

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, December 28, 1998**

9:00 a.m. – 9:15 a.m.	Public Comment Period.
	<b>CONSENT AGENDA. MISCELLANEOUS.</b>
9:30 a.m. – 10:00 a.m.	Consideration of Hearing Examiner's Recommendation for Approval of Agricultural Variance for Washington Bulb Company for Property Located at 1155 McLean Road, Mount Vernon (PL98-0249.REC).
10:00 a.m. – 10:30 a.m.	Public Hearing – Supplemental Budget.

The Skagit County Board of Commissioners met in regular session on Monday, December 28, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

**PUBLIC COMMENT PERIOD.**

Larry Collinge, 15274 Snee-Oosh Road, founder of FAIR (Fidalgo Alliance for an Informed Republic), spoke regarding the Memorandum of Understanding (MOU) between the Skagit County Planning Department and the Swinomish Tribal Community and asked for a response from the County Commissioners pursuant to a request at the last Public Comment Period.

Chairman Hart suggested formation of a committee to discuss and determine the separation of the Federal issues from the local issues.

Mr. Collinge stated that the MOU has a tremendous impact on fee simple land and personal property and was entered into without any public input. He stated that FAIR's position is that to put fee simple landowners in a situation where the Tribe has jurisdiction over them is unacceptable. He stated that if FAIR must go to the depth of Congress to get this sorted out, they will do that, and he emphasized that this particular MOU is not helping their cause.

Chairman Hart indicated that the Board will have an official response, and has asked legal counsel to review the particulars of such a response. Under the Brendale decision, it is questionable what authority counties have. However, urban growth areas (UGAs) can incorporate and become their own governing entity. Consequently, with this line of thinking, the Swinomish UGA could incorporate and become its own city and control their own zoning. Chairman Hart indicated that this type of action has been upheld by the Supreme Court.

Mr. Collinge stated that fee land owners and non-tribal individuals far outnumber the tribal individuals both in body count and land ownership. He stated that if the Tribe wants to make a closed area as part of the City of Swinomish, it would probably alleviate the situation as it is now and would define the reservation as more realistic.

Commissioner Anderson stated that the way the MOU was presented to him, it was merely to review one another's plans, and that the county is under no obligation to be forced to go along with the desires of the Tribe. The purpose was for joint planning with the Tribe. He stated that he is always skeptical of removing rights to landowners, and did not feel that this MOU did such.

Mr. Collinge stated that the MOU gave the Tribe the right to come on a landowner's property. He stated that he will defend his land from tribal intrusion.

Steven Aghjayan, PO Box 576, LaConner, stated that entering into voluntary types of agreements gives the Tribe some sort of legitimacy to collect additional fees and force landowners to work with the Tribe. He stated that most citizens do not realize that this is a so-called "voluntary" review of the permitting process. He asked the Board to formally pull back out of this agreement.

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Commissioner Wolden stated that he had only heard of one building permit that fell under the provisions of the MOU. He further noted that there had not yet been the need to pull the Advisory Committee together.

Mr. Aghjayan indicated that the Tribe should not have any jurisdiction over his property or land.

Stewart Toscha, PO Box 909, LaConner, discussed legal issues of whether the group has legal right under TCW 37, which he stated makes it perfectly clear that the Swinomish and other Tribes do not have criminal or civil jurisdiction of non-Indians on the reservation.

**CONSENT AGENDA.**

Commissioner Anderson moved to approve the Consent Agenda for Monday, December 28, 1998. Commissioner Wolden seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings of Thursday, December 17, 1998.
2. Record of the Proceedings of Monday, December 21, 1998.

**INSURANCE SERVICES:**

3. Resolution Creating Skagit County's Insurance Cost Assessment Policy. **(Resolution No. 17261)**

**INFORMATION SERVICES:**

4. Service Agreement with Raster Graphics Inc. for maintenance services for ColorStation model 436CX with 497 MB hard drive, toner-auto concentration Ethernet TCP/IP Interface, and Calcomp emulation, Serial No. 2257. The agreement will run from January 1, 1999 through December 31, 1999 for a total dollar amount of \$7,422. **(Contract No. 04180)**

**PARKS & RECREATION:**

5. Vendor Services Agreement with Beaver Marsh Blacktop for paving of a short pathway from the parking area to the picnic tables and playground for the Burlington-Edison Regional Park with a not-to-exceed amount of \$1,700. The contract commences on November 15, 1998 and will continue until terminated. **(Contract No. 04181)**
6. Resolution – Request for Qualifications of Licensed Professional Engineering Services. **(Resolution No. 17262)**

**PUBLIC WORKS:**

7. Resolution Amending C.R.P. 5000-3, Prairie Road/Parson Creek Project. **(Resolution No. 17263)**
8. Supplement No. 3 to an agreement with Skagit River Steel & Recycling amending the processing rates for ferrous metals to more fairly reflect current market conditions. The effective date of the supplement is October 1, 1998, through the expiration of the contract on December 31, 1998. The price for scrap metal (ferrous) is reduced by \$25/ton. **(Contract No. 03770)**
9. Professional Services Agreement with Printwise, Incorporated for the formatting, printing, and folding of a Flood Brochure to every address in the County. The total contract will not exceed \$3,315.70. The agreement will commence on December 28, 1998 and will be effective through January 25, 1999. **(Contract No. 04182)**

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SECOM:

10. Amendment B to Contract with the Washington state Military Department. The current contract with the State ends on December 31, 1998. This contract amendment gives the County until June 30, 1999 to expend the remaining balance. **(Contract No. 03640)**
11. Interlocal Cooperation Agreement for a County-Wide Public Safety Communications Center. **(Contract No. 04183)**
12. Interlocal Purchasing Agreement between the City of Bellingham and Skagit County to allow Bellingham to purchase some of the same equipment as Skagit County without the delay of a bid process. **(Contract No. 04184)**

AUDITOR:

13. Vendor Services Agreement with Bill Cobb Upholstery for the reupholstering of four chairs and replacing webbing in seat decks for the total dollar amount of \$839.12. The contract begins December 7, 1998 and will continue until terminated. **(Contract No. 04185)**

SENIOR SERVICES:

14. 1999 Nutrition Contract with Northwest Regional Council for the total dollar amount of \$190,607. **(Contract No. 04186)**
15. Amendment No. 3 to the 1998 Nutrition Contract with the Northwest Regional Council increasing the contract by \$1,883 as of December 1, 1998. **(Contract No. 03775)**

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, December 28, 1998, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 35640 through 36111 from Clearing Fund 696 in the total dollar amount of \$2,007,515.83 (Transmittal No. C-92-98); and

Payroll warrants numbered 950611 through 950664 in the total dollar amount of \$54,343.43 (Transmittal No. P-62-98); and

Payroll warrants numbered 26600 through 27289 in the total dollar amount of \$631,814.55 (Transmittal No. P-63-98).

2. Staff presented a Resolution establishing Indigent Defense Fees. Commissioner Anderson moved to approve the Resolution as presented by Staff. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17264)**
3. Staff presented a Settlement Agreement and Mutual Release with Wedco Construction, Inc. Commissioner Anderson moved to approve the Settlement Agreement as presented. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Contract No. 04187)**
4. Chal Martin, Public Works Department Director, read into the record a Public Employment Relations Commission Notice regarding the operation of the MV Guemes. A copy of the notice is attached to these Minutes and incorporated herein.

**CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF AGRICULTURAL VARIANCE FOR WASHINGTON BULB COMPANY FOR PROPERTY LOCATED AT 1155 MCLEAN ROAD, MOUNT VERNON (PL98-0249.REC).**

Chairman Hart advised the Board and Staff that he rents property from Washington Bulb and is well aware of the exact location of the property. He stated that he would recuse himself from these proceedings if so asked.

Marge Swint, Assistant Planner, reviewed a map of the exact location of the property together with a site plan as proposed. She presented the Board with several photos of the subject property. She advised that this is a 78-acre parcel, with an existing residence and a type 4 stream, which would require a 50-foot buffer unless there is continued farming activity.

Chairman Hart questioned the location of the septic tank and drainage system and the condition of the soil.

A discussion ensued about the County's standard practice of limiting the separation to one acre in size, unless there is need for additional land for a septic system or well. He stated that he understood the questionable economics of adding the extra land, and reviewed the various accesses possible to the subject property.

Chairman Hart stated that there is no question that the separation needs to proceed and be approved, but there is question on how much land should be included in the separation.

A discussion resulted from these comments regarding the difficulty of access with large farm equipment, and the possibility of leasing back the portions of the property outside of the one acre limitation to facilitate access.

Commissioner Wolden reviewed the exact location of the property with Leo Roozen of Washington Bulb.

Mr. Roozen reviewed the exact location of various options for driveways into the property and the farmland. Mr. Roozen stated that Washington Bulb is one of the most conscientious users of farmland within the County.

Chairman Hart stated that the Board needs to be as restrictive as the ordinance is. He indicated that the Board's criteria are clearly set forth in the appropriate ordinances.

It was confirmed that the property is served by PUD water.

Commissioner Anderson commented that in reading through the materials submitted with this variance request, it appears that this separation is very well thought out. He stated that this proposal will not eliminate any agricultural productive land. He commented on the difficulties to comply with the one-acre restriction with the drainage and access limitations. He further commented on the "reasonable use" of the property. He stated that the Hearing Examiner considered the reasonable use of the property, that 75 acres will be put into a conservation easement, and that the board therefore has latitude to uphold the Hearing Examiner.

Commissioner Wolden stated that the driveway could go in two different areas. Mr. Roozen spoke to the practical standpoint of where to locate the driveway.

Jim Koetje, realtor, stated that there is no problem in moving the east property line 40 or 50 feet to the West, if that would assist the Board with the division of the property.

Ms. Swint noted that a 35 foot setback must be maintained from the rear property line, if the owner is intending on if the owner plans on constructing a new garage. She cautioned the Board with the need to maintain setback requirements if they adjust the property lines.

Commissioner Wolden moved to have property line redefined on the east side to make the separated parcel 2.65 total acreage, making sure with the surveyor that there is a 35-foot setback for the proposed new garage. This would reflect a change in the east property line by approximately 50 feet, allowing the short plat to go forward. This would further reduce the loss of agricultural land. The question was called for and the motion passed with a unanimous vote. **(Resolution to be provided by Staff at a Later Date)**

**PUBLIC HEARING - SUPPLEMENTAL BUDGET.**

Alicia Huschka, Budget Manager, reviewed the particulars of the proposed supplemental budget request.

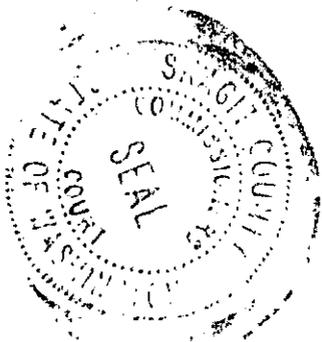
There being no public comment forthcoming, Commissioner Wolden moved to close the public hearing. Commissioner Anderson seconded the motion, which passed unanimously. The public hearing was closed.

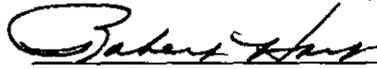
Commissioner Anderson moved to approve the Supplemental Budget as presented by Ms. Huschka. Commissioner Wolden seconded the motion, which passed unanimously. (**Resolution No. 17265**)

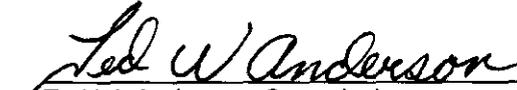
**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**



  
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Robert Hart, Chairman

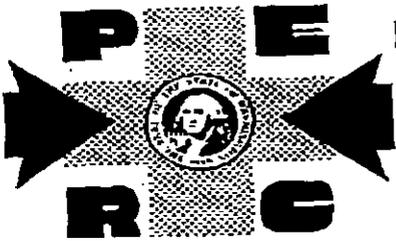
  
\_\_\_\_\_  
Ted W. Anderson, Commissioner

  
\_\_\_\_\_  
Harvey Wolden, Commissioner

ATTEST:

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

READ INTO THE RECORD ON MONDAY, 12/28/98.  
*TD Chambers*



PUBLIC EMPLOYMENT RELATIONS COMMISSION

# NOTICE

THE PUBLIC EMPLOYMENT RELATIONS COMMISSION, A STATE AGENCY, HAS HELD A LEGAL PROCEEDING IN WHICH ALL PARTIES WERE ALLOWED TO PRESENT EVIDENCE AND ARGUMENT. THE COMMISSION HAS FOUND THAT WE HAVE COMMITTED UNFAIR LABOR PRACTICES IN VIOLATION OF A STATE COLLECTIVE BARGAINING LAW, AND HAS ORDERED US TO POST THIS NOTICE TO OUR EMPLOYEES:

WE WILL withdraw the Request for Proposals for operation of the M.V. Guemes issued on March 28, 1997, and will cancel all bids and contracts resulting from that process;

WE WILL NOT fail to negotiate with Inlandboatmen's Union the decision and effects of contracting out the Guemes Island-Anacortes ferry run and operation of the M.V. Guemes, including contracting-out, privatization, successorship, employment tenure concerns, and other forms of the contracting out issue;

WE WILL NOT, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

DATED: December 22, 1998

SKAGIT COUNTY

BY:

*Chaf A. [Signature]*  
 Authorized Representative

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material. Questions concerning this notice or compliance with the order issued by the Commission may be directed to the Public Employment Relations Commission, 603 Evergreen Plaza Building, P. O. Box 40919, Olympia, Washington 98504-0919. Telephone: (360) 753-3444.

# SKAGIT COUNTY PUBLIC WORKS DEPARTMENT

1111 Cleveland Avenue, Mount Vernon, WA 98273-4215

## Telephone Numbers

## FAX Numbers

(360) 336-9400  
 (360) 336-9333 + ext  
 (360) 755-9531  
 (360) 424-7817  
 (360) 293-6433

Administration/Solid Waste Departments  
 Engineering and Accounting Departments  
 Burlington Maintenance Department  
 Resource Recovery Facility/Incinerator  
 Guemes Ferry Office

(360) 336-9478  
 (360) 336-9369  
 (360) 755-0950  
 (360) 424-3138  
 (360) 293-1899

## FAX MESSAGE

DATE: DECEMBER 23, 1998

TO: PATTI CHAMBERS

FAX NO:

FROM: JACQUE GENT

FAX NO:

This message consists of 2 pages, including this cover sheet.

### COMMENTS:

PATTI: I know you said you have a copy of this NOTICE, but I didn't think you had a copy of it SIGNED BY Chal?

Should have sent this over with my agenda packet; running in circles here. If you want a copy sent over rather than this faxed one, just let me know.

EVIDENTLY, Per Chal, the PERC Decision requires the Board to "Permanently append a copy of that Notice to the official minutes of the meeting wherein the Notice is read". So, I thought you should have a copy of the Notice as signed by Chal which is what he will be reading on Monday at 9:15 under Miscellaneous. so you can append it to your minutes.

geez, jacque