

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, August 30, 1999**

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| 10:00 a.m. – 10:15 a.m. | Public Comment Period. |
| | CONSENT AGENDA.
MISCELLANEOUS. |
| 10:30 a.m. – 11:00 a.m. | Work Session – Search & Rescue and Red Cross Buildings. |
| 11:30 a.m. – 1:30 p.m. | Burlington-Edison School District 1999-2000 School Year Kick-Off Meeting, Burlington-Edison High School Commons and Cafetorium, Burlington. |
| 2:00 p.m. – 3:00 p.m. | <u>Board of Health – Peter Browning, Director.</u>
1) Discussion and Possible Reconsideration of Decision re: Appeal of Health Officer's Decision re: On-Site Septic Permit #S99-0016 (Jerry & Virginia Scheffer). |

The Skagit County Board of Commissioners met in regular session on Monday, August 30, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

PUBLIC COMMENT PERIOD.

There were no citizens present for the public comment period.

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, August 30, 1999, items 1-22. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, August 23, 1999.
2. Record of the Proceedings for Tuesday, August 24, 1999.
3. Record of the Proceedings for Wednesday, August 25, 1999.

SENIOR SERVICES:

4. Award of Bid for Senior Citizen Meals – Skagit Nutrition Project to Island Hospital. (**Resolution No. 17548**)
5. Award of Bid for Senior Citizen Meals – Skagit Nutrition Project to First Choice Foods. (**Resolution No. 17549**)

ASSESSOR'S OFFICE:

6. Out-of-State Travel Request for Mark Leander to attend the Northwest Property Tax Conference in Portland, Oregon, September 13-15, 1999, for the total amount of \$502. (**Approved**)

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7. Out-of-State Travel Request for Wes Hagen to attend the Northwest Property Tax Conference in Portland, Oregon, September 13-15, 1999, for the total amount of \$502. **(Approved)**
8. Out-of-State Travel Request for Jane Sneeringer to attend the Northwest Property Tax Conference in Portland, Oregon, September 13-15, 1999, for the total amount of \$502. **(Approved)**
9. Out-of-State Travel Request for Robert O.L. Chase to attend the Northwest Property Tax Conference in Portland, Oregon, September 13, 15, 1999, for the total amount of \$502. **(Approved)**

PUBLIC WORKS DEPARTMENT:

10. Cook Road Improvement Project – Summary of Offer. **(Approved)**
11. Resolution Awarding Bid of the 1999 Parson Creek Fish Passage Project to BBG Group L.L.C. for a total bid of \$161,895. **(Resolution No. 17550)**
12. Resolution Adopting the 2000-2005 Six-Year Transportation Improvement Project. **(Resolution No. 17551)**
13. Resolution Providing Notice of Road Closure, Dalles Road, #96800, September 13 – October 1, 1999. **(Resolution No. 17552)**
14. Resolution Providing Notice of Road Closure, Farm-to-Market Road, #31010. **(Resolution No. 17553)**

CLERK'S OFFICE:

15. Vendor Services Agreement with Skagit Business Services to provide general office support for compensation not to exceed \$2,000 for the period August 23, 1999 until terminated. **(Contract No. 04563)**

YOUTH AND FAMILY SERVICES:

16. Addendum to Contract with Skagit Community Mental Health adding a new service called Functional Family Therapy at the various rates listed in the Compensation section of the addendum. **(Contract No. 02238)**
17. Personal Services Agreement with Charlotte Underwood to provide individual and family counseling at the rates listed in Exhibit "B" for the period August 1, 1999 until terminated. **(Contract No. 04564)**
18. Personal Services Agreement with Elizabeth Sherman to provide individual and family counseling for clients referred from Youth and Family Services at the rates listed on Exhibit "B." The contract begins August 1, 1999, and will continue until terminated. **(Contract No. 04565)**
19. Addendum to a contract with Skagit Recovery Center adding a new service called Chemical Dependency Disposition Alternative (CDDA) Program for the rates listed in the Compensation portion of the addendum. **(Contract No. 02441)**

NOXIOUS WEED CONTROL:

20. Personal Services Agreement with Industrial Mowing and Spraying to provide for the treatment, eradication and/or control of noxious weeds consisting of mowing, clipping, shearing and/or trimming. The Contract will receive the sum of \$45 per hour for service, with a maximum contract amount of \$1,500. The contract begins July 1, 1999 and will continue until terminated. **(Contract No. 04566)**

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HUMAN SERVICES:

21. Personal Services Agreement with Community Health Services for the period July 1, 1999 through June 30, 2000 for the continuation of substance abuse treatment for the maximum amount of \$30,000. **(Contract No. 04567)**
22. Personal Services Agreement with Sea-Mar Counseling Social Services for the period July 1, 1999 through June 30, 2001 to provide for the continuation of substance abuse treatment services to the Hispanic community in Skagit County, for the maximum amount of \$45,000. **(Contract No. 04568)**

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, August 30, 1999, 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 51923 through 52113 from Clearing Fund 696 in the total dollar amount of \$352,023.57 (Transmittal No. C-63-99).

2. Staff presented a Resolution and Interlocal Agreement with Skagit Transit allowing Skagit Transit and Skagit County to participate in the North Sound Connecting Communities Project. This agreement would cause the County to provide financial assistance to SKAT in an amount not to exceed \$3,125, with like amounts also being provided by three other neighboring counties. After a brief discussion, Commissioner Wolden moved to approve the Resolution and Interlocal Agreement as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution No. 17554, Contract No. 04569)**

BOARD OF HEALTH – PETER BROWNING, DIRECTOR.

1. Discussion and Possible Reconsideration of Decision re: Appeal of Health Officer's Decision re: On-Site Septic Permit #S-99-016 (Jerry & Virginia Scheffer).

Howard Leibrand, County Health Officer, reviewed issues concerning action taken by the Board on the Scheffer Septic System appeal, noting that most of the decisions were predicated on the fact that the Scheffer's intended to proceed with a commercial endeavor on the subject property. Dr. Leibrand advised that the Special Use Permit application for the bed and breakfast had been withdrawn, so that the only change requested by the Scheffers is from 3 bedroom residential use to a 5-6 bedroom residential use. Therefore, according to Dr. Leibrand, the Board should reconsider their decision and possibly reopen this matter for discussion and a revisit of the issues.

Chairman Anderson stated for the record that on July 27, the Scheffers had made an appointment and talked to him, with the discussion centered on what their plans were for the subject property.

Commissioner Wolden advised that he also had met with the Scheffers to discuss the septic permit and the withdrawal of their application for a bed a breakfast.

Both commissioners acknowledged to those assembled that this ex parte contact had occurred.

Chairman Anderson stated that it was his understanding that a second appeal had also been filed regarding the reserve area of the septic system, and he asked counsel if the Board decided to reopen the former appeal, if both matters could be combined for one hearing.

John Moffat, Chief Civil Deputy, indicated that the combination of the appeals would not be proper as the second appeal is still before the Health Officer. He further advised that under statute, the Board has made an announcement of ex parte contact, and now must give the parties an opportunity to comment on this ex parte contact.

Tom Moser, an attorney representing the appellants in this matter, stated that this was his first notice of the ex parte contact, and that he would reserve any objections, but would discuss such with his clients. He spoke to the lack of a quorum if the two commissioners were forced to excuse themselves from the proceedings because of this contact.

Al McCrary, property owner in the area of Marine Drive, asked about the time sequence of the discussions between the Scheffers and Commissioners Anderson and Wolden, asking if this meeting was before or after the last hearing.

Chairman Anderson stated that the conversations with Mr. & Mrs. Scheffer were about their future plans for the property now that they had withdrawn the Special Use Permit application, and that such meetings followed the appeal hearing.

Commissioner Wolden noted that the Board had not made a written decision on the denial of the septic system permit, and consequently, there was nothing to discuss other than the future plans for the property.

Chairman Anderson stated that initially when this came before the Board, the intent was that the home would be converted to a bed and breakfast establishment and would be a commercial enterprise in a residential area. Now that the special use permit application has been withdrawn, the Board may need to reassess their decision for denial. However, the Board wanted to disclose that there had been ex parte contact since the hearings and before the issuance of a written decision.

Chairman Anderson further commented that it is not reasonable to deny people the use of their property if they meet all of the criteria required by the County.

Dr. Leibrand confirmed that the original remodel permit had now been changed from a bed and breakfast establishment to a remodel of an existing home from 3 bedrooms to 6 bedrooms, with a proposed septic system to accommodate such a change.

Mr. McCrary wondered how it is possible to justify six bedrooms for such a small house.

Tom Basinger, Anacortes, spoke regarding the possible intent of one day turning this residence into a bed and breakfast.

Chairman Anderson reminded Mr. Basinger that the testimony is limited to the ex parte contact only.

Dr. Leibrand read the letter withdrawing the special use permit.

Commissioner Hart indicated that he remains opposed to commercial use in a residential area, and that he is willing to hold another hearing on the subject appeal now that the circumstances have changed.

Commissioner Wolden moved to reopen the public meeting to discuss the Scheffer septic system appeal, with such hearing to be held during the next regularly scheduled Board of Health Meeting on September 14, at 9:00 a.m. Commissioner Hart seconded the motion, which passed unanimously.

2. Miscellaneous.

There were no miscellaneous Board of Health items for discussion.

ADJOURNMENT.

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

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



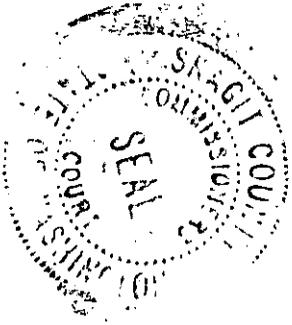
Ted W. Anderson, Chairman



Harvey Wolden, Commissioner



Robert Hart, Commissioner



ATTEST:



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