

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, May 30, 1989

- 10:30 a.m. Public Works Department - Jay Ensley, Director:
1. Bid Award Recommendation - Road Maintenance Materials.
 2. Call for Public Hearing - Vacation of Short Plat (#57-80) - Allan Island.
 3. Signature - Final Order of Vacation - Portion of Front Street Plat of Rockport.
 4. Call for Public Hearing - Six Year Transportation Improvement Program.
 5. Signature - R.A.P. Project Agreements - Construction Funds for:
 - a) Bow Hill Road, and
 - b) Chilberg Road.
 6. Call for Bids - Rosario Road Asphalt Overlay, et al.
 7. Discussion - Request for Proposals - Survey/Civil Engineering Services.
 8. Miscellaneous.
- 1:30 p.m. Continuation of Public Hearing - Consideration of Fire Protection District #12, Resolution #88-2 to Withdraw Certain Property from the District.
- 2:30 p.m. Barbara H. Spaeth Appeal of Hearing Examiner's Decision Relating to the Residence of Mr. Eric Ericsson.
- 3:00 p.m. Public Hearing - Fee Schedule Changes at Skagit County Fair.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 30, 1989, with Commissioners Dave Rohrer, Ruth Wylie, and W. W. Vaux present.

PUBLIC WORKS DEPARTMENT - JAY ENSLEY, DIRECTOR:

1. Bid Award Recommendation - Road Maintenance Materials.

Jeff Monsen, Assistant Public Works Director, presented two resolutions establishing a list of eligible suppliers of a) Geotextile Stabilization Fabric, and 2) culvert stock. He explained that, in effect, all bidders were awarded the bid; however, purchases of products would be made according to product cost, delivery time and the needs of the Public Works Department at the time of purchase.

Commissioner Vaux motioned to adopt the resolution naming Mason Supply Company, H.D. Fowler Company, Inc., and Charles R. Watt Company as eligible suppliers of Geotextile Stabilization Fabric, at their respective bid prices. Commissioner Wylie seconded the motion. The motion passed unanimously. (Resolution #12071)

Commissioner Vaux then motioned to adopt the resolution naming Aquajet Enterprises, H.D. Fowler Company, Inc., and Advanced Drainage Systems, Inc. as

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eligible suppliers of culvert stock, at their respective bid prices. Commissioner Wylie seconded the motion. The motion passed unanimously. (Resolution #12072)

2. Call for Public Hearing - Vacation of Short Plat (#57-80) - Allan Island.

Jeff Monsen located Allan Island on a vicinity map in Burrows Bay, just south of Burrows Island. He stated that a request has been received from Mr. David Anderson, the owner of the plat, for the vacation of Short Plat #57-80.

Commissioner Wylie motioned to call for a Public Hearing on Monday, June 19, 1989, at 10:30 a.m. to consider testimony for or against the vacation. Commissioner Vaux seconded the motion. The motion passed unanimously. (Resolution #12073)

3. Signature - Final Order of Vacation - Portion of Front Street Plat of Rockport.

Mr. Monsen located Front Street in the Plat of Rockport on a vicinity map. He stated that following a Public Hearing held three years ago, the Board approved the vacation of this property; however, since the sums involved to purchase the vacated property were substantial, the property owners were given three years to come up with the funds to vacate their respective portions in separate actions. Mr. Monsen then produced a Final Order of Vacation for the portion of Front Street adjoining the Delbert Irons family property. He stated that the sum for the parcel is \$1367.22, and that that amount was paid in full on 05/05/89. The three year grace period allowed by the Board expires in August of 1989, but the Irons's are the only family to date to make contact regarding their portion of the vacation.

The Board then approved for signature the Final Order of Vacation for the portion of Front Street adjoining Lot 5, Block 5 in the Plat of Rockport.

4. Call for Public Hearing - Six year Transportation Improvement Program.

In accordance with work sessions held by the Board with the Public Works Department, Commissioner Wylie motioned to adopt a resolution calling for a Public Hearing on June 26, 1989, at 10:30 a.m., to consider the proposed comprehensive Six-Year Road Program for adoption. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12074)

5. Signature - R.A.P. Project Agreements - Construction Funds for:
a) Bow Hill Road, and b) Chilberg Road.

Mr. Monsen explained that Governor Gardner has signed a bill releasing Rural Arterial Funds, therefore the Bow Hill Road and Chilberg Road R.A.P. Project Agreements are submitted for approval of the Board.

The Board approved for signature R.A.P. Project Agreements for construction funds in the amount of \$250,000 for Bow Hill Road from milepoint 3.28 to

milepoint 4.57, and \$208,000 for Chilberg Road from milepoint 0.00 to milepoint 0.97.

6. Call for Bids - Rosario Road Asphalt Overlay, et al.

Commissioner Vaux motioned to adopt a resolution calling for bids for shoulder work, roadway repair, asphalt treated base, fabric reinforcement, asphalt concrete pavement Class "B", extruded cement concrete curb, paint stripe, thermoplastic pavement markings, installation of lane markers and all other work at Rosario Road, Pioneer Parkway, Reservation Road, Cook Road and Mount Vernon South, to be received and opened on June 26, 1989, at 1:30 p.m. Commissioner Wylie seconded the motion. The motion passed unanimously. (Resolution #12075)

7. Discussion - Request for Proposals - Survey/Civil Engineering Services.

Jeff Mosen explained that the Public Works Department is requesting outside local survey and civil engineering help for three projects as follows:

- a) Surveying for Sauk City Road construction work.
- b) Lead agency in survey and design of Channel Drive road work.
- c) Review of drainage systems at the Country Club for implementation of uniformity of the system.

Mr. Mosen explained that the Public Works Department is requesting that a Request for Letters of Interest and Statements of Qualifications go out immediately, and brings this subject to the Board for their information and comments.

The Board discussed drainage systems at the Country Club, and then directed Mr. Mosen to proceed with submittal of a Request for Proposals.

8. Miscellaneous.

- A. Mr. Mosen informed the Board that on-site inspections today have revealed that, although road repair is proceeding at the Morford Road site of the P.U.D. plant construction, it does not appear as though the road will be passable by the June 1 deadline set by the Board.

The Board directed Mr. Mosen to continue making inspections as the work continues, and to keep the Board apprised of progress made as the deadline draws nearer.

- B. Chairman Rohrer presented a "Certificate of Good Practice" to the Skagit County Public Works Department for their continued commendable performance and high standards of work shown by the employees of the department in serving the citizens of Skagit County. The Certificate was presented to Director Mark Spahr, and has been filed with the State Treasurer.

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- C. Commissioner Vaux motioned to adopt the Record of the Proceedings from Monday, March 22, 1989, as submitted. Commissioner Wylie seconded the motion, which passed unanimously.
- D. Commissioner Vaux motioned to approve the following Petitions for Property Tax Refunds:
- a) Thelma Maski, P.O. Box 652, Sedro Woolley, WA 98284, in the amount of \$267.70 due to a senior citizen exemption. (004389)
 - b) Mildred Rapelje, 920 Maple Lane, Space 11, Sedro Woolley, WA 98284, in the amount of \$85.40, due to a senior citizen exemption. (005689)
 - c) Arthur Martin, 1636 Andis Road, Burlington, WA 98233, in the amount of \$31.77, due to the sale of a portion of property (E885178) on 05/01/89 that has not yet been transferred. (005589)
 - d) Land Title Company, P.O. Drawer 1225, Mount Vernon, WA 98273, in the amount of \$4099.87 due to the payment of the first half of 1989 property taxes by both the owner and Land Title Company. (003689)
 - e) Shirley Clodfelter, 920 North Belair Drive, Mount Vernon, WA 98273, in the amount of \$112.46, due to a senior citizen exemption. (003789)
 - f) John C. Coggins, 424 Puget Street, Sedro Woolley, WA 98284, in the amount of \$268.79, as the petitioner claims pressing bills which necessitate the refund of his payment. (003589)

Upon further discussion and consideration of a memo from Treasurer Dan O'Donnell, it was noted that both the Treasurer and Assessor recommended denial of petition 003589 of Mr. John C. Coggins on the basis of R.C.W. Chapter 48. Commissioner Vaux therefore withdrew his motion to approve petition 003589 of John C. Coggins.

Commissioner Wylie seconded the motions to approve refunds a) through e) and the motion passed unanimously.

Chairman Rohrer's absence was excused for the following items.

CONTINUATION OF PUBLIC HEARING - CONSIDERATION OF FIRE PROTECTION DISTRICT #12, RESOLUTION #88-2 TO WITHDRAW CERTAIN PROPERTY FROM THE DISTRICT.

Robert W. Taylor, Administrative Officer, read a letter from Port of Skagit County Executive Director Patricia Burkland, requesting a 30 day continuance of the Public Hearing so that discussions with Fire District 12 Commissioners may continue. Mr. Taylor stated that the attorney representing Fire District 12, David Svaren, was contacted and had no objection to the continuance.

Representatives from Fire District 2 (Lloyd Ivey) and District 13, as well as a concerned citizen, Dennis Hall, were present to participate in the Public Hearing.

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Commissioner Wylie then motioned to continue the Public Hearing to Tuesday, June 27, 1989, at 1:30 p.m. Commissioner Vaux seconded the motion. The motion carried and was so ordered.

MISCELLANEOUS ITEMS.

- A. Commissioner Wylie motioned to adopt the resolution appointing William H. Nielsen, Attorney at Law, Hearing Examiner Pro Tem, in the event of a planned absence by Hearing Examiner Robert C. Schofield. Commissioner Vaux seconded the motion, which carried and was so ordered. (Resolution #12076)
- B. Commissioner Wylie motioned to adopt the Record of the Proceedings from Tuesday, May 23, 1989, as submitted. Commissioner Vaux seconded the motion, which carried and was so ordered.
- C. In accordance with actions previously taken by the Board, the following resolutions were approved for signature:
 - 1) Upholding the Skagit County Hearing Examiner's decision regarding Variance #V-89-002 of Kenneth Holland. (Resolution #12077)
 - 2) Approving the preliminary plat of Seaview, Division 3, as submitted by San Juan Fidalgo Properties. (Resolution #12078)
 - 3) Approving Skagit County Fire District #7 Comprehensive Plan Amendment and Rezone Request #R-89-002 for construction of a satellite fire station. (Resolution #12079)
 - 4) Upholding the Skagit County Hearing Examiner's decision regarding Variance #V-89-011 of Thomas Cain. (Resolution #12080)
- D. The Board approved for signature a Contract Amendment #2200-60665 (11) to the 1987-89 Mental Health contract with D.S.H.S., which provides an additional \$5,694.00 to the Minority Project for additional training and distribution of materials related to the project, which is provided through Skagit Community Mental Health Center to the Swinomish and Upper Skagit Tribal Communities.

BARBARA H. SPAETH APPEAL OF HEARING EXAMINER'S DECISION RELATING TO THE RESIDENCE OF MR. ERIC ERICSSON.

Dave Hough, Senior Planner, presented to the Board the Staff Findings, Hearing Examiners Report, Notice of Appeal, and Hearing Examiner's response to the appeal. He gave the following summary of the case:

In 1984, a building permit was issued to Mr. Eric Ericsson to construct a residence on his property on Guemes Island. A shoreline examination was also completed at this time by the Planning Department. In 1986, the Planning Department received a complaint from Ms. Barbara Spaeth alleging that two residences existed on the same property which belonged to Mr. Ericsson. The alleged second home was an old cabin to the rear of Mr. Ericsson's residence. The Planning Department investigated this complaint, and subsequently asked

Mr. Ericsson to remove the kitchen facilities in the old cabin, thus making it a guest house and bringing it into compliance with County requirements.

Ms. Spaeth then instituted an Administrative Appeal of this decision. On 03/21/89, the Hearing Examiner held a Public Hearing and determined to uphold the decision of the Planning Department that the cabin was a guest house and that it complied with the setback requirements and other County codes.

Ms. Spaeth's appeal of the Hearing Examiner's decision regarding determination of the Ordinary High Water Mark, the setback requirements, and the guest house designation was received by the Planning Department on April 4, 1989.

Mr. Hough instructed the Board in the avenues available to them following their consideration of the appeal:

- a) To uphold the decision of the Hearing Examiner.
- b) To hold their own Public Hearing regarding this matter.
- c) To remand the matter back to the Hearing Examiner for further consideration.

Commissioner Vaux then proposed that an on-site visit be conducted before further consideration is given to the appeal. He motioned to establish Wednesday, June 28, 1989, at 9:30 a.m., or as soon thereafter as is allowed by Ferry scheduling, as the date for an on-site visit to Mr. Ericsson's property. He further stated that subsequent deliberations or decisions be held on the following day in a regular Board session. Commissioner Wylie seconded the motion. The motion carried and was so ordered.

Barbara Spaeth stated her support of an on-site visit of the property.

PUBLIC HEARING - FEE SCHEDULE CHANGES AT SKAGIT COUNTY FAIR.

In accordance with action previously taken, the Board first approved for signature the resolution calling for a Public Hearing on Tuesday, May 30, 1989, at 3:00 p.m., to consider fee schedule changes at the Skagit County Fair. (Resolution #12081)

Commissioner Wylie then waived the reading of the Notice of Call for Public Hearing, as published in The Skagit Argus on May 23, 1989.

Jon Aarstad, Parks Department Director, provided a list of proposed admission rates for the 1989 Skagit County Fair. He stated that the proposed program provides for two types of rates, 1) rates charged at the entry gate, and 2) prepaid rates charged by prearrangement with 4-H and FFA groups. Mr. Aarstad stated that the only increase in the proposed rates would be for an adult pass, which would be raised from \$3.50 per day to \$4.50 per day, and from \$10.00 to \$12.00 for an adult season pass. The daily fee or season pass would also include the grandstand show, as a decision has been made to allow free admission to the grandstand shows for anyone who has paid admission to the Fair. This is a change from last year's charge of \$5.00 for Eddy Rabbitt's grandstand show and \$2.00 for John Anderson's, which brought in \$11,000 and

did not cover the costs of entertainment. Mr. Aarstad also presented a comparison of admission rates for five Washington State county fairs. Mr. Aarstad stated that the proposal includes the addition of a Family Pass at \$12.00, and instead of allowing a Senior Citizen discount on Thursdays only, the discount price of \$3.00 would be available for all four days of the fair, with a season pass being offered for \$9.00.

Jo Fredericks, representing a local school district, requested of the Board that the prices not be raised this year, and that, if anything, they be lowered to accommodate those underprivileged families and children who would otherwise be unable to attend. She stated that the Fair has traditionally been a 4-H fair and a family entertainment fair, catering to groups who may be unable to afford a raise in admission. Ms. Fredericks cited the decrease in grandstand attendance at the 1988 fair as proof of the community's unwillingness to pay increased rates.

Mr. Aarstad pointed out that the cost of a student pass has not been raised, and that children under the age of 6 still enjoy free admission. He further stated that all 4-H members still pay only \$1.00 for admission, and that 4-H family members receive a reduced fare. Discussion ensued on the decision to charge no admission to the grandstand shows.

Barbara Lawrence, Fair Manager, stated that 4-H attendance has dropped by 600 in recent years, despite no change in admission fees, and that the management finds it necessary to invite other entertainment and vendors to increase interest, as well as to meet expenditures. She stated that presently approximately \$35,000 is subsidized by the County for the Fair, with admissions and vending providing the remainder of funds. She stated that the Fair realizes no profit.

Ms. Fredericks stated her wish to stand by her previous statement that the rates remain the same or decrease.

Further discussion was held regarding the self-sufficiency of the Skagit County Fair as compared to other Washington County Fairs.

Commissioner Vaux then motioned to close the Public Hearing. Commissioner Wylie seconded the motion, which was carried and so ordered. Commissioner Vaux then motioned to adopt the admission rates for the 1989 Skagit County Fair, as proposed by the Parks and Recreation Department. Commissioner Wylie seconded the motion, which was carried and so ordered. (Resolution #12082)

MISCELLANEOUS ITEMS.

A. The Board approved for signature the following contracts for Skagit County Fair Commercial Displays and Vendors, to commence on August 9, 1989, and continue to August 13, 1989:

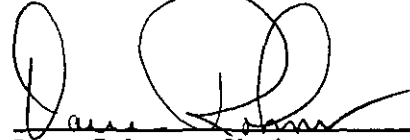
- 1) VSP Custom Design, P.O. Box 8153, Kirkland, WA 98034, for the sum of \$224.00 for vendor space in the Commercial Building.

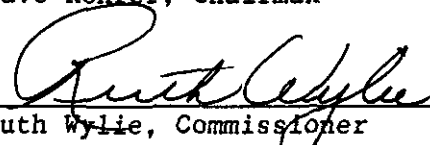
- 2) Encyclopedia Britannica, USA, 310 South Michigan Ave., Chicago, IL 60604, for the sum of \$220.00 for vendor space in the Commercial Building.
 - 3) Merrill Lynch, 3614 Meridian Street, Bellingham, WA 98225, for the sum of \$220.00 for vendor space in the Commercial Building.
 - 4) Skagit/San Juan Central Labor Council, P.O. Box 1943, Mount Vernon, WA 98273, for the sum of \$192.50 for vendor space outside.
- B. The Board approved for signature the following contracts for Skagit County Fair Concessionaires to commence on August 9, 1989, and continue to August 13, 1989.
- 1) Donuts by Dunkins, 2301 Grant Place, Anacortes, WA 98221, for a concessionaires charge of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever is greater.
 - 2) Old World Fudge, 2112 3rd Avenue #403, Seattle, WA 98121, for a concessionaires charge of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever is greater.
 - 3) Old World Cone, 12602 1st Ave. South, Seattle, WA 98168, for a concessionaires charge of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever is greater.
- C. The Board approved for signature a Carnival Agreement with Rainier Shows, 2710 Garfield Road, Tacoma, WA, for a carnival to include 15 rides and 3-4 food concessions on August 10, 11, 12, and 13, 1989, at the Skagit County Fairgrounds, for a payment to the County of \$7,500 or 25% of gross from rides, shows and concessions, whichever is greater, after deductions.
- D. The Board approved for signature a Professional Services Contract with Safari Productions, P.O. Box 42222, Tacoma, WA 98442, for four reptile shows daily, August 10-13, 1989, for the compensation of \$400.00 per day.


ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion was carried and so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

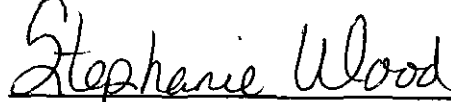


Dave Rohrer, Chairman

Ruth Wylie, Commissioner

W. W. Vaux, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners