

**Record of the Proceedings
Skagit County Board Of Commissioners**

Monday, April 10, 1995

Flag Salute.

9:00 a.m. - 10:00 a.m.

Board of Health - Pat Pearce, Director.

- 1) Introduction of Skagit Valley College Student Volunteer.
- 2) Request from Steve Barron for Waiver of Code 12.48.240(5).
- 3) Consideration of Suspension of Food Establishment Permit - Conway Tavern & Eatery.
- 4) Consideration of Suspension of Food Establishment Permit - R.J.'s Hideaway.
- 5) Moderate Risk Waste Ad Hoc Committee and Ordinance Development.
- 6) Skagit Community Network Update.
- 7) Miscellaneous.

10:00 a.m. - 11:00 a.m.

Public Works Department - Jan Keiser, Director.

- 1) Public Hearing - Amending the Six-Year Transportation Improvement Program.
- 2) Discussion - Jobs for the Environment.
- 3) Resolution - Calling for Bids - Echo Hill Road Fish Passage Project.
- 4) Resolution - Establishing C.R.P. for Higgins Airport Way, et al Asphalt Overlays, C.R.P. #3115-1.
- 5) Resolution - Calling for Public Hearing - Franchise Application for National Frozen Foods, Inc.
- 6) Easement - National Frozen Foods, Inc.
- 7) Personal Services Agreement, Supplement No. 2 - Town & Country Pest Control, Inc.
- 8) Personal Services Agreement, Supplement No. 3 - Whatcom Security Agency, Inc.
- 9) Proclamation - Earth Day - April 22, 1995.
- 10) Miscellaneous.

11:00 a.m. - 11:30 a.m.

Discussion - Prosecuting Attorney Office Staffing.

CONSENT AGENDA.

MISCELLANEOUS.

1:30 p.m. - 2:30 p.m.

Facilities Management - Roger Howard, Director.

- 1) Facility Projects Update.
- 2) Resolution - Request for Proposals for Security Guard Services.

2:30 p.m. - 3:30 p.m.

Solid Waste Update/Review of Committee Report.

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, April 10, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

BOARD OF HEALTH - Pat Pearce, Director.

1. **Introduction of Skagit Valley College Student Volunteer.**

Pat Pearce, Director, introduced Julia Leon, a Skagit Valley College student who is volunteering in the Health Department. Ms. Leon mentioned that she is single parent of four children and recently returned to college.

2. **Request from Steve Barron for Waiver of Code 12.48.240(5).**

Lorna Haycox, presented the Request for Waiver, indicating that the Health Department has no objection to the granting of this waiver, substantiating their conclusion by reviewing the well construction, neighboring parcel owner impact, well protection and other special considerations.

Louis Requa, Skagit Surveyors, representing Northern Development, stated that the first well driller possibly did not realize the right-of-way width.

Commissioner Anderson made a motion to grant the Waiver Request, as presented. Commissioner Wolden seconded the motion and it passed unanimously. **Staff will provide a Resolution at a later date.**

3. **Consideration of Suspension of Food Establishment Permit - Conway Tavern & Eatery.**

Tom Karsh, Permit Center Coordinator, presented the consideration of suspending the food establishment permit of Conway Tavern. Mr. Karsh reported that there is currently, ponding waste water, which indicates a failing system, violating the conditions to stay in business. Mr. Karsh reviewed the length of time frame and number of extensions in this regard.

Andy Prosser, Conway Tavern business owner, stated that 2,000 gallons were pumped out of the septic system Wednesday, and suggested that ponding could be rainwater.

Kerney Hammer, attorney representing the Prossers, Conway Tavern business owners, mentioned the Prossers commitment and expense in pumping the system out, stating that the current ponding may be rainwater, as the system was recently pumped. Mr. Hammer indicated that an agreement has been reached with the American Legion to install a new system and that pumping will continue to prevent ponding, until the new system is intact.

Mr. Hammer presented illustrations of the anticipated new system, stating that all standards will be met. Mr. Hammer mentioned that the water flow is continuously monitored to ensure pumping is done before a problem develops.

Commissioner Anderson mentioned that the previous extensions do not appear to have resolved this issue and stated that he would not be in support of another extension.

A discussion ensued in regard to the issue of rainwater running off the roof into the storm sewer.

Brad Furlong, attorney representing the American Legion, indicated his clients desire to move forward in resolving this issue. Mr. Furlong suggested that the legal counsels and their clients meet briefly before the Board is asked to make a decision.

Frank Sybrandy, Conway property owner, reiterated that four deadlines and two years have passed without resolving this issue. Mr. Sybrandy mentioned that fixing the system at this point in time does not eliminate Mr. Sybrandy's predicament arising from the previous problems of the failed drainage system.

Mr. Furlong stated that it was the request of the Board to solve the system problems and stated that these issues are being resolved by installing a new system.

Mr. Hammer mentioned that historically, inclement weather causes Mr. Sybrandy's property to flood, and while installing a new system might not solve that problem, it will resolve the problem of the failing sewer system. Mr. Hammer mentioned that Dean Bannister, System Designer, has worked extensively since the last meeting to design this new system.

A discussion ensued in regard to the current ponding situation.

Commissioner Anderson queried about the waste water overflow before pumping commenced.

Mr. Bannister, reviewed the ponding water situation and mentioned that this occurs on occasion due to ground saturation. Mr. Bannister stated that the system has not totally failed, however, the capacity to move water through it has slowed down and caused the problem at hand.

Terrance Carroll, attorney for Frank Sybrandy, stated that his client's objection to meet briefly with the other parties involved, should not reflect on their willingness to work with the Board. Mr. Carroll mentioned that the ongoing problem is still there and although he and his client are not trying to close the business down, their patience on the numerous extensions without resolve is decreasing. Mr. Carroll stated that they are waiting for a installed and fully functional system.

George Ridgeway, Health Department Staff, expressed his skepticism of the proposed system.

A discussion ensued in this regard.

Mr. Bannister illustrated the proposed procedure, mentioning that problems will be addressed as the installation progresses.

Mr. Ridgeway suggested that a barrier be installed around the immediate area for safety. Commissioner Anderson made a motion to close the Conway Tavern until compliance. The motion died for lack of a second.

Chairman Hart made a motion to grant the extension for 7 days, obtaining a permit, stating that at any time in this interim, if there was effluent on the ground, that there would be immediate suspension of the Conway Tavern license. Commissioner Wolden seconded the motion, adding an amendment that the system has to be pumped between now and next Monday and that the Health Department look at this situation on Monday to determine if there is water, if so, closing the tavern down. Chairman Hart seconded the amendment and the motion passed.

Chairman Hart and Commissioner Wolden voted in favor of this motion, Commissioner Anderson did not vote in favor. The motion passed.

4. Consideration of Suspension of Food Establishment Permit - R.J.'s Hideaway.

John Hadman, Health Department Staff, reported that since 1991, very little progress has been made in attempting to install adequate water systems. Mr. Hadman stated that the Health Department is asking for bacteriological sampling to begin immediately and continue as long as the Food Service Establishment is operating, that well site approval is done by May 5, 1995, and any approved public water system to be engineered and constructed by June 30, 1995.

Mr. Warren, R.J.'s Hideaway business owner, stated that the current well is functioning and that there is lack of area to install an additional well.

John Thayer, Public Health Staff, mentioned that there is history of bad samples from the current well. A discussion ensued in this regard.

Commissioner Anderson made a motion to grant Mr. Warren permission to operate based on Health Department recommendations until July 1, 1995, provided that Mr. Warren accomplish the recommendations of monthly bacteriological sampling, a well site approval by May 5, 1995, and an approved public water system to be engineered and constructed by June 30, 1995. Commissioner Wolden seconded the motion and it passed unanimously.

Agenda Items 5, 6, and 7 were rescheduled due to time constraints.

PUBLIC WORKS DEPARTMENT - Jan Keiser, Director.

1. Public Hearing - Amending the Six-Year Transportation Improvement Program.

Dave Sheridan presented the Resolution amending the six year transportation improvement program, by adding four projects as follows, Francis Road #7900, Burlington/Sedro Woolley Trail Connection, Padilla Bay Trail South Parking Lot and South Skagit Highway Bridge Replacement.

There being no public comment forthcoming, Commissioner Anderson moved to close the public hearing. Chairman Hart seconded the motion and it passed unanimously.

Commissioner Anderson made a motion to approve the Resolution, as presented. Chairman Hart seconded the motion and it passed unanimously. **(Resolution #15710).**

2. Discussion - Jobs for the Environment.

Dave Brookings, Public Works Staff, reviewed the Jobs for the Environment Program, mentioning that Public Works hired displaced timber workers and is in the process of working on six projects. Mr. Brookings mentioned that grant funding expires in June 30, 2005.

Mr. Brookings mentioned that the options are to complete the 1995 projects and release the displaced timber workers, to utilize the \$100,000 already budgeted for fish passage to fund the proposed agreement with the Department of Fish and Wildlife, fund the salaries of the displaced timber workers until the end of 1995, which Mr. Brookings proposed, or to use the remaining funds for the proposed Jobs for the Environment.

The Board concurred that Mr. Brookings should proceed, as he proposed.

3. Resolution - Calling for Bids - Echo Hill Road Fish Passage Project.

Mr. Brookings presented a Resolution Calling for Bids on the Echo Hill Road Fish Passage Project and Plans. Commissioner Anderson made a motion to approve the Resolution as presented. Commissioner Wolden seconded the motion and it passed unanimously. **(Resolution #15711).**

4. Resolution - Establishing C.R.P. for Higgins Airport Way, et al Asphalt Overlays, C.R.P. #3115-1.

Item #4 was removed from the Agenda.

5. Resolution - Calling for Public Hearing - Franchise Application for National Frozen Foods, Inc.

Linda Leonhart, Public Works Staff, presented the Resolution Calling for Public Hearing to consider the application for a Franchise Application by National Frozen Foods, Inc. for a waste water line for the operation of their new processing plant, involving county right-of-way.

Chairman Hart made a motion to approve the Resolution, as presented. Commissioner Wolden seconded the motion and it passed unanimously. **(Resolution #15712).**

6. Easement - National Frozen Foods, Inc.

Ms. Leonhart mentioned that National Frozen Foods, Inc. is building a new processing plant and asked for the Board to consider approving an Easement which would give national Frozen Foods, Inc. authority to lay the pipeline across a portion of the complex site of the Burlington Maintenance Shop.

Chairman Hart made a motion to approve the Easement. Commissioner Anderson seconded the motion and it passed unanimously. (Deed #00398).

7. Personal Services Agreement, Supplement No. 2 - Town & country Pest Control, Inc.

Robin LaRue, Public Works Staff, presented the supplement, stating that this will decrease the maximum amount payable from \$195 to \$120 per month, due to the elimination of pest control at the incinerator facilities.

Commissioner Wolden made a motion to approve the supplement. Commissioner Anderson seconded the motion and it passed unanimously. (Contract #001807).

8. Personal Services Agreement, Supplement No. 3 - Whatcom Security Agency, Inc.

Mr. LaRue presented the personal services agreement, which will increase the maximum amount payable to cover the term of the previously negotiated contract term through December 31, 1995. Mr. LaRue mentioned that the monthly payment will be \$360, which is a \$60 increase.

Commissioner Wolden made a motion to approve the agreement, as presented. Commissioner Anderson seconded the motion and it passed unanimously. (Contract #002156).

9. Proclamation - Earth Day - April 22, 1995.

In Frances Ambrose's absence, Mr. LaRue presented a Proclamation recognizing April 22, 1995, as Earth Day 1995.

Commissioner Wolden made a motion to approve the Proclamation, as presented. Commissioner Anderson seconded the motion and it passed unanimously.

10. Miscellaneous.

Ms. Keiser asked the Board for some procedural direction on the bidding process. A discussion ensued in regard to Public Works presenting the Board with the contract awards if the bids should come in under budget and if they award to apparent low bidder.

The Board concurred with this procedure, which would eliminate a step in the current process.

DISCUSSION - PROSECUTING ATTORNEY OFFICE STAFFING.

Dave Needy, Prosecuting Attorney, mentioned that the Prosecutor's Office staff is dealing with several medical leaves. Mr. Needy proposed hiring an entry level deputy to assist in this regard.

The Board suggested that Mr. Needy proceed with his proposal.

CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Monday, April 10, 1995. Chairman Hart seconded the motion, which was unanimously approved.

* Commissioners' Office:

1. Record of the Proceedings from Monday, April 3, 1995.
2. Record of the Proceedings from Tuesday, April 4, 1995.
3. Employment Agreement with Dr. Howard Leibrand for the position of Health Officer for the term beginning April 1, 1995, for an initial term of one year and shall be automatically renewed for succeeding terms of one year each unless terminated. Compensation will be at the rates as follows: Health Officer, \$48.30 per hour, Jail Physician, \$85.70 per hour, and in addition, \$857 per month for on call retainer. (Contract #002401).

* Parks:

4. Private Roadway and Utility Crossing Easement for Bob & Lois Temple to provide access for ingress, egress and utilities to tax parcel #350716-0-005-0009, by crossing over the Cascade Trail. (Deed #00399).

* Senior Services:

5. Northwest Regional Council Contract Amendment to award additional "one-time only" funds for the Provision of Nutrition Services project. The contract is amended as follows: Funds in an amount not to exceed \$7,950 shall be provided for the purchase of a commercial freezer for Fidalgo Center, small wares for Burlington Senior Center and expanded computer capability. (Contract #002158).
6. Contract for Provision of Senior Services with the City of Anacortes for the Anacortes Senior Center for the Calendar Year 1995 for information and assistance services, nutritional services and retired senior volunteer program (RSVP). (Contract #002402).

* Public Defender:

7. Out-Of-State Travel Request for Susan Barrett to attend the annual statewide Washington Defender Association Conference in Stevenson, Washington. Due to the unavailability of lodging in Washington, she will be staying in Hood River, Oregon. The cost total is \$350 for the April 21, through April 23, 1995, conference.

* Emergency Management:

8. Request for consideration of Reimbursement to Volunteer, Helene Hendricks, for travel, meal and registration costs, if needed for special projects as well as training sessions she may attend. This will be paid out of the Emergency Management Budget.

* Public Works:

9. Ordinance Establishing Speed Limits at 20 m.p.h. for the entire length of Bay Hill Drive, No. 3006, and Augusta Lane, 3004. (Ordinance #15713).
10. Ordinance Establishing Speed Limits at 25 m.p.h. for portions of District Line Road, No. #6321. (Ordinance #15714).

11. Ordinance Establishing Speed Limits at 25 m.p.h. for portions of Lafayette Road, #6140 and Peter Anderson Road, #6323. Ordinance #15715.

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, April 10, 1995, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Voucher numbers 5002690 through 5003326, 5001-30, 5001-32 through 5001-33, 5001-36, 5001-38, 5007-124 through 5007-133, 5010-172 through 5010-207, 5014-73, 5014-161 through 5014-187, 5017-94 through 5017-99 in the amount of \$784,681.39. Warrant #129145 through #129948. (Transmittal #C15-95).

FACILITIES MANAGEMENT - Roger Howard, Director.

1. Facility Projects Update.

Lowell Larsen, Henry Klein Partnership, briefly reviewed the previous discussions with the Board, indicating that further analyzation of costs of several different items in the project have been changed or removed to reduce the total cost of the Administration Building remodeling project.

Mr. Larsen discussed the various changes in regard to portions of remodeling and new space.

Mr. Larsen mentioned that eliminating the elevator would save \$83,214 and \$58,000 would be saved if air conditioning is not installed.

Mr. Larsen also mentioned that the deletion of a swing shift, using copper in lieu of brick in some areas, and using movable partitions in department offices reduce the cost substantially.

A discussion ensued in regard to these issues.

Roger Howard, Facilities Director, suggested the Board review the changes, as presented. Bob Taylor, Administrative Officer, suggested that Mr. Larsen and Mr. Howard meet with elected officials and department heads to determine requirements and then bring ideas back to the Board in approximately two to three weeks.

2. Resolution - Request for Proposals for Security Guard Services.

Mr. Taylor presented a Resolution for Request for Proposals for Security Guard Services. Mr. Taylor mentioned that he would like to put a committee together to review the proposals received through April 28, and return to the Board by mid-May. Mr. Taylor mentioned a target date of June 1, 1995, for operation.

Commissioner Anderson made a motion to approve the Resolution as presented. Commissioner Wolden seconded the motion and it passed unanimously. (Resolution #15716).

3. Dave Fleming, Risk Manager, presented for discussion an amendment to an agreement in the amount of \$6,425 as a change order request in regard to accessibility projects (ADA) at Howard Miller Steelhead Park and the Concrete Senior Service Center.

Commissioner Wolden made a motion to approve the amendment as presented. Commissioner Anderson seconded the motion and it passed unanimously.

4. Mr. Howard presented an amendment to Agreement #00931 with Tom Theisen, Architect, to provide office space planning services for the Public Works Building in the amount of \$2,500 and to provide preliminary programming, schematic design drains, outline specifications and construction costs estimates for a County E-911 Center in the amount of \$7,500.

SOLID WASTE UPDATE/REVIEW OF COMMITTEE REPORT.

Mike Woodmansee, Budget/Finance Director, reviewed the process of compiling the report prepared by the Skagit County RRF Assessment Committee.

Mr. Woodmansee, reviewed the three objectives as 1) evaluate environmental, technical, management and regulatory factors and related risks associated with each alternative, 2) evaluating waste reduction and recycling options and the related affects on the Skagit County waste stream, and 3) conduct a financial analysis and assess financial risk implications of proceeding with each alternative.

Three RRF alternatives were outlined, as follows; 1) Skagit County would restart and operate the RRF, 2) Permanently close the RRF, and 3) Privatization of the RRF.

Gary Sorenson, Public Works Staff, reviewed the regulatory compliance and permit requirements in regard to the environmental issues. Mr. Sorenson stated that operating the facility as it is involves some risk in regard to current regulations, however, it could be upgraded to comply.

Mr. Sorenson also reviewed ash management, engineering features, hydrogeologic characteristics, and associates risks of Roosevelt Regional Landfill, Klickitat County, the dioxin issue and the toxicology study.

In conclusion, Mr. Sorenson stated that the Skagit Resource Recovery Facility could be upgraded and could meet air emission standards.

Jeff Hegedus, Public Works Staff, stated that from considerable public comment and in consideration of the alternatives, recycling is desirable. Mr. Hegedus reviewed the public recycling program, commercial recycling program, waste reduction and education programs, proposed waste reduction and recycling programs and yard waste management, wood waste management and mixed paper management, rural curbside collection, waste tire management the Re-store and moderate risk waste management programs.

Mr. Woodmansee presented the financial and risk factor analysis.

Mr. Woodmansee mentioned the various costs not included in this financial analysis, such as the bond repayment, administration, recycling/hazardous waste management, Inman Landfill and environmental testing, Inman Landfill closure bond repayment, rural drop box sites and Butler Lagoon closure costs.

Mr. Woodmansee reviewed the proposals by Wheelabrator and HRS, mentioning the financial risks.

Mr. Woodmansee also reviewed the option of the County operating the transfer facility with RDC installing a waste compactor.

Chairman Hart mentioned that the would like to look over the information presented and schedule another meeting.

Commissioner Anderson read a 1986 Interlocal Agreement with the cities and suggested invoking the municipalities committee to review proposal.

Mayor Maxwell, Anacortes, mentioned it was not necessary to hurry into a decision. Mayor Maxwell noted he would like to meet with staff and Mayors of municipalities to consolidate input for the Board.

Commissioner Anderson asked Mayor Maxwell to contact other Mayors in this regard.

ADJOURNMENT:

Chairman Hart made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion. The motion was carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robert Hart, Chairman

Harvey Wolden, Commissioner


Ted W. Anderson, Commissioner

ATTEST:


Debby Sims, Clerk
Skagit County Commissioners