

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, December 7, 1987

Flag Salute

- 10:00 a.m. 1. Public Hearing - 1988 Federal Revenue Sharing Budget.
 2. Public Hearing - 1988 Skagit County Budget.
 3. Resolution Adopting the 1988 Skagit County Budget.
 4. Resolution Setting 1988 Property Tax Levies.

10:30 a.m. Public Works Department - Jay Ensley, Acting Director:

1. Public Hearing - Road Establishment Clarification on Blank Road.
2. Public Hearing - Road Name Change on Cape Horn Road/Baker River Road.
3. Call for Bids - 1988 Motor Fuel.
4. Signature - Contract for Old 99 North Guardrail Project.
5. Update - C.R.P. Construction Funds - Old 99 North Guardrail Project.
6. Miscellaneous Items.

MISCELLANEOUS ITEMS

2:00 p.m. Discussion - Hobbick Short Plat.

2:30 p.m. Work Session - Puget Sound Water Quality Act - Betsy Stevenson, Assistant Director, Department of Planning and Community Development.

The Skagit County Board of Commissioners met in regular session on Monday, December 7, 1987, with Commissioners Walberg, Vaux and Rohrer present.

1. PUBLIC HEARING - 1988 FEDERAL REVENUE SHARING BUDGET.

Chairman Walberg waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 24, and December 1, 1987.

Mike Woodmansee, Budget and Finance Director, explained that although the Federal Revenue Sharing Program ended as of October, 1986, somewhere between \$60,000 and \$100,000 will remain at the end of 1988. That money will be used to pay bond principal and interest on General Obligation Fund #206.

Since there was no comment from those present, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion. The motion was carried unanimously.

Mr. Woodmansee noted that no action was necessary at this time.

2. PUBLIC HEARING -- 1988 SKAGIT COUNTY BUDGET.
3. RESOLUTION ADOPTING THE 1988 SKAGIT COUNTY BUDGET.

Chairman Walberg waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 24, and December 1, 1987.

Mike Woodmansee, Budget and Finance Director, reported that the total proposed budget for 1988 is \$44,128,101, as compared to 1987's total budget of \$51,984,570. The greater budget for 1987 was due in large part to the incineration facility.

Mr. Woodmansee summarized the various programs, projects and major expenditures planned for 1988. The general fund balance is over \$15 million, including ending fund balances. He explained that several departments have necessitated additional employees for 1988. Also, the Federal Revenue Sharing Funds will end with the 1988 budget.

Don Bockelman, 2863 South Skagit Highway, Sedro-Woolley, asked why approximately \$8 million would be deferred until next year.

Mr. Woodmansee explained that spread over approximately 20 funds there is approximately \$9 million at this time that will not be spent in 1988.

Mr. Bockelman asked how much the budget had increased over 1987's budget, excluding the incineration project.

Mr. Woodmansee stated 1988's proposed budget was approximately \$4 million greater than 1987's budget, however, some of that increase is due to the cancellation of the Federal Revenue Sharing Program.

Noting the poor economic outlook, falling stockmarket, etc., Mr. Bockelman asked what the chances are that actual revenue won't meet the budgeted expenditures in 1988.

Mr. Woodmansee explained no one knows, however the primary revenue to the County is from property taxes.

Mr. Bockelman felt it was unfair to place additional burden on the taxpayers at this time.

Mr. Woodmansee responded that the County's ability to collect the necessary revenue looks very good.

Mr. Bockelman advised the Board to consider the County's economic situation and order the budget be decreased for 1988.

Phyllis Coole-McKeehen stated she appreciated the Board's attention to the needs of her office. She reiterated the additional need for increased security in the Clerk's Office.

Seeing no further comment, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion. The motion was carried unanimously.

In response to a comment by Mr. Bockelman earlier, Commissioner Vaux explained the proposed budget for 1988 reflects an increase in areas of law and justice. By funding such areas, the County will become safer.

Commissioner Rohrer concurred.

With regard to projected income for 1988, Chairman Walberg noted that figure does not reflect an overly optimistic attitude. He also noted that Skagit County is among the elite in being somewhat financially solvent. He thanked Mr. Woodmansee for all of the work he has completed on the budget.

Commissioner Vaux motioned to adopt the 1988 Skagit County Budget, as proposed. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11410)

4. RESOLUTION SETTING 1988 PROPERTY TAX LEVIES.

Mike Woodmansee explained Skagit County will levy the maximum General and County Road Fund levies as prescribed by law. The levies were set forth as follows:

Total General County Levy	\$4,526,119
County Road Fund Levy	3,376,052
Emergency Medical Services Levy	588,819

Commissioner Vaux motioned to adopt the resolution certifying the above listed property tax levies for 1988. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11411)

PUBLIC WORKS DEPARTMENT - Jay Ensley, Acting Director:

1. Public Hearing - Road Establishment Clarification on Blank Road.

Jay Ensley, Acting Director of the Public Works Department, located the Blank Road and the turn-around in question in the southwest quarter of the southwest quarter of Section 25, Township 36 North, Range 4 East, W.M. Mr. Ensley described the turn-around as approximately 210 feet in length at the end of the constructed portion of Blank Road. The average width is approximately 10 feet. Mr. Ensley presented an engineer's report. Jeff Monsen, Acting County Road Engineer/Assistant Director of the Public Works Department, stated in the engineer's report that the turn-around at the south end of Blank Road was necessary. Mr. Ensley reviewed the engineer's report. Skagit County has provided maintenance of Blank Road for at least 12 years.

Mr. Ensley presented an Affidavit from Theodore Solomon, employee of the Public Works Department, testifying that he has been involved in maintaining the turn-around at the end of Blank Road since approximately 1976. (Exhibit #1)

Mr. Ensley also presented an Affidavit from Conrad Claybo, employee of the Public Works Department, testifying that he was involved with cutting brush on the turn-around at least three to four times at the request of the school district. (Exhibit #2)

Mr. Ensley noted that Blank Road was oiled in 1975, and he believed the turn-around was also oiled at that time. There is not a recorded Deed of Right-of-Way.

Commissioner Rohrer stated he remembered Allen Davis making arrangements with the late Mr. Charles Doan (who owned the turn-around property from 1958 to 1978) for cutting cedar limbs so the school bus could get around.

Mr. Ensley presented a letter dated September 10, 1987, from area property owners requesting the turn-around be left open and established as a County road. (Exhibit #3)

Mr. Ensley noted that according to the Revised Code of Washington, sufficient length of time of County maintenance on the turn-around has occurred to acquire the right-of-way through adverse possession. It was the recommendation of the Public Works Department that the establishment of the Blank Road turn-around be based on a survey to be done by the Skagit County Public Works Department, and that a specific right-of-way width be designated to be determined by the average width of occupation by the County.

Chairman Walberg noted he had a phone call from Al Harris, 479 Blank Road, who favored establishment of the Blank Road turn-around by the County.

Chairman Walberg read a letter dated December 5, 1987, from James Feigley, owner of the property containing the turn-around, in which Mr. Feigley stated the County should build another turn-around on County-owned right-of-way located further south on Blank Road. (Exhibit #4)

Don Bisagna, attorney for Mr. Feigley, introduced Gerry Mullens, who lives on the property in question. Mr. Bisagna presented a letter dated November 29, 1987, from Allstate Insurance Company, informing that Allstate will not insure the barn located only several feet off of the turn-around because of the risk analysis. (Exhibit #5)

Mr. Bisagna explained that the turn-around is actually a driveway to the barn. He felt the County had not maintained the turn-around for 7 years. Approximately 1/4 mile past the end of the constructed road, there is a turn-around used for logging trucks. That turn-around is on County property. Mr. Bisagna explained that Mark Watkinson, a Public Works Department employee,

said the County probably never did any intentional maintenance on his property.

Mr. Mullens, current resident on the property, stated he had attempted to obtain insurance with other insurance companies, but to no avail.

Mark Watkinson, of the Public Works Department, presented photos of the property. (Exhibit #6) He stated he was unsure of how the area was built, however, he gave Mr. Bisagna an indication of how other roads in the area were constructed.

Commissioner Rohrer stated that the County did reconstruct the road with the permission of residents, the school district, the post office, etc., and proper records were not kept at that time.

Mr. Ensley presented the Distributor's Report dated June 12, 1975, for lift #1 on Blank Road (Exhibit #7a); and the Distributor's Report dated July 17, 1975, for lift #2 on Blank Road (Exhibit #7b).

He explained that the constructed portion of Blank Road does end with the turn-around, however the County right-of-way exists south of that point.

Steve Mattson, 491 Blank Road, stated he has lived there for six years, and only once has he seen a car parked on the turn-around, and it happened to be a County employee apparently taking a break.

M. C. Kahn, 1644 Avon Cut-Off, Burlington, stated he is the brother-in-law of the late Charles Doan. In 1960 the turn-around was constructed, and in 1962 it was oiled for the first time.

Gary Kruger, Sedro-Woolley Schools Transportation Director, explained that the school bus turn-around is not a driveway, but a turn-around. According to the residents on the corner of Blank Road and Prairie Road (who were bus drivers), in 1955 the school bus did not go that far on Blank Road, but in 1959 the school bus did. Mr. Kruger had obtained testimony that the turn-around was created expressly for a turn-around. He felt the logging truck turn-around further south would be unsuitable for a bus turn-around.

Barbara Nelson, the school bus driver, testified that the County has maintained the turn-around within the last four years. Commissioner Rohrer personally rode on her bus to inspect the condition of the turn-around.

Mrs. Southerly, 483 Blank Road, stated her son rides the school bus.

Mr. Mullens disputed a number of the statements made. During the 30 days which he had the turn-around blocked, Mr. Mullens stated he had very few problems. The County had previously installed signs stating only school buses and mail carriers were allowed on the turn-around, but those signs were evidently stolen.

Mr. Mullens presented photos of the property and turn-around (Exhibit #8).

William Hayes, 495 Blank Road, testified that he had witnessed people parking and partying in the driveway to the barn.

Mark Watkinson stated he took the distances several days ago.

Jim Barker, 430 Blank Road, stated that he understood the turn-around was a public road when he moved there. He felt the road should be established as a County road through adverse possession, however, he felt Mr. Feigley should not be taxed for the turn-around. Mr. Barker felt the turn-around should be kept open.

Sharon Lutz, 2159 Blank Lane, has a child who rides the school bus. Mrs. Lutz stated when the fence was up across the road, the school bus had difficulty turning around.

Ronald Davis, 490 Blank Road, stated that he has chased off many people in the night who were parked at the barn to party.

Mr. Mullens objected to paying taxes on the property being used. He stated that if he had to, he would put up gates, open the gates for the school bus in the morning and afternoon, and for the mailman.

Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion. The motion was carried unanimously.

Commissioner Vaux asked if room to backup could be provided in County right-of-way at the end of the turn-around.

Mr. Kruger noted that the property would have to be cleared, etc.

Commissioner Rohrer motioned to continue the existing use of the turn-around, and at some time in the future, possibly the County could construct a satisfactory turn-around at the southern end of the constructed Blank Road.

Mr. Ensley noted that a 70-foot diameter turn-around would be required.

Commissioner Vaux suggested a deadline be determined for construction of the new turn-around.

Grace Hayes, 495 Blank Road, questioned the feasibility of the turn-around at the logging area south of the constructed Blank Road.

Mr. Ensley recommended the Board claim the turn-around at the southern terminus of Blank Road through adverse possession.

Commissioner Vaux suggested the County maintenance crew could keep the road signed and clean.

Commissioner Rohrer rephrased his previous motion. Commissioner Rohrer motioned to establish as a County road the turn-around at the southern terminus of Blank Road as constructed. Commissioner Vaux seconded the motion, adding that the road could be vacated to the property owner in the event that another turn-around could be constructed. The motion was carried unanimously.

Commissioner Rohrer motioned to authorize the Public Works Department to investigate construction of a new turn-around on County right-of-way within two years from this date. Commissioner Vaux seconded the motion. The motion was carried unanimously.

2. Public Hearing - Road Name Change on Cape Horn Road/Baker River Road.

Chairman Walberg waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 24, and December 1, 1987.

Jay Ensley described the segment of road in question as follows: that portion of the original Cape Horn and Baker River Road, lying southerly of the Moen Road #9732, located in Section 19, Township 35 North, Range 9 East, W.M.

Seeing no comment from the public, Commissioner Vaux motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioner Vaux motioned to adopt the resolution authorizing the change of the name of a certain County road, described as follows: that portion of the original Cape Horn and Baker River Road, lying southerly of the Moen Road, #9732, located in Section 19, Township 35 North, Range 9 East, W.M., to be changed to Yeager Road #9730. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11412)

3. Call for Bids - 1988 Motor Fuel.

Commissioner Vaux motioned to call for bids for the purchase of regular gasoline, premium unleaded gasoline and diesel fuel for Skagit County for use during calendar year 1988. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11413)

Bids will be received and publicly opened at 1:30 p.m., on Monday, December 21, 1987.

4. Signature - Contract for Old 99 North Guardrail Project.

The Board approved for signature the contract with Junlo Corporation for the installation of approximately 6,585 lineal feet beam guardrail Type I in various locations in Skagit County.

5. Update - C.R.P. Construction Funds - Old 99 North Guardrail Project.

This item was previously addressed.

6. Miscellaneous Items.

There were no miscellaneous Public Works Department items at this time.

MISCELLANEOUS ITEMS

1. Commissioner Rohrer motioned to adopt the resolution calling for a public hearing to consider adoption of resolutions to authorize the following supplemental budgets:

Clear Lake Park Construction Fund #355	\$ 20,000
Public Health Fund #101	6,000
Current Expense Fund #001	256,200
Parks, Recreation, Senior Services Fund #114	4,000
Hansen Creek SFCZ Fund #717	5,000
Solid Waste Operating Fund #401	306,000
River Improvement Fund #110	16,000

Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #11414)

The public hearing is scheduled at 10:00 a.m., on Wednesday, December 16, 1987.

2. The Board approved for signature the following Professional Services Agreements for basketball official services in the Parks and Recreation Department:

- a. Art Phinney, 2600 East Division, Mount Vernon, for referee/scorekeeping services at the rate of \$6.00 per game for fastbreak (scorer/timer), \$10.00 per game for youth (referee), and \$5.00 per game for youth (scorer/timer), effective December 5, 1987, through March 31, 1988.
- b. Tim Nicholas (no address given), for scorekeeping/timer services at the rate of \$6.00 per game for adult basketball, \$5.00 per game for youth basketball, and \$10.00 per game as referee for youth basketball, effective December 5, 1987, through March 31, 1988.
- c. Jay Garcea (no address given), for referee services at the rate of \$12.50 per game for slowbreak high school league, \$15.00 per game for fastbreak custer league, and \$10.00 per game for youth league, effective December 5, 1987, through March 31, 1987.

- d. Nick Klungel, of Mount Vernon, for scorekeeper/timer services at the rate of \$6.00 per game for adult basketball, \$5.00 per game for youth basketball, and \$10.00 per game as referee for youth basketball, effective December 5, 1987, through March 31, 1988.
 - e. Rueben Tastad, of Mount Vernon, for scorekeeper/timer services at the rate of \$6.00 per game for adult basketball, \$5.00 per game for youth basketball, and \$10.00 per game as referee for youth basketball, effective December 5, 1987, through March 31, 1988.
 - f. Mike Zender, 2411 Yew Street, #5, Bellingham, for basketball referee services at the rate of \$12.50 per game for slowbreak high school league, \$15.00 per game for fastbreak custer league, and \$10.00 per game for youth league, effective December 5, 1987, through March 31, 1988.
 - g. Ray Bruland (no address given), for basketball referee services at the rate of \$12.50 per game for slowbreak high school league, \$15.00 per game for fastbreak custer league, and \$10.00 per game for youth league, effective December 5, 1987, through March 31, 1988.
 - h. Bill Belanger, 1021 Washington, Burlington, for scorekeeping/official services at the rate of \$6.00 per game for adult basketball (scorer), \$5.00 per game for youth basketball (scorer), and \$10.00 per game for youth basketball (referee), effective December 13, 1987, through March 31, 1988.
3. 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 7, 1987, the Board, by a unanimous vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- a. Vouchers #47044 through #47125 (Warrants #47044 through #47125) in the total amount of \$1,310,219.60. (R-30-87)
- b. Vouchers #710819 through #711099 (Warrants #28738 through #28944) in the total amount of \$200,388.63. (C-48-87)

DISCUSSION - HOBICK SHORT PLAT.

Steve Wood, Director of the Department of Planning and Community Development, presented a copy of the proposed short plat to the Board.

Commissioner Vaux stated he had visited the site, and felt it was a very unfortunate situation.

Herman Hobbick, owner of the property in question, drew a vicinity map of the property in question. He stated that he proceeded with the short plat on the basis of information he received from the Department of Planning and Community Development. After proceeding with the short plat he was informed that residences on the property would have to be elevated. Mr. Hobbick felt the County should provide the fill in exchange for providing incorrect information which led him to proceed with this project.

Chairman Walberg suggested Mr. Hobbick might be causing drainage problems by filling the property.

Mr. Hobbick stated Don Semrau, his engineer and surveyor, had prepared a drainage plan to drain the property to the roadside ditch.

Chairman Walberg stated roadside ditches are designed to carry water drained off the roads.

Mr. Semrau explained plats are designed to drain water to the roadside ditches.

Discussion followed.

Mr. Hobbick explained he purchased the property to short plat for mobile home lots.

Mr. Wood explained that structures in that area are required to be elevated. More specifically, this means that the first floor of living area must be elevated. Mr. Wood explained the options: fill, elevated foundation, or a combination of the two.

Mr. Hobbick had calculated it would cost approximately \$25,000 for him to purchase fill.

Following additional discussion, it was determined that the County cannot change the floodplain or provide fill for the property.

Discussion followed regarding the possibility of changing the lot layout to minimize fill requirements.

Mr. Hobbick stated that he was trying to sell the lots for \$14,500 each.

Commissioner Vaux stated that there is nothing the Board can do about the regulations. He suggested if Mr. Hobbick felt he had a claim against the County, he should let a judge review the matter and decide.

Commissioners Walberg and Rohrer concurred.

MISCELLANEOUS ITEMS

1. The Board approved for signature an amendment to Contract #1440-62191(2) between the Department of Social and Health Services and Skagit County to increase the 1988 amount of award in the Alcohol and Drug Abuse Treatment Act assessment services by \$37,500.
2. Commissioner Vaux motioned to approve the following Records of the Proceedings:
 - a. Tuesday, November 24, 1987
 - b. Wednesday, November 25, 1987
 - c. Monday, November 30, 1987
 - d. Tuesday, December 1, 1987
 - e. Wednesday, December 2, 1987

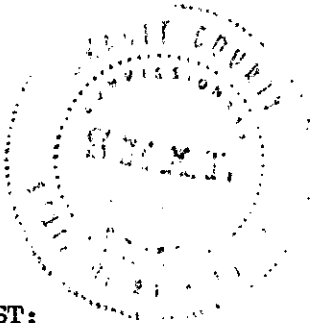
Commissioner Rohrer seconded the motion. The motion was carried unanimously.

3. The Board approved for signature a Contract for Professional Services between Skagit County and the Town of La Conner for the provision of planning services to the Town of La Conner on an as needed basis. Compensation will be at the rate of \$20.00 per hour, and this contract will be effective January 1, 1988, and continue until the Town has completed the Shoreline Master Plan revisions or until January 1, 1989.
4. Commissioner Vaux motioned to approve the Petition for Property Tax Refund for Harold Jensen, 1674 Old 99 South, Mount Vernon, in the amount of \$246.43 plus \$103.50 interest, due to senior citizen exemption. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (#011487)
5. Commissioner Vaux motioned to adopt the resolution authorizing a number of budget line item changes totaling \$148,196.00 to reflect expenditure increases and decreases in 18 different departments or areas not anticipated when the 1987 budget was adopted. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11415)

ADJOURNMENT

Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Otto M. Walberg, Jr.
Otto M. Walberg, Jr., Chairman

W. W. Vaux
W. W. Vaux, Commissioner

Dave Rohrer
Dave Rohrer, Commissioner

ATTEST:

Megan Cheney
Megan Cheney, Clerk
Skagit County Board of Commissioners