

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, May 15, 1984

9:00 a.m. Public Works Department - Gene Sampley, Director:

1. Bid Opening - Black Slough Bridge.
2. Public Hearing - Vacation of roads in Fidalgo Bay Addition to Anacortes.
3. Public Hearing - Establish a speed limit on Channel Drive #4383.
4. Call for Bid - Painting Marblemount Bridge.
5. Bid Award - Two new dump trucks.
6. Bid Award - One new wheel loader.
7. Signature - Road deed Bay View Short Plat.
8. Signature - Final records Conway Road project.
9. Signature - Hobson Road appraisals.
10. C.R.P. - Cook Road.
11. Discussion - Cook Road/Gardner Road Hazard Elimination Project.
12. Discussion - Wood Road Petition for Improvement.

10:00 a.m. Public Meeting - Parking on Front Street, Lake McMurray.

10:30 a.m. Department of Emergency Services - Tom Sheahan, Director:

1. Discussion - Blue Pages of the Telephone Directory.
2. "911" Update.

11:00 a.m. Public Hearing - Amendment to the Environmental Policy Ordinance, Chapter 14.24.030, Skagit County Code Revising the Environmental Checklist Form.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, May 15, 1984, with Commissioners Norris and Rohrer present. Commissioner Mansfield was absent.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Bid Opening - Black Slough Bridge.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of Skagit County Commissioners, read the Notice of Call for Bids, as advertised in the Skagit Valley Herald and Daily Journal of Commerce on April 20, 27, and May 4, 1984.

The following bids were received:

1. Wilder Construction Co., Inc.
2006 North State Street
Bellingham, WA 98225

Bid Bond enclosed (5% of Bid)
Total Bid: \$252,901.00
DB Total: \$ 20,500.00
2. American Construction Co., Inc.
411 13th Street
Everett, WA 98201

Bid Bond enclosed (5% of Bid)
Total Bid: \$264,554.00
DB Total: \$ 47,319.00
3. Keystone Associates, Inc.
1933 Main
Ferndale, WA 98248

Bid Bond enclosed (5% of Bid)
Total Bid: \$288,392.00
DB Total: \$ 23,000.00
4. Sea Con Corporation
P.O. Box 867
Woodinville, WA 98072

Bid Bond enclosed (5% of Bid)
Total Bid: \$268,131.00
DB Total: \$ 20,000.00
5. Dale M. Madden Construction, Inc.
3003 Fairweather Place
Bellevue, WA 98004

Bid Bond enclosed (5% of Bid)
Total Bid: \$219,838.70
DB Total: \$ 20,823.00
6. One Way Construction, Inc.
215 North Reed Street
Sedro Woolley, WA 98284

Bid Bond enclosed (5% of Bid)
Total Bid: \$238,843.45
DB Total: \$ 20,969.35

Bids will be reviewed by the Public Works Department, and a recommendation for award of bid will be made at a later date.

2. Public Hearing - Vacation of roads in Fidalgo Bay Addition to Anacortes.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of Commissioners, read the Notice of Public Hearing, as published in the Skagit Valley Herald on April 27, and May 4, 1984.

John Rumsey, of the Public Works Department, located the requested vacation northwest of Sharps Corner, Anacortes. The requested vacation totaled 438,800 square feet, or in excess of 10 acres. Mr. Rumsey stated that the roads requested to be vacated lie in an area of steep terrain. The grades of these roads are excessive and any roads built would not be able to follow the platted alignments. John L. Miller, the petitioner, in partnership with other parties, owns all the property served by these roads.

Mr. Rumsey stated that the Public Works Department recommended the property be vacated at the appraised value of \$65,820, plus the cost of public hearing. However, he noted that a previous vacation in that area was accomplished approximately one year ago at no cost to the landowner except the cost of the public hearing. This plat was established in 1890, and under the laws of that time, if a road was not established or used within five years, it reverted back to the adjoining property owners.

Chairman Norris suggested that following this vacation request, a policy should be made regarding this type of situation. Chairman Norris invited public input.

Bob Rose, 343 Campbell Lake Road, Anacortes, stated that he was representing the Anacortes Forest Lands Management Committee. He expressed concern that Skagit County had not coordinated with the City on the proposed vacation. This area is within the spheres of influence boundary, and the plat is adjacent to forest lands owned by Anacortes. He stated that the City of Anacortes is trying to protect access to their property, although they would be in favor of the vacation if a realigned access road could be constructed.

John Miller, 825 South 170 West, Camano Island, stated that his land would be more useful to him with the vacated roads. He is interested in building an access road, but feels the existing rights-of-way should be vacated to allow him to build a more aligned road. He stated that he is not willing to pay \$65,820 for the vacation. Mr. Miller also pointed out the previous vacation in the area which was accomplished at no cost to the landowner.

Chairman Norris stated that he would be in favor of possibly granting an easement which would allow Mr. Miller to build a road.

Gene Sampley, Director of the Public Works Department, noted that the Prosecutor's Office has already said the County cannot grant an easement, although they can lease property.

Mr. Miller pointed out that he presently has a problem of getting to his property, although there is an existing City of Anacortes waterline easement, which might provide for a possible access road. He stated that the waterline (40 feet by approximately 1,800 to 2,000 feet) crosses over County property, however, so this matter is still of concern to the County.

Mr. Sampley suggested the discussion be continued at the staff level.

Ian Munce, representing the City of Anacortes, stated that the City is interested in obtaining access to both the City's property and Mr. Miller's property.

Commissioner Rohrer motioned to continue the hearing until June 12, 1984, in order for Skagit County and the City of Anacortes staffs to work together with the applicant to resolve the issues regarding this vacation. Chairman Norris seconded the motion. The motion was carried and so ordered.

3. Public Hearing - Establish a speed limit on Channel Drive #4383.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of Commissioners, read the Notice of Public Hearing, as published in the Skagit Valley Herald on May 4, and 11, 1984.

John Rumsey, of the Public Works Department, asked that the Engineer's Report be made a part of this record. The Public Works Department recommended a 25 m.p.h. speed limit for Channel Drive, a dead end residential road, and therefore, concurred with the petitioners.

Chairman Norris opened the hearing for public input. As no one was present to speak for or against the proposed speed limit, Commissioner Rohrer motioned to close the public hearing. Chairman Norris seconded the motion. The motion was carried and so ordered.

Commissioner Rohrer motioned to approve the establishment of a 25 m.p.h. speed limit on Channel Drive. Chairman Norris seconded the motion. The motion was carried and so ordered.

4. Call for Bid - Painting Marblemount Bridge.

Gene Sampley reported that the estimate for painting the Marblemount Bridge #40070 was \$51,400.

Commissioner Rohrer motioned to adopt the resolution authorizing the Auditor to issue a Call for Bids for painting the Marblemount Bridge. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10064)

Bids will be received and publicly opened at 9:00 a.m. on Tuesday, June 5, 1984.

5. Bid Award - Two new dump trucks.

Gene Sampley reported that the low bid for the purchase of two dump trucks was Truck Center Corp., for a GMC Model TC7D042, commonly called the "Topkick." However, this model was not acceptable due to the difficulty with maintenance. The Public Works Department, therefore, recommended that the bid be awarded to the second lowest bidder, Vern Sims Ford, for a Ford LN-8000 with a Lynnwood body and a Perfection hoist, for \$82,062.97.

Commissioner Rohrer motioned to adopt the resolution awarding the bid to Vern Sims Ford in the amount of \$82,062.97. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10065)

6. Bid Award - One new wheel loader.

Gene Sampley reported that the Public Works Department recommended the bid for one new wheel loader be awarded to the apparent second lowest bidder, N C Machinery Co., for \$84,499.20. This recommendation was based on the extended warranty offered by N C Machinery, which value made them the actual low bidder.

Commissioner Rohrer motioned to adopt the resolution awarding the bid for the purchase of one new Caterpillar Model 950B Wheel Loader to N C Machinery for the net bid price of \$84,499.20. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10066)

7. Signature - Road deed Bay View Short Plat.

Because the Bay View Short Plat was not ready for signature, this item was withdrawn from the Agenda, and will be addressed in one week.

8. Signature - Final records Conway Road project.

Gene Sampley explained that this resolution was to cover overruns and Change Orders during the reconstruction of the Conway Road.

Commissioner Rohrer motioned to adopt the resolution for final C.R.P. #8007-1 regarding the Conway Road. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10067)

The Board also approved for signature the final records of the road project.

9. Signature - Hobson Road appraisals.

The Board approved for signature the Review Appraiser's Certification for appraisal of 31 parcels on Hobson Road, thus authorizing the County to obtain the right-of-way for the road.

10. C.R.P. - Cook Road.

11. Discussion - Cook Road/Gardner Road Hazard Elimination Project.

Gene Sampley presented for the Board's consideration a resolution initiating County Road Project #6300-3 for the Cook Road, which consists of placing paving fabric and 1 1/2 inches Class "B" asphalt 30 feet wide from the railroad crossing to the Sedro Woolley city limits on Cook Road. He also recommended that the Cook Road/Gardner Road Hazard Elimination Project be included within the Cook Road C.R.P., with the federal funds withdrawn and an attempt made to apply these funds to the Collins Road intersection.

Commissioner Rohrer motioned to adopt the resolution initiating the C.R.P. for the Cook Road, including the Cook Road/Gardner Road Hazard Elimination Project. Commissioner Norris seconded the motion. The motion was carried and so ordered.

12. Discussion - Wood Road Petition for Improvement.

Gene Sampley presented a memo to the Board regarding this item. He pointed out that the County could minorly widen the road, provide major improvements to the road, or solicit participation by the neighborhood with the R.I.D. process.

Due to a lack of overall information regarding the needs and the time available to discuss this matter, it was suggested that this item be continued for one week.

PUBLIC MEETING - PARKING ON FRONT STREET, LAKE McMURRAY.

Gene Sampley, Director of the Public Works Department, stated that Fire District #15 would like to use the County right-of-way of Front Street, Lake McMurray, for parking when they have community activities at the fire hall. The adjoining property owners, Mr. and Mrs. Ward, have constructed a fence within the right-of-way. Mr. Sampley stated that the fence is not a hazard to traffic, and the only purpose in moving it would be to provide parking.

Chairman Norris stated that he had reviewed the situation, and concurred with Mr. Sampley. Chairman Norris invited those present to state their views.

Gene Sampley presented a letter he had received from Donald P. and Laura E. Johnson, 2262 Main Street, Lake McMurray, Mount Vernon, relating their objection to the Ward's fence.

Chairman Norris stated that Mike Radich, 2266 Highway 9, Mount Vernon, had also corresponded with the County, and objected to the location of the fence. He stated that the three Fire District #15 Commissioners had submitted a petition requesting the fence be moved.

Joann Ward, 2276 Front Street, Mount Vernon, stated that they put up the fence to keep cars from driving on their lawn. She stated that the fire hall wanted additional parking for their reunions. Mrs. Ward presented pictures of their fence, showing a car parked along the fence off the roadway.

Juanita Jungquist, 2264 Highway 9, Mount Vernon, stated that she lives across the street from the Wards. She has never had any problems with parking in front of her property, nor has she ever denied anyone parking there. She asked how long each Fire District #15 Commissioner had been in office. The answers were 3 years, 5 years, and 1 year.

Ruth Robertson, 2242 Highway 9, Mount Vernon, felt there should be room for two-way traffic on Front Street, when cars are parked on both shoulders.

Mrs. Ward stated that one of the Fire District #15 Commissioners told her the fence was serving a good purpose. Mrs. Ward said the Fire District has property that should be made into a parking lot for their functions.

Oscar Johnson, 2224 Highway 534, Mount Vernon, stated that there is no possible parking in that area.

Chairman Norris made the suggestion that the County widen the road enough to allow parking on the shoulders. He asked if the County could construct a parking lot to take care of the parking problem.

Mr. Johnson answered, "No."

Ross Dietrichson, 2240 State Highway 9, Mount Vernon, stated that he was one of the Commissioners for Fire District #15. He stated that the Wards built their fence without contacting anyone. He stated that he has been advised by legal counsel that if an accident occurs in that area, the Fire District could be sued for tolerating the Wards' fence. In conclusion, he stated that they recognize a property owner's right to protect property, but they disagree with fencing off County right-of-way to be used as private property. He felt that if this was allowed, the right-of-way would eventually become the Wards' property through adverse possession.

Mrs. Jungquist pointed out that the County could never lose ownership of property through adverse possession.

Chairman Norris asked if the residents of the area would allow the County to move the fence back slightly, and prepare the parking strips.

The Wards concluded that they would agree to having the County move the fence back 3 or 4 feet.

Mr. Dietrichson stated that the Fire District is requesting the fence be moved enough to allow for two-way traffic and adequate parking on both sides of the street.

Chairman Norris responded to a question from Mrs. Ward by clarifying that the County could widen the parking strip south of the fire hall, as well as adjoining the Wards' property, on that side of the road only.

Archie Robertson, 2242 Highway 9, Mount Vernon, stated that moving the fence back 4 feet would help the situation.

Mrs. Robertson stated that she is in agreement with Mr. Dietrichson that there should be two-way traffic and parking on both sides of Front Street.

Chairman Norris stated that the County would move the Wards' fence back 4 feet, as well as remove the sod next to the fence and south of the fire hall. A barrier would be put in place to keep gravel out of the Wards' yard. Chairman Norris stated that following this work, the situation could be reviewed again to see if the problem was taken care of or if the same type of work should be done on the other side of the street also.

Mr. Dietrichson asked what the County requires for minimum road standards for two-way traffic and parking on either side. John Rumsey, of the Public Works Department, responded that the County requires 20 feet of road surface, plus 2 feet of shoulder on each side of the road.

Mrs. Jungquist stated that she was not against the County taking property on her side of the road if they wanted to prepare a parking strip there also. She pointed out that telephone poles on that side would pose additional expense.

Mr. Dietrichson pointed out that the situation is far different when he is going to a fire on a rainy night than it is on a sunny day.

Oscar Johnson pointed out that last year large trucks were parked nearly half way out onto the road.

After talking with Mr. Ward, Chairman Norris concluded that the total width of the new parking strip would be 9 1/2 feet, which would be adequate for most vehicles.

Chairman Norris thanked everyone for attending the meeting.

Note: Following the meeting, Mr. Dietrichson handed two letters to the Clerk of the Board. These letters were from Glenn W. Kensmoe, a Fire District #15 Commissioner, 2294 McMurray Lane, Mount Vernon, and from William Olson, also a resident of Lake McMurray. Both letters expressed objection to the Wards' fence.

DEPARTMENT OF EMERGENCY SERVICES - Tom Sheahan, Director:

1. Discussion - Blue Pages of the Telephone Directory.

Tom Sheahan passed out preliminary draft copies of the Emergency Management Warning and Procedures. He explained that this has been distributed to mayors, etc., for soliciting input.

Chairman Norris suggested that the "river information/all hazard information" phone number be highlighted to make it more easily found.

Mr. Sheahan reviewed the information and some discussion followed. The Board thanked Mr. Sheahan for his presentation and his work on this important project.

2. "911" Update.

Tom Sheahan informed the Board that the Advisory Board will meet with the telephone company to discuss the study of this project further. He stated that Anacortes and Mount Vernon already have 911, and Sedro Woolley will soon have 911.

Ted Banta, Burlington Fire Chief, stated that the cost and different types of equipment available make this project a difficult one.

PUBLIC HEARING - AMENDMENT TO THE ENVIRONMENTAL POLICY ORDINANCE, CHAPTER 14.24.030, SKAGIT COUNTY CODE REVISING THE ENVIRONMENTAL CHECKLIST FORM.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of Commissioners, read the Notice of Hearing, as published in the Skagit Valley Herald on May 4, and 11, 1984.

Otto Walberg, Assistant Director of the Planning Department, stated that this hearing was to determine whether the Board of Commissioners should amend a portion of the Skagit County Code, Chapter 14.24.030 (Environmental Policy Ordinance) to change the required environmental checklist form as outlined in WAC 197-10-365 to reflect the newly revised environmental checklist form as defined in WAC 197-11-960. He stated that the Legislature directed the Department of Ecology to adopt new SEPA rules as of April 1984. In the new SEPA rules was a revised environmental checklist form which asks specific questions and solicits specific responses. If adopted, this form would make it easier to

determine if a mitigated declaration of non-significance is necessary. The Planning Department recommended approval of this amendment.

Chairman Norris invited public input on this matter. No one present offered input. Commissioner Rohrer motioned to close the public hearing. Chairman Norris seconded the motion. The motion was carried and so ordered.

Commissioner Rohrer motioned to approve the amendment of the Skagit County Code, Chapter 14.24.030 (Environmental Policy Ordinance), as described above. Chairman Norris seconded the motion. The motion was carried and so ordered.

MISCELLANEOUS ITEMS

1. Otto Walberg, of the Planning Department, presented for the Board's consideration a resolution approving the amendment to the Skagit County Zoning Ordinance, Section 14.04.190 (5), Skagit County Code, in order to change "section" to "chapter."

Commissioner Rohrer motioned to adopt the resolution approving the amendment to the Skagit County Zoning Ordinance as described above. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10069)

2. Bob Taylor, Commissioners' Assistant, presented for the Board's scheduling three Planning Commission referred items. Commissioner Rohrer motioned to schedule the three Planning Commission referred items for Monday, May 21, 1984, at 1:30 p.m. Chairman Norris seconded the motion. The motion was carried and so ordered.
3. The Board approved for signature a letter to Homer Self regarding denial of his Petition for Reduction of Assessments on Destroyed Real or Personal Property. The letter advised Mr. Self to appeal to the Board of Equalization.
4. Bob Taylor, Commissioners' Assistant, presented for the Board's consideration a resolution calling for a public hearing to amend Chapter 10.12 of the Skagit County Code regarding Skagit County parking lots. Commissioner Rohrer motioned to adopt the resolution authorizing the Auditor to issue a Call for Public Hearing to amend the Skagit County Code regarding parking lots to include two new parking areas. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10070)

The public hearing is scheduled for Tuesday, June 5, 1984, at 11:00 a.m.

5. Commissioner Rohrer motioned to approve Warrants #34734 through #34798 in the amount of \$33,841.28. Chairman Norris seconded the motion. The motion was carried and so ordered. (R-18)

6. Commissioner Rohrer motioned to approve Warrants #2347 through #2522 in the amount of \$53,076.01. Chairman Norris seconded the motion. The motion was carried and so ordered. (C-24)
7. Commissioner Rohrer motioned to approve Warrant #2523 in the amount of \$2,000.00. Chairman Norris seconded the motion. The motion was carried and so ordered. (C-25)

ADJOURNMENT

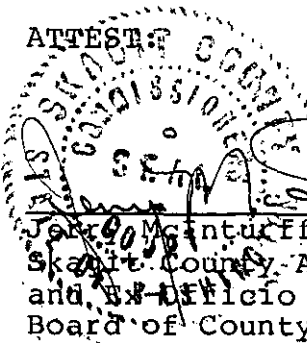

Commissioner Rohrer motioned to adjourn the proceedings. Chairman Norris seconded the motion. The motion was carried and so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Bud Norris, Chairman

ATTEST:

Jerry Mansfield
Skagit County Auditor
and Ex-Officio Clerk of the
Board of County Commissioners

Jerry Mansfield, Commissioner



Dave Rohrer, Commissioner