

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, November 17, 1997**

- *T 10:00 a.m. – 11:00 a.m. Public Hearing – Consideration of Findings in Support of Ordinance No. 16676, Which Established a Six-Month Moratorium on the Acceptance of Applications For, and the Issuance of, Any Permit or Approval Request for Telecommunications Equipment and Facilities.
- 11:00 a.m. – 11:15 a.m. Public Comment Period.
- CONSENT AGENDA.
MISCELLANEOUS.**
- 1:30 p.m. – 2:00 p.m. Bid Opening – Moen Building Re-Roofing Project.
- 2:00 p.m. – 4:30 p.m. Executive Session – Personnel, Litigation & Land Acquisition.

The Skagit County Board of Directors met in regular session on Monday, November 17, 1997, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

PUBLIC HEARING – CONSIDERATION OF FINDINGS IN SUPPORT OF ORDINANCE NO. 16676, WHICH ESTABLISHED A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR, AND THE ISSUANCE OF, ANY PERMIT OR APPROVAL REQUEST FOR TELECOMMUNICATIONS EQUIPMENT AND FACILITIES.

Paul Reilly, Civil Litigator, reviewed the progress being made on the preparation of a final ordinance regarding the permitting of telecommunications equipment and facilities . He explained that industry individuals had requested a change in language to clarify that repair and maintenance can still be performed on existing telecommunication equipment and facilities within the County.

Mr. Reilly explained that the Board has received correspondence from several citizens. He stated that such correspondence has been routed to the Commissioners, and that there were no letters against the moratorium.

Don Christison, 2724 Outlook Lane, stated that there are some tower locations that would be perfectly acceptable. He stated that he does not want to leave the distinct impression that he is against cell towers in general. He indicated that he would like cell towers to only be allowed 2,000 feet from residential areas. He further stated that part of the Federal Communications Act states that an advantage should not be given to any one provider and that providing variances to the code would do just that.

Mr. Reilly indicated to the audience that there is a sign-up list for individuals to receive mailings regarding proposed wireless ordinances.

Joost Businger, Guemes Island, stated that he is in favor of the moratorium. He indicated that he hoped the time of the moratorium will be used to formulate a ruling that would include a provision for the protection of private roads.

Patty Christison, 2724 Outlook Lane, stated that she had submitted her comments in writing. She asked the Board to look to the future and consider the number of towers that will be allowed. She urged the Board to use industrial forest lands for location of these towers so they will be less obtrusive to surrounding properties. She indicated that the final ordinance should be written so that future technology is taken into consideration.

John Ulrecht, Northland Cable Television, asked if the proposed ordinance would effect repair and maintenance on existing cable towers. Commissioner Hart clarified that nothing would be included in the ordinance that would forbid maintenance and repair on existing towers. Mr. Reilly confirmed Commissioner Hart's comments.

Mike Brogan, Guemes Island, expressed concern about the duration of a permitted site where no tower has been constructed. Kendra Smith, Senior Planner, clarified that no building permit could be allowed in this situation.

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

Commissioner Hart indicated the need to reaffirm the moratorium, but that the issue of repair and maintenance to existing facilities needs to be addressed. He indicated the need to have full involvement of both the public and the industry in preparing the ordinance.

Ms. Smith stated that all the carriers in Skagit County were notified of today's public hearing. She further stated that the advisory committee is circulating the proposed ordinance.

Barb Hathaway, Public Works Department Staff, stated that she had made telephone calls to cable companies advising them of today's hearing.

A lengthy discussion ensued on particulars of the forthcoming ordinance, and the need to encourage consolidation and co-location.

Commissioner Hart reiterated the need for urgency to get an ordinance developed with public and industry participation and input.

Commissioner Anderson stated that as this ordinance is formulated, it is important to come up with a plan to determine where these towers should be located, and there should be stipulations or incentives for co-location and coordination.

Chairman Wolden indicated the need to fine-tune the language of the ordinance to allow for repair and maintenance of existing facilities. Mr. Reilly clarified exactly what these changes would be.

Commissioner Hart moved to reapprove the ordinance with the corrections discussed by Chairman Wolden and Mr. Reilly relative to the repair and maintenance of existing facilities. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 16748)**

PUBLIC COMMENT PERIOD.

JoAnn Lennox, Box 425, Concrete, discussed her comprehensive plan map redesignation requests, and the lack of consideration by Planning Staff of any items other than parcel size.

Monte Lennox, Concrete, stated that the comprehensive plan is unrealistic and flawed, and that nothing has been done to distribute the excessive costs of requesting reconsideration. He expressed his appreciation to the Board for their willingness to revisit the petitions that have been submitted. He further stated that there has been incomplete and shoddy staff work done in regard to these petitions.

Bill Schmidt, 689 Gallagher Road, Concrete, expressed his frustration at the process of the comprehensive plan map redesignation petition process.

Mary Fotland, 1818 McMurray Road, Mount Vernon, stated her disappointment at the recent Growth Management Hearings Board findings.

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, November 17, 1997. Commissioner Anderson seconded the motion, noting that he would not sign Item 10 as it contained identical language to the agreement with the City of Mount Vernon, which he had previously objected to. The motion passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, November 10, 1997.
2. Personal Services Agreement with Susan D. Musselman, Inc. to provide professional financial advisory services related to the \$875,000 Family Services Center bond issue for maximum compensation of \$4,000. **(Contract No. 03690)**
- HEALTH DEPARTMENT:
 3. Guest Speaker Contract with Thomas Allsopp for a presentation on Personal Perspectives on HIV/AIDS for a total fee of \$100. **(Contract No. 03691)**
 4. Guest Speaker Contract with April Bernoth for a presentation on Personal Perspectives on HIV/AIDS for a total fee of \$50. **(Contract No. 03692)**
 5. Contract Addendum with the Washington State Migrant Council extending the completion date of the contract from September 30, 1997 to October 31, 1997. **(Contract No. 03602)**
- INFORMATION SERVICES:
 6. Contract Addendum with R&D Industries, Inc. extending the termination date of the contract to August 1, 1998. **(Contract No. 02999)**
 7. Agreement for Computer Network Access with the City of Anacortes for the period January 1, 1997 through December 31, 1997 for an annual fee of \$7,500 payable by the City to the County. **(Contract No. 03693)**
- EMERGENCY MANAGEMENT:
 8. Amendment "D" to agreement with Adcomm Engineering Co. extending the term of the agreement from January 1, 1997 through December 31, 1998 with the scope of work increased to include planning and engineering for the enhanced 911 telephone network, engineering, and specification development for the telephone and radio systems to be used in the new communication center, and vendor guidance during installation and testing of equipment. Compensation will be increased by \$35,000 for a total compensation of \$102,200. **(Contract No. 01973)**
- FACILITIES MANAGEMENT:
 9. Amendment "A" to Agreement with American Building Maintenance extending the contract expiration date to November 4, 1998 with the contract dollar amount to be \$130,706.20 per year, and remaining two-year renewal agreement to remain in effect. The Skagit County Administration Building shall again be excluded from this agreement. **(Contract No. 03248)**
- PLANNING & PERMIT CENTER:
 10. Interlocal Agreement for the collection, Distribution and Expenditure of School Impact Fees with the Burlington-Edison School District #100. **(Contract No. 03694)**
- PUBLIC WORKS DEPARTMENT:
 11. Resolution Approving an Interlocal Cooperative Agreement Between Skagit County and Dike District #25. **(Resolution No. 16749)**

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12. Interlocal Agreement Between Dike District #25 defining the areas of responsibility for the operation and maintenance of the manually operated screw gate, which is on the south side of the existing culvert on Allen West Road. The County will provide the materials for the construction of the culvert and the gate. The county will also be required to maintain the cross-culvert under Allen West Road at milepost 2.56. Dike District #25 will be responsible for the operation and maintenance of the gate on the south end of the cross-culvert, and for all areas outside of the road right-of-way. This Agreement will remain in place into perpetuity or until the culvert is removed. **(Contract No. 03695)**
13. Resolution calling for a public hearing on the proposed 1998-2003 six-year Transportation Improvement Program, with the public hearing scheduled for December 2, 1997 at 9:00 a.m. **(Resolution No. 16750)**
14. Right-of-Entry Agreement with Dennis L. Duban concerning the South Burrows Bay Drainage Improvement Project. Rather than receiving direct financial compensation, the property owners are requesting that certain work be included in the project. **(Contract No. 03696)**

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 17, 1997, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant numbers 8268 through 8303 from Clearing Fund 696 in the total dollar amount of \$310,170.99 (Transmittal No. C-59-97);

Warrant numbers 8304 through 8618 from Clearing Fund 696 in the total dollar amount of \$709,720.50 (Transmittal No. C-60-97);

Voucher numbers 168478 through 168626 and payroll warrants numbered 91972 through 92096 in the total dollar amount of \$86,282.29 (Transmittal No. P-29-97);

Payroll warrants numbered 6021 through 6654 in the total dollar amount of \$548,512.00 (Transmittal No. P-31-97)

Payroll warrants numbered 6655 through 6676 in the total dollar amount of \$11,744.55 (Transmittal No. P-32-97)

2. Robin LaRue, Public Works Staff, presented a Vendor Services Agreement with I.M.A.C., Inc. for work to be performed consisting of entering the leachate pump station at Inman Landfill to install a pump and make appropriate connections to piping and electrical wiring for compensation as detailed in the agreement. The contract will commence on November 19, 1997 and will continue until terminated by either party. Commissioner Anderson moved to approve the Agreement as presented. Commissioner Hart seconded the motion, which passed unanimously. **(Contract No. 03697)**
3. Staff presented an Interagency Work Order regarding the Infant Toddler Early Intervention Program Client Services Work Order for Early Intervention Services and County Interagency Coordinating Councils for the period October 7, 1997 to September 30, 1998. The maximum consideration for this contract is \$79,185. Commissioner Hart moved to approve this contract, and Commissioner Anderson seconded the motion. The motion passed unanimously. **(Contract No. 03698)**

BID OPENING – MOEN BUILDING RE-ROOFING PROJECT.

Roger Howard, Facilities Director, opened the following bids for the Moen building re-roofing project.

Hytech Roofing, Inc.
7381 Guide Meridian Road
Lynden, WA 98264
\$43,500
Cashier's Check enclosed for bid bond.

Scholten Roofing, Inc.
7157 Guide Meridian
Lynden, WA 98264
\$36,630
Bid Bond is attached.


Rainshield Roofing & Construction, Inc.
PO Box 397
Ferndale, WA 98248
\$27,271.43
Bid Bond is attached.

Mr. Howard advised that the bids would be reviewed and a recommendation made within the next few weeks.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



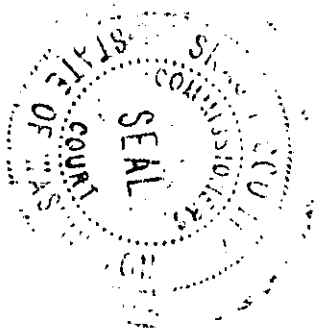
Harvey Wolden, Chairman




Robert Hart, Commissioner



Ted W. Anderson, Commissioner



ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners