Community area. Commissioner Robinson noted that this is a good method of using tax dollars that can be returned to the community. Commissioner Robinson further noted that this is a competitive situation and there is no guarantee that the funds will be received. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution #15581)

PUBLIC WORKS DEPARTMENT - Rich Medved, Director.

1. Public Hearing - Consideration of Revision of Hours of Operation at the Resource Recovery Facility (Transfer Facility).

Commissioner Wolden opened the public hearing. Brian Stephan, Public Works Department Staff, advised the Board of the proposed changes for the hours of operation of the transfer facility area. The proposed hours of operation are 8:30 a.m. to 6:00 p.m. on Wednesdays through Sundays. The public hours will be from 10:00 a.m. to 6:00 p.m. Mr. Stephan advised that the scalehouse will be open 7 days per week. Mr. Stephan further noted that these hours are reasonable for the general public due to the extension of evening hours past the normal work day.

Commissioner Robinson expressed concern for the difficulty in educating the general public to the new hours. A brief discussion ensued on this issue.

Mr. Stephan confirmed that the reduction in hours will not effect staffing levels.

Commissioner Wolden stated the importance of encouraging recycling and that employees assist the public in determining recyclables as they bring their garbage to the facility.

There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion which passed unanimously.

Commissioner Robinson moved to approve the resolution regarding the establishment of operating hours of the Resource Recovery Facility (Transfer Facility). Commissioner Hart seconded the motion, which passed unanimously. (Resolution #15582)

2. Signature - Supplement No. 1 to Agreement with Snelson Refractory Services.

Mr. Stephan explained that this is a supplement for work done in March of this year. Mr. Stephan has questioned Snelson Refractory Services on the hours for this supplemental work, and subsequent adjustments were made. Mr. Stephan advised that originally this supplement was for \$15,000 and has been lowered to \$8,449.37. Mr. Stephan indicated that the estimated contract amount did not anticipate the additional work. The Board queried Mr. Stephan on the particulars of the extra work done to complete the chip out of refractory deemed structurally unstable and non-functional.

Commissioner Hart noted that to let something go 7-8 months that exceeded the budget amount is not acceptable. Chairman Wolden stated that Board should be contacted earlier in this regard to make adjustments more palatable. The Board indicated that they should be contacted for approval prior to the completion of such supplemental work.

Commissioner Robinson moved to approve Supplement No. 1 to the Agreement with Snelson Refractory Services by the amount of \$8,449.37. Commissioner Hart seconded the motion, which passed unanimously. (Contract #01979)

3. Signature - Personal Services Agreement with Adolfsen Associates, Inc. (Wetland Services - Fish Passage Projects).

Dave Brookings, Surface Water Management Staff, presented a Personal Services Agreement with Adolfsen Associates, Inc. for wetland reconnaissance on several fish passage projects to be constructed next June. The estimated cost is estimated at \$2,830.

Commissioner Robinson moved to approve the Personal Services Agreement as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. (Contract #02248)

4. Signature - Resolution of Bid Award for One New/Demo 1994 Self-Propelled Highway Sweeper to Sahlberg Equipment Inc.

Charles Tewalt, Public Works Department Staff, presented a Resolution awarding the bid for purchase of one new/demo self-propelled highway sweeper to Sahlberg Equipment, Inc. for the low bid of \$21,338.12. Mr. Tewalt briefly described the machinery.

Commissioner Robinson moved to approve the Resolution of Bid Award to Sahlberg Equipment, Inc. to furnish one 1994 Broce Highway Sweeper, Model RC300 for the bid price of \$21,338.12. Commissioner Hart seconded the motion, which carried unanimously. (Resolution #15583)

5. Signature - Supplement No. 5 to Agreement with Preston Gates & Ellis for Solid Waste Services.

Robin LaRue, Assistant Director of Public Works, advised that this contract supplement covers an hourly base to work at the Department's direction for legal items concerning the use of the incinerator. Mr. LaRue noted that a revised fee schedule is attached, and is not retroactive. Commissioner Hart moved to approve Supplement No. 5 to the Agreement with Preston Gates & Ellis for solid waste services. Commissioner Robinson seconded the motion, which passed unanimously. (Contract #01689)

6. Miscellaneous.

A. Commissioner Hart questioned the Consent Agenda item for Parametrix, Inc. and Mr. LaRue briefly reviewed the scope of this item. Mr. LaRue advised that in-house staff will be doing this methane gas testing in the future. Parametrix will also complete some erosion work in addition to the methane gas testing. Much of the erosion work required will be charged back to the general contractor, Scoccolo Construction.

B. Chairman Wolden questioned Staff on the Consent Agenda item of Supplement No. 3 to Ash Sampling and Analysis Services Agreement with Materials Testing & Consulting. Staff advised that this was a bookkeeping error and that additional work was required by the Department of Ecology for dioxin testing. Chairman Wolden noted the need to prepare such documentation and contract supplements expediently.

C. Mr. LaRue shared with the Board a letter received addressed to Dave Brookings and John Abenroth thanking them for a culvert installed and expressing their appreciation for the fine workmanship of the maintenance crew.

EMERGENCY SERVICES - Dan Cain, Fire Marshall.

1. Signature - Resolution Establishing Pile Size and Burning Permit Fees for Written Burning Permits.

Dan Cain, Fire Marshall, stated that State Law mandates that a permit program must be set up or there will be no burning allowed. The proposed resolution is necessary to effectuate the changes made in the State law.

Commissioner Hart noted that the proposed schedule limits the days and times of burning.

Dan Mahar of the Northwest Air Pollution Authority briefly reviewed the specifics of the schedule and explained the window of opportunity for small brush disposal. This schedule will be uniform across the three counties of NWAPA's jurisdiction. Mr. Mahar cautioned changing the days and times as proposed as this would upset agreements previously set up with local fire jurisdictions.

Chairman Wolden stated that it is his understanding that the County should have had a public hearing regarding this type of ordinance so that people within the County are aware of what is happening and can provide input into the restrictions. Chairman Wolden clarified that this is a Resolution proposed by NWAPA. Chairman Wolden stated that for NWAPA to assume that a public hearing is not required, now puts NWAPA

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In a desperate situation to get this Resolution approved and finalized. Chairman Wolden stressed that the people in Skagit County need to be consulted and that he is not ready to approve the Resolution at this point because proper channels have not been addressed.

Mr. Mahar stated that many fire districts have been consulted and that this schedule is strictly a recommendation by NWAPA. Mr. Mahar further noted that any kind of changes can be made as long as they adhere to WAC standards. Mr. Mahar indicated that this Resolution was prepared with the assistance of Dan Cain, the County Fire Marshall.

Mr. Cain stated that if the issue requires a public hearing, then that is what should be done.

A brief discussion ensued on the limitations this proposal would set.

Chairman Wolden asked Mr. Mahar to express to the Department of Ecology of the progress and concerns of the Board.

Staff advised that the public hearing on this matter will be held January 10, 1995 at the hour of 10:00 a.m.

2. Signature - Memorandum of Understanding with Northwest Air Pollution Authority re: Outdoor Burning.

In conjunction with the discussion above, the Board indicated they would consider the Memorandum of Understanding with Northwest Air Pollution Authority after the public hearing concerning outdoor burning.

CONSENT AGENDA.

Commissioner Robinson moved to approve the Consent Agenda for Monday, December 19, 1994, with the deletion of Item #3, which has not been completed. Chairman Wolden seconded the motion, which passed *unanimously*.

* Commissioners' Office:

1. Record of the Proceedings from Monday, December 12, 1994.
2. Record of the Proceedings from Tuesday, December 13, 1994.
3. Record of the Proceedings from Wednesday, December 14, 1994.
4. Resolution reappointing Dave Hughes to the Planning Commission for the term November 2, 1994 through November 2, 1998. (Resolution #15584)
5. CDBG First Amendment Contract with the Department of Community, Trade and Economic Development for Skagit County Community Action Agency, extending the contract period through December 31, 1995. (Contract #01858)

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* Public Works:

6. Supplement No. 3 to Ash Sampling and Analysis Service Agreement with Materials Testing & Consulting increasing the contract to \$2,640 for a new contract amount of \$98,760, and extending the completion date to July 31, 1994 (1994 is correct - work has already been completed). (Contract #01334)
7. Resolution calling for Public Hearing to Consider the Establishment of an Extension of Carolina Street #10970 as a County Road. (Resolution #15585)
8. Call for Public Hearing to Consider the Franchise Application for Del Mar Community Service, Inc. for the installation, maintenance and operation of water lines along and across designated County roads. (Resolution #15586)
9. Resolution Revising County Road Project 6323-1, Peter Anderson Road, authorizing additional funding for construction costs for various crossing road improvements. (Resolution #15587)
10. Supplement No. 10 to Consultant Services Agreement with Parametrix, Inc. to include weekly monitoring of gas probes along the northern portion of Inman Landfill, inspection of manholes, and six site construction inspection visits, for an additional amount of \$39,600. (Contract #01344)

* Assigned Counsel:

11. Personal Services Agreement with William R. McCann for professional legal services for the period January 1, 1995 through December 31, 1995 for compensation rates as listed on Exhibit "B". (Contract #02249)
12. Personal Services Agreement with David G. Arganian for professional legal services for the period January 1, 1995 through December 31, 1995 for compensation rates as listed on Exhibit "B". (Contract #02250)
13. Personal Services Agreement with Gerald T. Osborn for professional legal services for the period January 1, 1995 through December 31, 1995 for compensation rates as listed on Exhibit "B". (Contract #02251)
14. Personal Services Agreement with Witt Law Firm for professional legal services for the period January 1, 1995 through December 31, 1995 for compensation rates as listed on Exhibit "B". (Contract #02252)
15. Personal Services Agreement with Stephen R. Skelton for professional legal services for the period January 1, 1995 through December 31, 1995 for compensation rates as listed on Exhibit "B". (Contract #02253)

* Planning:

16. Addendum #3 to Consultant Services Agreement with Huckell/Weinman Associates, Inc. to prepare the Final Environmental Impact Statement (FEIS) for the Proposed

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Nookachamps Hills Planned Unit Development, increasing the compensation by \$29,345, and extending the completion date to March 31, 1995. (Contract #00907)

* Sheriff's Office:

17. Memorandum of Understanding with the Skagit County Deputy Sheriff's Guild concerning Disability Insurance for Off-Duty Injuries. (Contract #02097)

* Parks, Recreation & Fair:

18. Facility Use Agreement with Burlington-Edison Public Schools for the High School Fieldhouse for the period 1/11/95 through 3/22/95. (Contract #02254)
19. Resolution reappointing Geneva Sasnett, Gene Johnson and Jim Futrelle to the Parks & Recreation Advisory Board for the term December 19, 1994 through June 30, 1997. (Resolution #15588)
20. Private Roadway and Utility Crossing Easement across the Cascade Trail for Bon and Lois Temple. (Deed #0389)
21. Private Roadway and Utility Crossing Easement across the Cascade Trail for Gary and Sheri Owens. (Deed #0390)
22. Private Roadway and Utility Crossing Easement across the Cascade Trail for Jan and Susan DeBoer. (Deed #0391)

* Facilities:

23. Personal Services Agreement with CEM Heating, Inc. for unit heater to be installed at 1202 So. Second, for the period December 1, 1994 through December 31, 1994, for a maximum amount of \$2,800. (Contract #02255)

* Health:

24. Support Group Facilitator Contract with Bette J. Alba for Wednesday evenings in 1995 at the rate of \$40 per month. (Contract #02256)
25. Support Group Facilitator Contract with Lana Rosten-Mahoney for Wednesday evenings in 1995 at the rate of \$40 per month. (Contract #02257)
26. Support Group Facilitator Contract with Kathy Straub for Wednesday evenings in 1995 at the rate of \$40 per month. (Contract #02258)

* Juvenile Probation:

27. Personal Services Agreement with Catholic Community Services Northwest for specialized juvenile victim and adjudicated offender evaluations at compensation rates as listed on Exhibit "B" from January 1, 1994 (retroactive) until terminated. (Contract #02259)

28. Contract Addendum with Gerald McCarty updating the fee schedule for SSODA evaluations, etc. (Contract #1591)

MISCELLANEOUS.

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 19, 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 4118-206 through 4118-224, and PW4-2737 through PW4-2846 (Warrant numbers 123252 through 124140), in the total amount of \$1,326,592.82 (Transmittal #C63-94); and,

Voucher numbers PDRAWDE06881 through PDRAWDE07072 (payroll warrant numbers 56320 through 56511) in the total amount of \$81,544.99 (Transmittal #P-25-94).

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