

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, October 28, 1996**

Flag Salute.

- 8:45 a.m. - 9:00 a.m. Public Comment Period.
- T 9:00 a.m. - 10:00 a.m. Review of Conservation District Programs.
- 10:00 a.m.-11:00 a.m. Public Works Department - Jan Keiser, Director.
1) Proclamation of Flood Awareness Week and Review of Planned Events.
2) Updates of Divisional Projects & Programs:
 a) Surface Water Management Division.
 b) Engineering Division.
 c) Operations Division.
 d) Solid Waste Division.
3) Miscellaneous.
- 11:00 a.m.-11:15 a.m. Consideration of Hearing Examiner's Recommendation for Approval of Timber Open Space Application of James Mullen for Property located East of Alger on the Whatcom-Skagit Counties Boundary, on the South side of Camp 2 Road (OST 95-004).
- CONSENT AGENDA.
- MISCELLANEOUS.
- 1:30 p.m.-3:30 p.m. Work Session - Flood Awareness Week and Flood-Fighting Scenarios.
- 3:30 p.m.-4:30 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Commissioners met in regular session on Monday, October 28, 1996, with Commissioners Ted Anderson, Bob Hart, Harvey Wolden present.

PUBLIC COMMENT PERIOD.

Chairman Anderson stated that we have a full house this morning and as we only have fifteen minutes, he asked that when you testify to please not take much time. He apologized for not having more time but explained that in the past the time had been adequate.

Leonard Halverson, 1157 Sterling Road, commented that as this is flood awareness week and in the past the flood level has hit 41 ½ ' which put water into the Nookachamps and Sterling Road area, he asked that something be done to change to lower the water level to reach the 39 ft level to keep water out of these homes.

Grant Deard, Dunbar Road. He stated that the speed limit on Dunbar Road is posted at 25 mph. This road gets a lot of through traffic and consequently there are vehicles exceeding the 25 mph. Mr. Deard has spoken with the Sheriff's Office and was told that there was nothing that could be done. He asked if more signs, speed bumps, or whatever couldn't be done so as to slow motorists down. Commissioners Hart and Wolden stated that they would contact the Sheriff's Office regarding this matter. Mr. Deard asked if they couldn't use a radar unit or even drive by on their way to Anacortes.

John Hunter, Sedro Woolley, wanted to know what had happened to the old rhododendrons. He referred to an incident years ago regarding an inmate who had jumped out of the window and the rhodies broke his fall. He was here regarding the Shooting Advisory Committee and wanted to update the Board that he is still pushing

forward with this project. The Frailee Mountain site is looking better and better each day. Had to change boundaries which means that an environmental review will need to be done. He stated that he is anxious to get this project done and over with.

Jamie Lanning, 1312 Hwy 9, Mt. Vernon. He wanted to inform the Board of the speeding problem which occurs on the old Day Creek Road. He stated that vehicles are speeding up and down this road. He also stated his concern with a convict who is to be transferred here and he doesn't feel the need for this person to come to our area and that he should stay where he is. He asked about the cannon and was told that the wheels are getting repaired at this time. He asked if when it was repaired if it could be placed somewhere where it will be covered. He stated his concern about the dip in the road as you exit the County parking lot. The Board informed him that this a State Road.

Clarence Beck, Spruce Street, Mt. Vernon. He feels that the County is wasting money by keeping the Incinerator closed. He stated that by sending it 300 miles or so and covering it up, doesn't mean that it will disintegrate faster. Spokane has had their Incinerator open for over five years. Why can't we do something rather than having \$21, 000,000 sitting out there. This is a pet peeve of his.

Steven Aghjayan, Pull and Be Damned Road. He has an issue of his leased land on the Pull and Be Damned Road. It has been a long term problem since back in 1977. He feels the leases have been administered unfairly. These adjustments have caused him to lose value in their homes and a tax base for the County. The Skagit County Board of Equalization has stated that the actions of the Bureau of Indian Affairs have caused them to lose 65% of the value of the homes in this area. He feels that it is also affecting other tax payers and forcing all taxpayers to subsidize the Swinomish Tribe. There is a Tenants Association that is taking the BIE, the Department of Ecology and that a lack of oversight has resulted in a loss of value. He is asking for your help and stated that the Board should be the first line against tyranny and stay aware and supportive. They are being requested to pay for utility assessments and not billing the landowners. They are now being threatened of having their water shut off over this issue. He also feels that this would promote a health issue with over 100 people living there. They are also being threatened with eviction. Please consider their plight and hope that you will take a constructive role.

Boe Miller, Pull and Be Damned Road. He stated that he is President of the Tenants Association and that he has also received an order from the Board of Equalization that the value of his home has been reduced by 65%. He stated that the County has lost \$1,000 a year in taxes from this and if you multiply this by the number of homes out there you will see the amount which will have to be made up by other citizens of Skagit County. He has also lost the lease/hold interest he had out there. He had press releases from 1977-1982 and showed that the problems today are the same as back in '77 and still they are not any closer to a solution. He stated that he and many others can't sell their homes and that they have lost the equity in their homes. We encourage you to support us.

REVIEW OF CONSERVATION DISTRICT PROGRAM

Caroline Kelly presented an update for 1997. The first issue was the Puget Sound Water Quality Action Team meeting in which two of the Commissioners attended. She felt it that the meeting was skimpy. Caroline discussed grant activities that are going on with the Samish water shed. The Conservation District is continuing to work with the Ag sector, public information, and critical areas in Samish which are all grant funded. The Conservation District is working closely with Co-op Extension and the two agencies are building a good working partnership. The Conservation District and Co-Op Extension are currently working on some pretty big projects. The District is working with the Padilla Bay National Reserve on the Padilla Bay Ag waste management system. Caroline asked for any additional comments before she continued.

Commissioner Hart stated that he felt that the Board has had several chances to have direct input. He commented that they have emphasized continuation of projects on Padilla Bay, Samish and other areas involved with septic issues such as Blanchard Edison and other sectors Bay view, Similk.

Caroline asked what priorities the Board would like to see for funding projects. Chairman Anderson discussed Shellfish protection rights and the benefits of the loan program. Ms. Kelly spoke of different aspects of the septic tank Loan Program which has worked as well.

Commissioner Wolden pointed out the fact that the Conservation Districts efforts in the Blanchard- Edison septic tank issue has been a real credit for what they have done and presented a good example for others to follow and how systems have come from the old cesspools to septic tank, to sewage treatment plant. It has been a long process and others will have to go through same eventually.

Chairman Anderson stated that the revolving loan fund works well for citizens to be able to make payments. Caroline mentioned that new systems can cost between \$14-16,000 which is very expensive for citizens.

A Memorandum of Agreement with the National Marine Fisheries and RCS and Conservation Commission is being proposed. A discussion followed regarding this proposed Memorandum of Agreement. Restoration Funding should be used saying that it won't guarantee a certain buffer. Not one land owner has signed up for the 25 ft. Buffer. Owner feels that they will have lost land by signing this Agreement. One example, a farmer would lose 75 acres with these types of buffers. Commissioner Wolden said that is you don't take lead on this the grants will dry up, some type of compromise needs to be done. Commissioner Hart discussed that their intent is greater than what will be accomplished with this proposal. Discussion regarding buffers followed.

Caroline mentioned that this Committee had submitted to the Governor a hefty budget to help landowners implement cost sharing, which has been the best incentive so far.

Caroline presented four Contracts for signature.

Commissioner Wolden made a motion to approve the Interlocal Agreement for Provision of Grant Matching Funds between Skagit County and the Skagit Conservation District to implement the completion of the Samish and Padilla Watershed Education Project for Grant #G9700019; and (Contract #003239)

The Interlocal Agreement for Provision of Subcontract between Skagit County and the Skagit Conservation District to complete the Nookachamps Watershed Action Plan Education and Implementation Grant for the Centennial Clean Water Fund Grant #G9400343; and (Contract #003241)

The Interlocal Agreement for Provision of Subcontract between Skagit County and the Skagit Conservation District to complete the Nookachamps and Samish Watershed Action Plans for Grants #G9400343 and #G9300129; and (Contract #003238)

The Interlocal Agreement for Provision of Subcontract between Skagit County and Skagit Conservation District for implementation of the Clean Water District Ordinance Grant #G970020. (Contract #003240)

Commissioner Hart seconded the motion and it passed unanimously.

Kristie Carpenter apologized for the grants being late but due to the transition of her move from Planning to the Conservation District it took longer than anticipated. There are currently 39 people who have gone through this program and she has found that citizens are really concerned about water quality. They are allowing citizens to make their own decisions on how to repay for training. They are currently in the process of setting up a Foundation for Nookachamps and Samish watersheds which will be a non-profit organization. This would be another alternative for doing systemwork.

PUBLIC WORKS DEPARTMENT - Jan Keiser, Director.

Jan Keiser was unavailable for this meeting so Dave Brookings presented Public Works agenda.

1. Proclamation of Flood Awareness Week and Review of Planned Events.

Dave Brookings, presented the Proclamation for "Flood Awareness Week" to the Board for their signature. This officially kicks off flood awareness week. Dave reflected back to November of 1995 when Washington State was hit with the worst disaster in the States history. \$220,000,000 was spent throughout the State last year with Mount Saint Helens a distant second.

Commissioner Wolden made a motion to approve the Proclamation proclaiming October 28 - November 1, "Flood Awareness Week" in Skagit County. Commissioner Hart seconded the motion and it passed unanimously.

Mr. Brookings stated that they are trying to increase awareness by preparing a flood brochure which was prepared by the Flood Control Committee along with the Corps of Engineers. Every flood plain resident in Skagit County will receive this brochure. The Skagit Valley Herald will have a fold out with flood information in today's edition. The Herald did this at no cost and will recoup through advertising. The Upriver and Cape Horn area will be the focus. The Flood Committee has several activities during this flood awareness week. The staff will be presenting a work session with the Corps to trouble shoot some areas. They will be Upriver on Tuesday in the Cape Horn community to present a program developed to notify them ahead of time along with Thunderbird area. The flood crew will be going out in a jet boat to Sedro Woolley where they will point out potential channel changes which could occur during next flood event. They are working with the Fire districts and doing training with sand bags. They will have a breakfast with the Diking District people to get to know each other. They are also doing a new program during this week with exhibits at the Cascade Mall with several agencies involved: Corps of Engineers, USGS, Department of Ecology, Flood Insurance Salesmen, etc. They will also be performing sandbag demonstrations for the public.

Chairman Anderson presented a Certificate of Appreciation plaque to Larry Thomas for his flood awareness work. Mr. Thomas said that most of this appreciation should go to volunteers. In 1975 the volunteers use to come out of the Teamster hall and they have come a long way since then.

Dave Brookings introduced Mr. Don Rundgren who was here to represent the Britt Slough Sub-flood district. Mr. Brookings stated that Mr. Rundgren came to him with a flooding problem in the Britt Slough area and as the Water Surface Management Division is involved with several projects throughout Skagit County, he stated that they hope to provide maintenance to several areas, including Mr. Rundgrens, in the Spring of 1997. Chairman Anderson stated that they were unable to get through the permits until too late in year due to interagency involvement. Commissioner Wolden stated the frustration that Dave has had to deal with the circumstances due to dealing with all of these agencies, fisheries, corps, etc.

Don Rungren ,1650 Britt Road. Mr. Rungren stated that in 1966 crop failures in the Britt Slough area initiated a drainage system. Senator Howard Miller was a great help. \$50,000 was the initial cost which he knows would not go far these days. He has pictures of how this area looked back then and stated that it doesn't look much different today than it did then. He feels that this is more than just a drainage problem. He stated that the culverts need to be dredged. Mr. Rungren would like a secondary pump on his farm. Mr. Brookings stated that they will work with Don on this matter.

2. Updated of Divisional Projects and Programs:

a) Surface Water Management Division.

Dave Brookings wanted to thank the Board for allowing him to attend the conference on stormwater matters last week. Discussed all the benefits that he obtained by attending this conference.

b,c) Engineering and Operations Division.

Barb Hathaway stated that she will be giving the Special Ops review and that she is with the Development Review Division of Public Works. 50% of Butler Pit is finished with 17,307 cubic yards crushed with their goal of 30,000 to be crushed. They have received request from Wilder Construction

to add additional time due to bad weather and repairs at a no cost change order. Ms. Hathaway feels this is justified as there was not enough time allowed for crushing. She discussed several other projects going on in the County including pile cap replacement, TCI, and permits issued in County.

Mr. Brookings mentioned that the crews on working on the Muddy Creek and moving ahead with project and should be hauling rip rap by the end of this week.

d) Solid Waste Division.

None.

CONSENT AGENDA.

Commissioner Wolden made a motion to approve the Consent Agenda, items 1-25. Commissioner Hart seconded the motion and it passed unanimously.

- Commissioners Office:

1. Record of the Proceedings of October 21, 1996.
2. Record of the Proceedings of October 23, 1996.
3. Resolution Appointing Members to the LaConner Rural Partial County Library District Board of Trustees, appointing Maggie Woodward for the term of September 27, 1996, through September 27, 1998. (Resolution #16334)
4. Addendum to Personal Service Agreement with Paul Schissler Associates to extend the period of service from January 1, 1996, until terminated, and amending the compensation to an hourly rate of \$62 per hour. (Contract #02756)
5. Resolution Authorizing Date Extension on Repayment of Interfund Loan decreasing the Interfund Loan in the maximum amount of \$75,000 from the Current Expense Fund #001 to the Capital Improvements Fund #341 to be repaid in full by December 31, 1996. (Resolution #16335)
6. Resolution Authorizing Date Extension on Repayment of Interfund Loan that the Interfund Loan in the maximum amount of \$25,000 from the Current Expense Fund #001 to the Veteran's Relief Fund #107 to be repaid in full by December 31, 1996. (Resolution #16336)

- Parks:

7. Resolution in regard to Authorization to Sign Written Contracts and Amending Resolution Nos. 12458, 12658 and 16061. This Resolution will authorize to bind by contract, the road superintendent for leasing equipment in emergency situations to deal with a problem relative to County roads, and the Director of Parks, Recreation & Fair for referees and official scorers contracts in the Recreation Division as well as School Facilities Use Agreements, and for contracts associated with the operation of the Skagit County Fair, entertainment contracts for the Recreation Division, Instructional Services Contracts for the Recreation Division. (Resolution #16337)
8. Quit Claim Deed for John Clifford Matterand in the amount of \$8,176 for property in regard to the Centennial Trail. (Deed #00432)

- Mapping:
 9. Addendum to Personal Services Agreement with Northwest Moving Services, Inc. Which increases the compensation amount from \$8,250 to \$25,000. (Contract #00281)
- Health:
 10. Amendment to Agreement with Christy Rice in regard to Oral Health Outreach Program, stating that the Contractors hours will not exceed thirty hours per week. (Contract #02893)
 11. Amendment to Agreement with Norma Fuentes in regard to Oral Health Outreach Program, stating that the Contractors hours will not exceed thirty hours per week. (Contract #02895)
 12. Amendment to Agreement with Colleen Hodgin in regard to Oral Health Outreach Program, stating that the Contractors hours will not exceed thirty hours per week. (Contract #03136)
- Planning:
 13. Resolution Regarding the Estates at Summit Park II Planned Unit Development approving the application and adopting the findings of fact and recommendation as presented in the Planning Commission's recorded motion. (Resolution #16338)
 14. Resolution Regarding the Nookachamp Hills Planned Unit Development Master Plan Modification approving the applications and adopting the findings of fact and recommendation with conditions as presented the Planning Commission's recorded motion. (Resolution #16339)
 15. Resolution Calling for Public Hearing regarding Adoption of Capital Facilities Plans for LaConner and Mount Vernon School Districts. (Resolution #16340)
 16. Personal Services Agreement with Tom Nolan, of NW Septic, Inc. for the term of October 10, 1996, for one day only to present the history of on-site sewage system workshop. Compensation will be \$100 for this presentation. (Contract #003234)
- Public Works:
 17. Resolution Updating Prairie Road, County Road Project #5000-2, updating the funding for the preliminary engineering, right-of-way and construction costs incurred to complete this project. The amount of appropriation is as follows: Engineering - \$87,750.51, Right-of-Way Acquisition - \$20,480.28, Construction - \$619,438.67 in the total amount of \$727,669.46. (Resolution 16341)
 18. Final Cost Record and Final Record Book for the Prairie Road project. (Signed and Approved)
 19. Resolution Updating Chilberg Road, county Road Project #4220-4, updating the funding for the preliminary engineering, right-of-way and construction costs incurred to complete this project. (Resolution #16342)
 20. Final Cost Regard and Final Record Book for the Chilberg Road project. (Signed and Approved)
 21. Resolution Calling for Public Hearing for Vacation of Upopened County Right-of-Way known as Franklin Road #239. (Resolution #16343)
 22. Rural Arterial Program Project Agreement for Construction Proposal for Starbird Road in the total amount of RATA Funds of \$3,157. (Contract #003235)

23. Rural Arterial Program Project Agreement for Construction Proposal for Prairie Road in the total amount of RATA Funds of \$500,000. (Contract #003236)
24. Standard Consultant Agreement for SKAT for Peterson Road site for HDR Engineering, Inc. to conduct the Environmental Assessment for the potential site. The maximum amount payable will be in the amount of \$6,981. (Contract #003237)
25. Supplemental Agreement No. 1 to Personal Services Agreement #003175, with Industrial Mowing and Spraying amending the original contract to include mowing the Blanchard (Sub-Flood Control Zone) area. The compensation amount will increase from \$8,000 to \$10,000. (Contract #03175)

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 the date, October 28, 1996, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Vouchers #MW-163040-20 through MW-163040-20 and Warrants #MW-163040-20 through #MW-163040-20 in the total amount of \$762.00. (Transmittal #C-50-96)

Vouchers #MW-163039-19 through #MW-163039-19 and Warrants #MW-163039-19 through #MW-163039-19 in the total amount of \$50.82. (Transmittal #C-49-96)

2. Commission Hart made a motion to approve the Out-of-State Travel Request from Karen Radcliffe to attend the SFG Conference in the amount of \$240.00, Commissioner Wolden seconded the motion and it passed unanimously. (Approved)

CONSIDERATION OF TIMBER OPEN SPACE APPLICATION FOR JAMES MULLEN

Chairman Anderson, presented the Resolution for the Recommendation for Approval of the Timber Open Space Application for James Mullen.

Grace Roeder, Planning and Permit Center, stated that a portion of this land is located in Whatcom County and part in Skagit County with the majority being in Skagit County. She recommended approval.

Commissioner Wolden made a motion to approve the Timber Open Space Application of James Mullen, Commissioner Hart seconded the motion and it passed unanimously. (Resolution #16333)

ADJOURNMENT:

Chairman Anderson made a motion to adjourn the proceedings. Commissioner Hart seconded the motion and it passed unanimously.



BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W Anderson
Ted. W. Anderson, Chairman

Harvey Wolden
Harvey Wolden, Commissioner

Robert Hart
Robert Hart, Commissioner

ATTEST Kathy Brown
Debby Sims
Debby Sims, Clerk
Board of Commissioners