

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, August 28, 1989

9:00 a.m. Board of Health:

- 1) Don Flora Appeal to Sewage Design Section of Skagit County Code 12.04.080.

MISCELLANEOUS ITEMS.

- 10:00 a.m.
- 1) Resolution Authorizing Call of G.O. Bonds Dated June 1, 1978.
 - 2) Call for Public Hearing - Public Transportation Benefit Area.

10:30 a.m. Public Works Department - Mark Spahr, Director:

- 1) Public Hearing: Amend Ordinance #12140 - Road Number Clarification.
- 2) Public Hearing: Intent to Sell County Surplus Property.
- 3) Resolution - Amendment to Flood Control Grants.
- 4) Bid Award Recommendation - Portable Air Compressor.
- 5) Resolution - Loan from Road Fund to Solid Waste Operating Fund.
- 6) Resolution - Loan from Road fund to Solid Waste Construction Fund.
- 7) Signature - Professional Services Contract - Skagit Surveyors.
- 8) Signatures - Project Prospectus and County/Washington State Department of Transportation Funding Agreement for:
 - a) Gardner Road
 - b) Garden of Eden Road
 - c) South Texas Road
 - d) Blanchard Road
- 9) Miscellaneous.

- 1:30 p.m.
- 1) Bid Opening - One New Truck with Liquid Asphalt Distributor.

MISCELLANEOUS ITEMS.

2:00 p.m. Phil Dallaire and Carl Romtvedt Appeals of Hearing Examiner's Decision Regarding Shoreline Substantial Development Permit #10-89 of Skagit State Bank.

- 3:00 p.m.
- 1) Call for Public Hearing - Skagit County Comprehensive Recycling Plan.
 - 2) Call for Public Hearing - 1990 Solid Waste Rates.

The Skagit County Board of Commissioners met in regular session on Monday, August 28, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

BOARD OF HEALTH:

1) DON FLORA APPEAL TO SEWAGE DESIGN SECTION OF SKAGIT COUNTY CODE 12.04.080.

Tom Karsh, Environmental Health Specialist, presented a request from Mr. Don Flora to waive the portion of the Skagit County Code that requires successful applicants for certified sewage system designer to have satisfactorily worked as a certified or licensed sewage installer/designer in a health jurisdiction for at least two years. Mr. Karsh stated that although Mr. Flora has worked for both Lou Ankney and Chuck Smith for approximately 7 years, and has been involved in over 350 septic system installations in Skagit County, he has never obtained certification as a sewage installer/designer. He therefore requests a waiver of the "certified" experience requirements, and the return of his waiver fee of \$130, stating that the Code in this instance is nebulous and forces all applicants to request a waiver of the Code. Mr. Karsh stated that the recommendation of the Planning Department is to grant the waiver, allowing Mr. Flora certification as a sewage designer, but to deny the return of his waiver fee.

The Board discussed with Mr. Karsh the wording of this section of the Code. Commissioner Vaux then motioned to grant the waiver, allowing Mr. Flora his certification, but to deny the fee refund.

Commissioner Wylie stated that she disagrees with the denial of the fee refund. Mr. Karsh stated that various members of the Planning Department have encouraged Mr. Flora over the past 6 years to obtain his sewage installer certification, a license that has no prerequisite, but that Mr. Flora has declined each time; therefore, he has not been able to apply any of his past 6 years experience to satisfy the "certified experience" portion of the code. In effect, Mr. Flora could have avoided the waiver, had he chosen to do so. Commissioner Wylie then seconded Commissioner Vaux's motion. The motion was unanimously approved.

MISCELLANEOUS ITEMS.

A. The Board approved for signature the following Petitions for Property Tax Refunds:

- 1) Marvin Swanson, 1512 Pacific, Mount Vernon, WA 98273, in the amount of \$103.82, due to the sale of the property to a municipal corporation. (009489)
- 2) Frank T. Koderer, 407 State Street, Sedro Woolley, WA 98284, in the amount of \$100.13, due to a senior citizen exemption. (008989)
- 3) Charles W. Sweeney, 324 Shelter Bay Dr., LaConner, WA 98257, in the amount of \$257.66, to correct a 1989 exemption in which the value was not reduced. (008689)
- 4) Bonnie Rood, 344 Snohomish Dr., LaConner, WA 98257, in the amount of \$29.91, to correct a 1989 exemption in which the value was not reduced. (008889)
- 5) Skagit Soils, P.O. Box 2144, Mount Vernon, WA 98273, in the amount of \$392.54, in accordance with an amended tax affidavit submitted to the assessor's office. (008389)

- 6) Lawrence E. Welsh, 791 Pinelli Road, Sedro Woolley, WA 98284, in the amount of \$110.32, due to a senior citizen exemption. (009089)
 - 7) Jerry E. Findley, 11430 29th Dr. S.E., Everett, WA 98208, in the amount of \$65.06, due to a manifest error. (006989)
- B. Commissioner Vaux motioned to adopt the Records of the Proceedings from Monday, August 21, 1989, Tuesday, August 22, 1989, and Wednesday, August 23, 1989, as submitted. Commissioner Wylie seconded the motion, which was unanimously approved.
- C. Commissioner Wylie motioned to adopt the amendment to the Record of the Proceedings of Wednesday, August 16, 1989, as requested by Treasurer Dan O'Donnell. Commissioner Vaux seconded the motion, which was unanimously approved.
- D. The Board approved for signature the following Skagit County Fair Contracts:
- 1) Boyd Family Band, 1929 Plaza View Dr., Sedro Woolley, WA 98284, for two performances on August 12, 1989, at \$325.00 for all performances.
 - 2) Trish Hatley, P.O. Box 725, Anacortes, WA 98221, for one performance on Thursday, August 10, and two performances on Friday, August 11, 1989, at \$400.00 for all performances.
- E. Commissioner Vaux read a Proclamation submitted by the U.S. Marshals Office, Seattle Division, honoring their bicentennial by declaring September 24, 1989, United States Marshals Bicentennial Day. Commissioner Vaux motioned to proclaim the same, as stated in the Proclamation. Commissioner Wylie seconded the motion, which was unanimously approved.

Resolution Authorizing Call of G.O. Bonds Dated June 1, 1978.

Mike Woodmansee, Budget/Finance Director, presented a resolution authorizing the call of \$1,960,000 in Refunding Bonds which were issued on June 1, 1978, via Resolution #7550. Mr. Woodmansee stated that a public notice is being developed in accordance with the provisions of Resolution #7550, and will be distributed as per the instructions therein.

Commissioner Wylie motioned to adopt the resolution calling for the redemption of outstanding Refunding Bonds issued June 1, 1978, on October 1, 1989. Commissioner Vaux seconded the motion, which was unanimously approved. (Resolution #12186)

Call for Public Hearing - Public Transportation Benefit Area.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing on September 21, 1989, at 7:00 p.m., regarding the establishment of the boundaries of a Skagit County Public Transportation Benefit Area. Commissioner Wylie seconded the motion. The motion was unanimously approved. (Resolution #12187)

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:**1) Public Hearing: Amend Ordinance #12140 - Road Number Clarification.**

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on August 15 and 22, 1989.

Mr. Spahr explained that an error was made on Ordinance #12140, in which the road number for South Front Street was incorrectly listed as 6043. He stated that in order to amend that error, another Ordinance must be passed, following an appropriate public hearing.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which was unanimously approved. Commissioner Wylie then motioned to adopt the ordinance clarifying the county road number for South Front Street as 0643. Commissioner Vaux seconded the motion. The motion passed unanimously. (Ordinance #12188)

2) Public Hearing: Intent to Sell County Surplus Property.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on August 15 and 22, in The Skagit Valley Herald on August 22, The Concrete Herald on August 24, and in The Anacortes American on August 23, 1989.

Mr. Spahr stated that a quantity of surplus County property has accumulated, including six sedan vehicles, four pick up trucks, a liquid asphalt distributor truck, a fifth wheel truck/tractor, a 1-1/2 ton truck with a wooden box, furniture and fixtures, office equipment, and mechanical and electrical equipment, which requires disposal.

Seeing no public comment, Commissioner Wylie motioned to close the public hearing. Commissioner Vaux seconded the motion, which passed unanimously. Commissioner Wylie then motioned to adopt the resolution authorizing the disposal of the aforementioned surplus County property by the County Treasurer at the County road maintenance complex in Burlington at noon on September 15, 1989, at a public auction. Commissioner Vaux seconded the motion, which was unanimously approved. (Resolution #12189)

3) Resolution - Amendment to Flood Control Grants.

Mr. Spahr explained that following award of grant funds from Skagit County to Dike District #25 in the amount of \$4,310.34 for a project on the left bank of the Samish River, the district has indicated that the previous years project on the lower Samish Dike was not completed and it is urgent that it be completed prior to the start of this new project on the left bank. Mr. Spahr presented a resolution which would transfer the grant funds of \$4,310.34 from the project on the left bank to the project on the right bank at the lower Samish Dike.

Commissioner Wylie motioned to adopt the resolution declaring the lower Samish Dike project a public necessity, and transferring the funds of \$4,310.34 appropriated for improvements to the left bank of the Samish River to the

emergency project on the right bank. Commissioner Vaux seconded the motion, which was unanimously approved. (Resolution #12190)

4) Bid Award Recommendation - Portable Air Compressor.

Mr. Spahr reported that the bids for a new portable air compressor have been reviewed, and that Dressor Industries submitted the low bid at \$32,000. Mr. Spahr stated that, although Dressor Industries is an out-of-state firm and therefore no sales tax would apply to the purchase, a use tax of 7.5% was added and the Dressor Industries bid was still approximately \$800.00 below the next highest bid. Mr. Spahr indicated that he has been contacted on several occasions by the second highest bidder, Craig Taylor Equipment Company, who is objecting to the fact that the Dressor Industries bid was returned unsigned, so it is therefore invalid and should be rejected. Mr. Spahr stated that consultation with Chief Civil Deputy John Moffat has revealed that specific case law shows that lack of a signature on bid documents can be waived as a minor irregularity and the bid awarded accordingly. Mr. Spahr stated that the Road Supervisor, Conrad Claybo, has researched the equipment offered, a Leroi model, and believes that it meets the standards and specifications of the Public Works Department. Mr. Spahr recommended the award of the bid to Dressor Industries for \$32,000.

Commissioner Vaux stated that he disagrees with the waiver of bid irregularities, in that instructions are clearly given and procedures clearly defined for completion of bid documents. He questioned Mr. Spahr on the acceptance of the Sullaire equipment offered by Craig Taylor Equipment, and Mr. Spahr confirmed that Mr. Claybo is familiar with the equipment and finds it acceptable as well. Commissioner Vaux then motioned to reject the Dressor Industries bid on the basis of its irregularity, and to award the bid to Craig Taylor Industries for \$35,451.40 for a Sullaire model 750DTO. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12193)

7) Signature - Professional Services Contract - Skagit Surveyors.

This item was discussed at this time for the convenience of the audience.

Mr. Spahr indicated that, following receipt and review of proposals, Skagit Surveyors, Inc., of Sedro Woolley, has been chosen to provide survey work in conjunction with improvements to Channel Drive, and to resolve a conflict at Sauk City regarding the location of the Sauk City Road. Mr. Spahr further stated that additional work can be added to the scope of work within the contract for projects that are beyond the Public Works Department's workload.

The Board approved for signature a contract with Skagit Surveyors, Inc., for completion of projects on the Sauk City Road and within the Plat of Skagit Beach #1, to be completed within 40 days following written authorization to begin, and for compensation of \$4,885.51.

5) Resolution - Loan from Road Fund to Solid Waste Operating Fund.

Mr. Spahr presented a resolution which would extend the repayment of the loan from the Road Fund to the Solid Waste Operating Fund to December 31, 1991, and would increase the loan amount from \$450,000 to a sum not greater than

\$800,000. He stated that this act is necessary to provide the matching share for a grant received in 1985 for closure of Sauk and Gibraltar Landfills, and also to pay for portions of the closure which will not be met by the grant, which was awarded in 1985 at 1985 market prices.

Commissioner Wylie motioned to adopt the resolution authorizing extension of the repayment of the loan to December 31, 1991, and increase in the loan amount from \$450,000 to \$800,000. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #12191)

6) Resolution - Loan from Road Fund to Solid Waste Construction Fund.

Mr. Spahr presented a resolution which would extend the repayment date of a loan from the County Road Fund to the Solid Waste Construction Fund from September 1, 1989, to December 31, 1989. He explained that this act is necessary because funds received as a D.O.E. grant are being retained by D.O.E. until such time as they can be released. When the grant funds are available, the loan can be repaid.

Commissioner Wylie motioned to adopt the resolution extending the repayment date of the loan from the County Road Fund to the Solid Waste Construction Fund to December 31, 1989. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12192)

8) Signatures - Project Prospectus and County/Washington State Department of Transportation Funding Agreement for:

- a) Gardner Road.
- b) Garden of Eden Road.
- c) South Texas Road.
- d) Blanchard Road.

The Board approved for signature grant applications to the Department of Transportation for funds to contract with Burlington Northern Railroad to perform design and engineering for improvements to the above mentioned railroad crossings.

9) Miscellaneous.

As of this date, Monday, August 28, 1989, the Board, by unanimous decision, did approve for signature the following warrants and vouchers:

- a) Warrants #61525 through #61620 (Vouchers #61525 through #61620) in the amount of \$186,574.12 (R-21-89)
- b) Warrants #46968 through #47273 (Vouchers #907919 through #908350) in the amount of \$157,955.23 (C-37-89)

BID OPENING - ONE NEW TRUCK WITH LIQUID ASPHALT DISTRIBUTOR.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on August 8 and 15, 1989.

The following bids were received and opened:

- a) Smith Tractor & Equipment Co.
1712 Hickox Road
Mount Vernon, WA 98273

Truck Manufacturer and Model: Ford 1990 LN8000
Tank Manufacturer and Model: Rosco 1989 Marc I
Total Out-of-Pocket Cost to Skagit County: \$85,138.93

- b) Skagit Ford
680 Auto Blvd.
Mount Vernon, WA 98273

Truck Manufacturer and Model: 1990 Ford LN 8000
Tank Manufacturer and Model: Bearcat B6-501
Total Out-of-Pocket Cost to Skagit County: \$85,141.08

- c) Sahlberg Equipment, Inc.
5950 4th Ave. So.
Seattle, WA 98108

Truck Manufacturer and Model: 1990 International Model 4900
Tank Manufacturer and Model: Etnyer Distributor 1900 gal. Model SAM
Total Out-of-Pocket Cost to Skagit County: \$94,840.61

- d) Bear Cat Manufacturing, Inc.
P.O. Box 2059
Wickenburg, AZ 85358

Truck Manufacturer and Model: GMC C7H042 (1990)
Tank Manufacturer and Model: Bear Cat BC-501
Total Out-of-Pocket Cost to Skagit County: \$72,293.00

The Public Works Department will review all bids received and return at a later date with a recommendation for award.

MISCELLANEOUS ITEMS.

There were no miscellaneous items for presentation at this time.

PHIL DALLAIRE AND CARL ROMTVEDT APPEALS OF HEARING EXAMINER'S DECISION REGARDING SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT #10-89 OF SKAGIT STATE BANK.

Oscar Graham, Associate Planner, gave a summary of the appeal. He stated that on April 7, 1989, a request was received from Skagit State Bank for a shoreline substantial development permit to locate a manure pit for the storage of animal wastes on their property located near the Skagit River east of Sedro Woolley at 1036 Fruitdale Road. Mr. Graham stated that the Hearing Examiner Pro Tem, William Neilsen, held a public hearing on June 7, 1989, to consider the matter, and on June 18, 1989, entered an order approving the permit application with 11 conditions. Mr. Graham stated that appeals were

received from Mr. and Mrs. Phil Dallaire and Mr. and Mrs. Carl Romtvedt respectively.

Mr. Graham stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Carl Romtvedt, 1035 Fruitdale Road, Sedro Woolley, was then given an opportunity to speak. He stated that the Hearing Examiner Pro Tem has approved the issuance of a permit before the necessary technical information is known to determine whether or not a sealer is needed. Specifically, Condition #5 and #6 state that the applicant must adhere to the Skagit County Shoreline Master Program, and must obtain approval from the Soil Conservation Service prior to construction, and Mr. Romtvedt felt those conditions should have been met before the permit was issued.

Mrs. Betty Romtvedt further pointed out that they will be monitoring their well water for seepage from the pit, and will hold the County responsible should their well become contaminated. She further noted the possibility of noxious odors from the pit.

Gary Sturdy of Sturdy Engineering introduced himself as the technical representative of Skagit State Bank. He stated that he has been in contact with the Soil Conservation Service, which has informed him that if certain soil is encountered on the property, a liner or sealer will be required. He stated that at this time soil samples are being tested at MTC Laboratories to see if an impervious or other type of liner will be required. He stated that once the results of the tests are received and a plan for construction completed, it will be submitted to the Soil Conservation Service for approval and instruction regarding a liner. He stated that, should sandy soil be encountered, it may be necessary to over-excavate and bring in fill material for a liner to the pit.

Mr. Romtvedt, the Board and Mr. Sturdy then discussed the location of the lagoon in the same spot as an old lagoon, and it was noted that this will not be allowed by the State or County due to its location in the floodway.

Commissioner Vaux then confirmed that the appellant was most disturbed by Condition #3, which directs the applicant to specifically address the issues of soil permeability of the proposal site, appropriate lining of the lagoon to assure proper sealing, and adequate set-backs from adjacent wells. He explained that the Soil Conservation Service routinely deals with this type of issue, and it would be in their best interest to closely scrutinize the construction of such a pit. Commissioner Vaux stated that the way the permit was issued, the lagoon can only be built with the permission of experts whose reputation rests on appropriate decisions. Mr. Romtvedt felt satisfied with these assurances from the Board and so stated.

RECORD OF THE PROCEEDINGS

September 19, 1989. Bill Ness motioned to uphold the decision of the Hearing Examiner Pro Tem in this matter. Commissioner Vaux seconded the motion, which passed unanimously.

CALL FOR PUBLIC HEARING - SKAGIT COUNTY COMPREHENSIVE RECYCLING PLAN.

Commissioner Wylie motioned to adopt the resolution calling for a public hearing to consider adoption of the Skagit County Comprehensive Reuse and Recycling Plan on September 26, 1989, and that a thirty-day public review period will commence on this date and continue until the time of the public hearing. Commissioner Vaux seconded the motion, which was unanimously approved. ((Resolution #12194))

Bill Ness pointed out that copies of the recycling plan are available for public review at the city libraries and city halls in the cities of Anacortes, Burlington, Mount Vernon, Sedro Woolley, Laconner and Concrete, and in the Public Works Department.

CALL FOR PUBLIC HEARING - 1990 SOLID WASTE RATES.

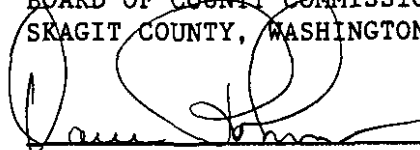
Mr. Ness presented a resolution calling for a public hearing regarding 1990 solid waste rates. He stated that the intent is to elaborate on previous resolutions, allowing for specific rates for additional materials that are being presented at the landfills and incinerator.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing on September 19, 1989, at 10:00 a.m., to consider the proposed 1990 Solid Waste Disposal Rates for Skagit County Disposal Facilities. Commissioner Wylie seconded the motion, which passed unanimously. ((Resolution #12195))

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman

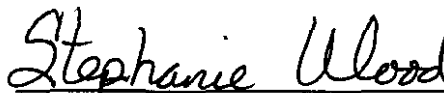


Ruth Wylie, Commissioner

W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners