

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, October 25, 1999**

10:00 a.m. – 11:00 a.m.	Public Hearing – To Consider Testimony re: the County’s Intention to Dispose of County-Owned Surplus Property, in Accordance with R.C.W. 36.34, described as follows: Lots 1-4, Block 2, Southern Addition to Mount Vernon, WA, commonly known as the Search & Rescue Building (formerly the Atkins Tire Building) at 1202 South Second Street, Mount Vernon.
11:00 a.m. – 11:30 a.m.	Consideration of the Hearing Examiner’s Recommendations for Approval of: <ol style="list-style-type: none">1) Timber Open Space Application of Donald Caldwell for property located at the southeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 23.61 acres (OT-97-0450);2) Open Space Application of Donald Caldwell for property located at the southeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 13.9 acres (OS-97-0451);3) Timber Open Space Application of Donald Caldwell for property located at the Northeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 6.6 acres (OT-99-0462);4) Timber Open Space Application of Donald Caldwell for property located at the southeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 16.2 acres (OT-97-0452).
	CONSENT AGENDA. MISCELLANEOUS.
1:30 p.m. – 2:00 p.m.	Discussion with the Treasurer – Proposed Clean Water District Program.
*T 2:00 p.m. – 3:00 p.m.	Public Hearing – To Consider Testimony re: Establishment of January 2000 – December 2002 Solid Waste Disposal Rates.
3:00 p.m. – 4:00 p.m.	Work Session – Prevedell Road Improvement Project.
4:00 p.m. – 4:30 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, October 25, 1999, with Commissioners Ted W. Anderson, Robert Hart and Harvey Wolden present.

PUBLIC HEARING – TO CONSIDER TESTIMONY RE: THE COUNTY’S INTENTION TO DISPOSE OF COUNTY-OWNED SURPLUS PROPERTY, IN ACCORDANCE WITH R.C.W. 36.34, DESCRIBED AS FOLLOWS: LOTS 1-4, BLOCK 2, SOUTHERN ADDITION TO MOUNT VERNON, WA, COMMONLY KNOWN AS THE SEARCH & RESCUE BUILDING (FORMERLY THE ATKINS TIRE BUILDING) AT 1202 SOUTH SECOND STREET, MOUNT VERNON.

Roger Howard, Facilities Director, reviewed the situation with the building formerly called The Atkins Tire Building. He advised that the City of Mount Vernon is unable to pursue purchasing the building because of issues intertwined with Federal funding. He stated that, however, it will be necessary to proceed with a boundary line

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adjustment with the neighboring property owner, John Pederson. He further noted that the relocation of the SKAT bus stop may also be necessary.

There being no public testimony forthcoming, Commissioner Wolden moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously.

Upon query from Commissioner Hart, Mr. Howard indicated that the minimum purchase price for the building would be set at \$235,000.

Commissioner Hart moved to declare surplus Lots 1-4, Block 2, Southern Addition to Mount Vernon, WA, commonly known as the Search & Rescue Building (formerly the Atkins Tire Building) at 1202 South Second Street, Mount Vernon, with a reserve value of \$235,000. The motion was seconded by Commissioner Wolden, and passed with a unanimous vote.

CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATIONS FOR APPROVAL OF:

1. **Timber Open Space application of Donald Caldwell for property located at the southeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 23.61 acres (OT-97-0450).**
2. **Open Space Application of Donald Caldwell for property located at the southeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 13.9 acres (OS-97-0451);**
3. **Timber Open Space Application of Donald Caldwell for property located at the Northeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 6.6 acres (OT-99-0462)**
4. **Timber Open Space Application of Donald Caldwell for property located at the southeast end of Thunder Lane, a private road off of Hall Place in Central Fidalgo Island totaling approximately 16.2 acres (OT-97-0452).**

Commissioner Anderson was absent for this portion of the proceedings.

Grace Roeder, Associate Planner, reviewed the exact location of the subject properties.

Commissioner Wolden moved to approve the findings and recommendations of the Hearing Examiner for the above-referenced timber open space and open space applications as presented by Ms. Roeder and as listed above, items 1-4. Commissioner Hart seconded the motion, which was approved unanimously. **(Resolutions Nos. 17611, 17612, 17613, and 17614)**

CONSENT AGENDA.

Commissioner Anderson was absent for the Consent Agenda. Commissioner Wolden moved to approve the Consent Agenda for Monday, October 25, 1999. Commissioner Hart seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Call for Public Hearing re: Skagit County Use of Community Development Block Grant Funding. The public hearing will be held on Tuesday, November 9, 1999, at 3:00 p.m. **(Resolution No. 17615)**

EMERGENCY MANAGEMENT:

2. Resolution proclaiming Skagit County as an Economic Fishery Resource Disaster Area and requesting that the Governor grant or seek to obtain assistance. **(Resolution No. 17616)**

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ADMINISTRATIVE SERVICES:

3. Interlocal Agreement with the City of Mount Vernon for procuring a one-day training seminar wherein the costs of the seminar will be shared equally between Skagit County and Mount Vernon. **(Contract No. 04636)**

PUBLIC WORKS DEPARTMENT:

4. Summary of Offer for the Cook Road Improvement Project, ES63000-6. **(Approved)**
5. Resolution Authorizing Condemnation of Property (Parcel No. 36985) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17617)**
6. Resolution Authorizing Condemnation of Property (Parcel No. 37032) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17618)**
7. Resolution Authorizing Condemnation of Property (Parcel No. 65546) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17619)**
8. Resolution Authorizing Condemnation of Property (Parcel No. 65559) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17620)**
9. Resolution Calling for Public Hearing re: Vacation of an Unopened County Right-of-Way known as Jigger Street, No. 15409. The public hearing will be held on November 16, 1999 at 9:00 a.m. **(Resolution No. 17621)**
10. Professional Services Agreement with Larry's Auto & Truck Parts, Inc. for the processing of recyclable rubber products including automobile tires, truck tires, other vehicle and machinery tires, etc. at compensation rates per tire as listed on Exhibit "B." The contract term is December 1, 1999 through December 31, 2001. **(Contract No. 04637)**
11. Vendor Services Agreement with Cintas Corporation to provide floor mat replacement service at the Skagit County Public Works Department Building, 1111 Cleveland, at \$19.75 per service pick-up/delivery, not to exceed \$1,500. The contract begins November 1, 1999 and will continue until terminated. **(Contract No. 04638)**

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, October 25, 1999, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll warrants numbered 952091 through 952183 in the total dollar amount of \$77,349.95 (Transmittal No. P-39-99);

Payroll warrants numbered 42161 through 42915 in the total dollar amount of \$739,309.64 (Transmittal No. P-40-99);

Warrants numbered 55343 through 55343 from Clearing Fund 696 in the total dollar amount of \$15,320 (Transmittal No. C-77-99); and

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Warrants numbered 55344 through 55842 from Clearing Fund 696 in the total dollar amount of \$4,087,454.24 (Transmittal No. C-78-99).

2. Staff presented a Personal Services Agreement with Skagit Recovery Center to provide drug testing of Drug Court participants, and case management for up to 70 drug court clients. Outpatient treatment services will be provided for assessment, individual counseling and group sessions, together with the facilitation of referrals to residential treatment. The contract is for a not-to-exceed sum of \$312,099 for the period July 1, 1999 through September 30, 2000. Commissioner Wolden moved to approve the Personal Services Agreement as presented by Staff, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote. **(Contract No. 04639)**
3. Staff presented a Vendor Services Agreement with I.M.A.C., Inc. for work relating to the repairs to pumps and piping at the Inman Landfill Leachate Well. The contract has a not-to-exceed amount of \$5,000 and runs from November 1, 1999 through November 30, 1999. Commissioner Wolden moved to approve the Vendor Services Agreement as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. **(Contract No. 04640)**

Commissioner Anderson was present for the remainder of the agenda.

DISCUSSION WITH THE TREASURER – PROPOSED CLEAN WATER DISTRICT PROGRAM.

Judy Menish, Treasurer, spoke regarding growing concerns regarding issues that need to be addressed surrounding the proposed Clean Water District Program and the possible inclusion of same on the Year 2000 property tax statements. She stated that there is a real impetus for enacting this next year because of the possibility of the passage of I-695.

She stated that her first concern relates to the timing in determining whether it is possible to put this assessment on the property tax statement for next year. She discussed the workload of her department this time of year, and the need to meet a November 1 deadline with the printer for the 2000 tax statement. The further question is how this item will appear since the County's ordinance did not speak to financial ramifications of enacting the Program.

Commissioner Hart indicated that the public hearing on this matter will be held on November 1st and the matter may be a moot issue depending on the testimony presented at that time. He stated that it was his understanding that this would show as an "assessment" rather than a property tax.

Ms. Menish explained the difficulties of listing the assessment as a "fee" and the problems with interest and penalties on fees versus regular property taxes. She reviewed the difficulties that Snohomish County has had in this regard. She further noted that governments have refused to pay our drainage utility fee assessment and may also refuse to pay this Clean Water District assessment. She spoke briefly to the irregularities this would cause with the foreclosure process. Ms. Menish expressed concern that if this program is implemented, there are many questions that have not yet been answered and need to be answered before this goes on the tax roll. She explained the timing constraints of her office in implementing this Program. She further suggested that it could be possible to issue a separate billing to the 29,000+ parcels, but that this would be a very cumbersome and time-consuming process.

Commissioner Hart asked about relative statutes regarding the formation and assessment of the Clean Water District Program.

Hilary Thomas, Deputy Prosecuting Attorney, commented on need to set this up as a fee and not a property tax.

Commissioner Hart commented that this does not appear to be any different than how diking and drainage districts are set up, and asked again about financial set up as specified by the pertinent RCW's.

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Ms. Thomas replied that the difference is how you collect the fee, and that collection is left up to the discretion of the County.

Alicia Huschka, Budget/Finance Manager, stated that basing the fee on assessed value, makes it look like a property tax, and that there needs to be an equitable way established to reflect such a fee. She suggested that perhaps a separate statement might be the better alternative, even though the timing is unpleasant.

Ms. Menish stated that preparing a separate statement would be expensive and not her choice.

Ms. Huschka indicated that by November 1 an answer could be ascertained, following the public hearing.

Commissioner Hart suggested that there would be a only a small fee to add the line item during printing, and if we do not enact the program, we would just be out the cost of the printing, and would not be required to enter data.

Ms. Menish reiterated that the issues of Snohomish County are worrisome to her, including questions regarding foreclosure. She stated that what Snohomish County found is that each year they had to place a lien on the property for that specific fee in order to be eligible to foreclose on it. She stated that another concern looming over the Assessor and Treasurer will be discussed at a November 9 meeting with the Department of Revenue to determine how automobiles will be put back on the tax roles as property tax. She stated that County Assessors throughout the State want to go back to the Legislature and exempt automobiles.

Commissioner Hart commented that if the Legislature wants local governments to do something for clean water, they need to make the statutes workable.

Commissioner Wolden suggested that we utilize the same configuration as for the Edison Clean Water District, as this may have set a precedent within the County for such an assessment.

PUBLIC HEARING – TO CONSIDER TESTIMONY RE: ESTABLISHMENT OF JANUARY 2000 – DECEMBER 2002 SOLID WASTE DISPOSAL FEES.

Robin LaRue, Solid Waste Division Manager, gave a presentation and overview of the “tip fee” analysis study and proposed rates.

After Mr. LaRue's comments, Chairman Anderson opened the public hearing.

Scott Sutherland, Sanitation Supervisor for the City of Mount Vernon, commented on Mount Vernon's support for this reduction in rates, which will give them relief in their solid waste budget and opportunities to think of creative ways to give the reduction back to the public. He expressed concern for setting aside something for eventual capital improvements at the Transfer Facility. He stated that the facility is currently meeting required needs, but there may be unanticipated future needs that should be prepared for.

Jeff West, District Manager for Rural Skagit Sanitation, spoke in favor of the proposed rates, and echoed Mr. Sutherland's concerns for provision of capital improvements to the solid waste system in general. He stated that Rural Skagit Sanitation would pass these savings through in new rates to their customers

There being no further public testimony forthcoming, Commissioner Wolden moved to close the public hearing and Commissioner Hart seconded the motion. The public hearing was closed.

Commissioner Hart moved to establish the new solid waste rates as proposed by Mr. LaRue, with the schedule beginning January 1, 2000. These rates would include for General Waste (Commercial/Residential), \$85.99 per ton, Commercial (exempt) \$83.00 per ton; and Municipalities, \$82.00 per ton. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17622)**

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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