

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, November 27, 1984

8:30 a.m. Work Session - Road Supervisors Public Works Department.

1. Public Hearing - Vacation of Portion of Division Street in the Plat of the Town of Montborne.
2. Public Hearing - Vacation of Portion of C. W. Green Road.
3. Continued Deliberations regarding North Green Road.
4. Signature - Resolution - Establishment of Colony Mountain Drive.
5. Establishment of C.R.P. Colony Mountain Drive.
6. Discussion - Culvert Replacement - Drainage District #22.
7. Authorization for Rock Rip Rap Repair - Shangri-La Flood Control Zone.
8. Discussion - Road Jurisdiction Study.
9. Miscellaneous Items.

11:00 a.m. Discussion - DWI Impact Fund - Skelton & Tims, Skagit County Public Defenders.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, November 27, 1984, with Commissioners Rohrer and Mansfield present. Commissioner Norris was absent.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Public Hearing - Vacation of Portion of Division Street in the Plat of the Town of Montborne.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board, read the Notice of Public Hearing, as published in the Skagit Valley Herald on November 16, and November 23, 1984.

Gene Sampley, Director of the Public Works Department, explained the proposed vacation.

As there was no input by the public, Commissioner Mansfield motioned to close the public hearing. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

Commissioner Mansfield motioned to vacate a portion of Division Street in the Plat of the Town of Montborne, excepting that portion required for State Highway 9 purposes. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

2. Public Hearing - Vacation of Portion of C. W. Green Road.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board, read the Notice of Public Hearing, as published in the Skagit Valley Herald on November 16, and November 23, 1984.

Gene Sampley explained that the portion being considered at this hearing was a portion of the C. W. Green Road extending through the Department of Fisheries' property to the Samish River from the North Green Road. Don Bartlett, of the Engineering Division of the Department of Fisheries, and Ken Leingang, also of the Department of Fisheries, were present to express the Department's desire to see this right-of-way vacated.

Commissioner Mansfield motioned to close the public hearing and hold in abeyance the decision on this matter until the following item was heard. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

3. Continued Deliberations regarding North Green Road.

Gene Sampley presented the Board with a letter from Gary Alexander, Assistant Director for Management Services of the Department of Fisheries, stating the Department's interest in entering into a cooperative agreement with Skagit County for the realignment of North Green Road. Following the vacation of all rights-of-way within the Fisheries' property in Sections 5 and 6, Township 35 North, Range 4 East, they proposed to provide a 60-foot wide right-of-way for the realignment of North Green Road along the north property line of the Fisheries' ownership in Section 6, Township 35 North, Range 4 East. The letter proposed that the cooperative agreement be for 50 percent with a not-to-exceed limit of \$17,500 based upon the Skagit County cost estimate for construction realignment of the North Green Road.

In answer to a question from Commissioner Mansfield, Mr. Sampley stated that the Highway 99 access has not been addressed yet.

Chairman Rohrer stated that he had received a letter from the Wildcat Steelhead Club of Sedro Woolley supporting the Fisheries' proposal.

Commissioner Mansfield motioned to vacate a portion of the C. W. Green Road, as described in the previous hearing and subject to the conditions outlined in the attached November 13, 1984, letter from the Department of Fisheries. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

Commissioner Mansfield motioned to vacate a portion of the North Green Road subject to the conditions outlined in the attached November 13, 1984, letter from the Department of Fisheries. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

4. Signature - Resolution - Establishment of Colony Mountain Drive.

In accordance with action previously taken, the Board approved for signature the resolution establishing Colony Mountain Drive as a County Road. (Resolution #10263)

5. Establishment of C.R.P. Colony Mountain Drive.

Commissioner Mansfield motioned to adopt the resolution initiating a County Road Project (C.R.P.) for the replacement of the existing wooden bridge on Colony Mountain Drive with two multiplate pipe arches at an estimated cost of \$18,055.50. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (Resolution #10264)

6. Discussion - Culvert Replacement - Drainage District #22.

Don Nelson, Flood Control Engineer, presented a request for assistance from Drainage District #22 for fifty percent participation in a 48-inch pipe replacement on the Dodge Valley Road. The County's portion would amount to \$2,073.70.

Mr. Nelson stated that he had been in contact with Commissioner Norris, who informed him that he was in favor of the County's participation in this project.

Curtis Johnson, incoming Diking District #22 Commissioner, stated that they would very much appreciate the County's assistance.

Commissioner Mansfield motioned to adopt the resolution and accompanying cost estimate initiating the replacement of 60 feet of C.M.P. across the Dodge Valley Road at its intersection with the ditch of Drainage District #22. This project is a joint project with Skagit County doing the work and sharing the cost on a 50-50 basis. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (Resolution #10265)

7. Authorization Rock Rip Rap Repair - Shangri-La Flood Control Zone.

Don Nelson, Flood Control Engineer, presented a resolution and cost estimate authorizing a rock rip rap repair project for the Shangri-La Sub-Flood Control Zone. Mr. Nelson stated that the cost of the work should not exceed \$3,000.

Mr. Vern Simmons, representing the Shangri-La Sub-Flood Control Zone explained that the property owner of Lot 4 previously requested more rock to move his bank out into the river, although this request was not granted.

Discussion followed regarding the County's loan of up to \$3,000 to the Zone. Gene Sampley suggested that this Zone in the future be assessed a

small maintenance fee for such projects, so a loan would not be necessary for future projects.

Commissioner Mansfield motioned to adopt the resolution authorizing the Shangri-La Sub-Flood Control Zone to proceed with said rock rip rap repair work not to exceed \$3,000 total cost, with the cost of said repair work to be assessed to the land value of all the property within the boundary of the Shangri-La Sub-Flood Control Zone. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (Resolution #10266)

Commissioner Mansfield motioned to adopt the resolution authorizing a temporary loan to the Shangri-La Sub-Flood Control Zone in the amount of \$3,000 at the rate of ten percent interest. The principal of this loan shall be repaid to the County Road Fund within one year with annual payments of interest beginning in 1985. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (Resolution #10267)

#### 8. Discussion - Road Jurisdiction Study.

Gene Sampley presented a memorandum to the Board concerning the Road Jurisdiction Study. Due to the extended impact of this study, Commissioner Mansfield suggested that a work session be established with the two new Commissioners elect and the existing Board for consideration of this item.

Robert Taylor, Administrative Officer, will schedule a date for the work session.

#### 9. Miscellaneous Items.

Gene Sampley presented the following miscellaneous Public Works Department items:

- a. Commissioner Mansfield motioned to adopt the resolution extending the closure of the Minkler Road to December 31, 1984. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (Resolution #10268)
- b. Commissioner Mansfield motioned to adopt the resolution disqualifying L. G. Cunningham Crushing from future bidding of County work until such time as he demonstrates to the Public Works Department that he has made appropriate adjustments in equipment and methods of operation to make him qualified. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (Resolution #10269)
- c. Gene Sampley informed the Board that he will be meeting with R. W. Beck and Associates on Thursday to discuss development of the sanitary landfill immediately west of the Inman Landfill. He

indicated it was important that construction begin immediately regarding excavation of material; however, construction of the lechate collection facility and liner could not begin until such time as a Conditional Use Permit and Solid Waste Operating Permit are obtained. This item will be discussed with the Board further at a work session.

MISCELLANEOUS ITEMS

1. Mike Woodmansee, Budget and Finance Director, presented for the Board's approval and signature the 1985 Budget Message to accompany the Preliminary Budget on the way to adoption.
2. Chairman Rohrer motioned to approve Warrants #36042 through #36091 in the amount of \$336,564.10. Commissioner Mansfield seconded the motion. The motion was carried and so ordered. (R-47)
3. Chairman Rohrer motioned to approve Warrants #57494 through #57618 in the amount of \$191,390.07. Commissioner Mansfield seconded the motion. The motion was carried and so ordered. (P/R 22)
3. The Board approved for signature the appointment of Larry J. Anderson, temporary accountant, as a Deputy Auditor.
4. Commissioner Mansfield motioned to approve a Petition for Property Tax Refund for Jo L. Swanson, 2239 South Skagit Highway, Sedro Woolley, Washington 98284, in the amount of \$262.05 because of a senior citizen exemption. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (#845740)
5. The Board approved for signature the following Contracts for Professional Services with the Skagit County Parks, Recreation and Senior Services Department for services of basketball officials for leagues and/or tournaments. The compensation will be \$12.00 per slowbreak game and \$15.00 per fastbreak game, and these contracts are in effect November 24, 1984, through March 30, 1985.
  - a. Rob Dahl, 1484 Allen West Road, Bow, Washington 98232
  - b. Mik Hendrickson, 1527 East Division Street, Mount Vernon, Washington 98273
  - c. Jerry Engelhart, 1320 Jameson Street, Sedro Woolley, Washington 98284
  - d. Rick Byron, 455 South Sam Street, Monroe, Washington 98272
  - e. Nick Luvera, 1015 Carmel, Mount Vernon, Washington 98273
  - f. Bob Wiens, 455 South Sam Street, Monroe, Washington 98272
  - g. Ed Johnson, c/o Burlington Edison High School, Burlington, Washington 98233
6. The Board approved for signature a Contract for Professional Services between the Skagit County Parks, Recreation and Senior Services Department and Skip Baker, 1928 Swan Road, Mount Vernon, Washington

98273, for services as a facility supervisor at the LaVenture School Gym for Turkey Days Tournament (basketball). Compensation for the services is \$75, and the contract was in effect November 24, 1984, through November 25, 1984.

DISCUSSION - DWI IMPACT FUND - Skelton & Tims, Skagit County Public Defenders.

Mike Woodmansee, Budget and Finance Director, stated that \$18,600 for public defender fees was included as part of the DWI Impact Grant received by the County recently. He stated that this money can only be used to cover expenses in excess of the current budget. It must only be used for the trial of cases which would otherwise not have gone to trial.

Steve Skelton, of Skelton & Tims, the firm which presently contracts with Skagit County as public defender, explained that their proposal would consist of utilizing these funds for cases that wouldn't normally have gone to trial, but would have previously been plea bargained.

Tom Moser, Skagit County Prosecutor, stated that this money was made available for the purpose of handling more cases. However, he pointed out that no new cases are being created; they are simply going to be handled more responsibly. He also pointed out that the State is providing slightly more money for the public defender to provide defense than they are providing to prosecute the offenders. He pointed out that the public defender is not a County employee, but is under contract to perform these services for a previously negotiated sum of money. He concluded that, in his opinion, the \$18,600 should be returned to the State.

District Court Judge Eugene Anderson explained the history of why the legislature granted this money for the public defender. He stated that when he asked for this additional money, he didn't know the County was under contract with Skelton & Tims.

Commissioner Mansfield stated that he felt money should also be provided for additional time required by the public defender.

Mr. Skelton stated that there are in fact more DWI cases than before because officers know that cases will now go to trial. There are going to be certain cases that are impact cases and will take additional time. He felt the existing contract with Skagit County could be modified if necessary to include the grant money.

Mayor Donald Walley of Sedro Woolley asked if the County would be obligated to pay the additional money each year after the grant expires and when the County enters into a new contract with the public defender.

Commissioner Mansfield stated that in the past, recipients of grant money have been informed that when the grant money is exhausted, the County does not provide the money to continue funding. Following additional

discussion, Commissioner Mansfield suggested the Board take the time to explore the legal aspect of this matter prior to making a decision at some future date.

MISCELLANEOUS ITEMS

1. Mayor Donald Walley of Sedro Woolley and Eric Stendal, Clerk-Treasurer of Sedro Woolley, were present to request Skagit County's additional assistance in completing the Sedro Woolley Senior Citizen Center. Mayor Walley stated that they increased the size of the center when the Job Training Partnership Act (JTPA) provided construction workers. However, JTPA's funding for the project has been exhausted and the center is approximately \$46,000 short of completion. Mayor Walley requested \$21,000 from Skagit County to pay the salaries of two carpenters to complete the center.

The Board will consider the request before making a decision at a future date.

2. Commissioner Mansfield motioned to approve Warrants #6575B through #6877 in the amount of \$16,676.35. Chairman Rohrer seconded the motion. The motion was carried and so ordered. (C-57)
3. The Board approved for signature the appointments of Alana Raines, Clara M. Hooper, and Lori A. Lacey as Deputy Treasurers.

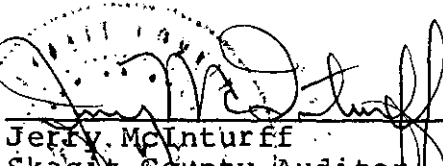
ADJOURNMENT

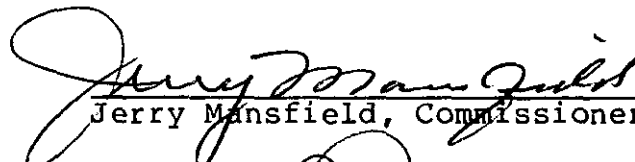
Commissioner Mansfield motioned to adjourn the proceedings. Chairman Rohrer seconded the motion. The motion was carried and so ordered.


BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

ATTEST:

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Bud Norris, Chairman

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

  
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Jerry Mansfield, Commissioner

  
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Dave Rohrer, Commissioner

JOHN SPELLMAN  
Governor



WILLIAM R. WILKERSON  
Director

STATE OF WASHINGTON  
DEPARTMENT OF FISHERIES

115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600  
November 13, 1984

W. Eugene Sampley, P.E.  
Skagit County Public Works Director  
County Administration Building  
P. O. Box 396  
Mount Vernon, Washington 98273

Dear Sir:

The Department of Fisheries is interested in entering into a cooperative agreement with Skagit County for the realignment of North Green Road in Section 6, Township 35N, Range 4 East, W.M. We believe that the project will be mutually beneficial to both parties.

To advance the cooperative agreement, we request that Skagit County exercise all necessary actions to vacate all right-of-ways within Department of Fisheries property lying in Section 5 and 6, Township 35N, Range 4 East W.M.

In consideration for the vacated right-of-way, the Department of Fisheries will provide a 60' wide right-of-way for the realignment of North Green Road along the north property line of the Department of Fisheries ownership in Section 6, T35N, R4E, W.M.

We believe the cooperative agreement should be for 50% with a not-to-exceed limit of \$17,500 based upon the Skagit County cost estimate for construction realignment of the North Green Road.

If you have any questions, please contact Don Bartlett at SCAN 234-6610 or Ken Leingang at SCAN 234-2715.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Gary C. Alexander".

Gary Alexander  
Assistant Director for  
Management Services

GA/KL/t