

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, December 4, 1989

- 9:00 a.m. Discussion - Request for Closure of Utopia Road.
- MISCELLANEOUS ITEMS.
- 9:45 a.m. Signature - Parks and Receptions Contracts.
- 10:00 a.m. Public Hearing - 1990 Skagit County Budget.
- 10:30 a.m. Public Works Department - Mark Spahr, Director:
- 1) Presentation - Traffic Safety Poster.
 - 2) Signature - Contract for Professional Services Elliot Bay Design Group.
 - 3) Signature - Contract for Professional Services - Custom Software Support/Training.
 - 4) Signature - Contract for Professional Services - American Antifreeze Recycling.
 - 5) Signature - Contract for Guardrail Installation - Cape Horn Road, Etal.
 - 6) Discussion - Facilities at Incinerator.
 - 7) Signature - Turnback Agreement - Packard Lane.
 - 8) Miscellaneous.
- 1:30 p.m. Executive Session - Litigation and Personnel.
- 2:30 p.m. South Mount Vernon Neighborhood Association Appeal of Hearing Examiner's Decision Regarding Variance Request #V89-049 of Allan Fredrickson.

MISCELLANEOUS ITEMS.

The Skagit County Board of Commissioners met in regular session on Monday, December 4, 1989, with Commissioners Dave Rohrer and W. W. Vaux present. Commissioner Wylie's absence was excused.

DISCUSSION - REQUEST FOR CLOSURE OF UTOPIA ROAD.

Jeff Monsen, Assistant Director of Public Works, submitted photographs taken around the entire area of Utopia Road. He stated that the Public Works Department does not generally close public roads for private citizens, unless a public safety issue exists.

Charlie Tewalt, Road Supervisor, stated that he has concerns about the maintenance of any gate erected on Utopia Road.

Chairman Rohrer noted that he had received a telephone call from a Mr. Ivan Bacus, who supports the idea of closing Utopia Road to the public.

Ken Kaaland, the citizen requesting the closure of Utopia Road, stated that everyone he contacted along Utopia Road is in agreement that the uninhabited

portion of the road should be closed. Mr. Kaaland noted that the road serves no purpose except to access one individual's property, and that garbage dumping and illegal woodcutting occurs regularly on the uninhabited portion. He stated that the closure would involve only the ending 1/4 mile, and that hunters and fishermen could still access the area from a short walking distance. Mr. Kaaland noted that his reason for bringing this to the attention of the Board is that he is attempting to negotiate an agreement to farm the property the road accesses, and is interested in protecting any crops he might plant there. He provided photos depicting the abuses to the road.

Mr. Monsen recommending exploring vacation of the roadway to the property owner.

Chairman Rohrer was interested in maintaining the right to perform flood control measures on the riverbank at that location, and felt vacation would be contingent on being able to obtain an easement.

Mr. Boone, the person who previously farmed the property, remarked that the road is also a favorite spot for boisterous parties.

Chairman Rohrer and Commissioner Vaux agreed to direct the County Road Department to erect a gate, at the County's expense, across the ending portion of Utopia Road.

Mr. Tewalt briefly discussed the need for a parking area near the gate.

Chairman Rohrer suggested signage be attached to the gate to the effect that access will be allowed by contacting the County Engineer.

MISCELLANEOUS ITEMS.

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

- 1) Tora Voie, 2214 Hwy 9, Lot 208, Mount Vernon, WA 98273, in the amount of \$392.27, due to a senior citizen exemption. (014089)
- 2) Roderica J. Laymon, 517 Kloshe Way, LaConner, WA 98257, in the amount of \$305.32, due to an incorrect senior citizen exemption. (013989)
- 3) Dale Padgett, 1133 Markwood Road, Burlington, WA 98233, in the amount of \$137.90, due to an overpayment. (013489)
- 4) Beneficial Mortgage Company, P.O. Box 1066, Everett, WA 98206, in the amount of \$63.11, due to the destruction of the property affidavit. (013789)
- 5) Robert Turpin, 1002 Township, Sedro Woolley, WA 98284, in the amount of \$129.14, due to a senior citizen exemption. (014289)
- 6) James Stanley, 4405 Baker Driver, Concrete, WA 98237, in the amount of \$152.90, due to a disability exemption. (014489)
- 7) Loyal S. Tribbey, 472 Roney Road, Bow, WA 98232, in the amount of \$89.92, due to a senior citizen exemption. (013889)

B. As of this date, December 4, 1989, the Board, by unanimous vote, did approve for signature the following warrants and vouchers:

- 1) Warrant #78462 through #78600 (Voucher #78462 through #78600) in the amount of \$292,673.24 (PR-22-89).
 - 2) Warrant #20423 through #20917 (Voucher #890282 through #890309) in the amount of \$751,571.09 (P-14-89).
- C. Commissioner Vaux motioned to adopt the Record of the Proceedings from Monday, November 27, 1989; Tuesday, November 28, 1989; Wednesday, November 29, 1989; and from the Public Transportation Improvement Conference of Thursday, November 30, 1989, as submitted. Chairman Rohrer seconded the motion, which carried and was so ordered.
- D. In accordance with action previously taken, the Board approved for signature the resolution establishing responsibility for maintenance of fire hydrants within Skagit County. (Resolution #12306)

Commissioner Wylie was present for the following items.

- E. The Board reviewed a request for purchase of tax title property owned by Skagit County on the Cascade River. Commissioner Wylie noted a memorandum from Mary Cherberg, Public Works Department Office Engineer, which states that Jon Aarstad, Parks and Recreation Department Director, has expressed a desire to keep the property, and that the property was deeded to the County for the purpose of establishing a park. Commissioner Wylie noted that the property does not satisfy the criteria for tax title property, and recommended the request be denied. Commissioners Vaux and Rohrer concurred.
- F. Commissioner Wylie motioned to approve the Petition for Property Tax Refund of Alfred Carlson, 2222 Hwy. 9, Mount Vernon, WA 98273, in the amount of \$5,362.07, due to the reduction of lien values by the Board of Equalization, and the payment of interest per RCW 84.69.100. Commissioner Vaux seconded the motion, which passed unanimously.

SIGNATURE - PARKS AND RECREATIONS CONTRACTS.

The Board approved for signature the following Parks and Recreation Department contracts:

- 1) A Contract for Professional Services with Land Title Company of Skagit County, 601 2nd Street, Mount Vernon, WA 98273, for completion of a Title Report for the Summit Timber property. The contract expires on December 20, 1989, and the contractor will receive a total of \$527.83 for these services.
- 2) Professional Services Contracts for officiating, scoring and coaching of sports activities with the following individuals, expiring December 31, 1989, and all at current Parks and Recreation Department officials rates:
 - Jay VanPutten
 - Erie Dykstra
 - Timothy Crosby
 - Susie Jackson

- Richard Kimberly
- John T. Wutick
- Dan Jeremiah
- Lauchlin A. McKinnon
- Don Murdzia
- John A. Holcomb
- Clyde Baker

C. A Rental Agreement with Conway School for Tuesdays and Thursdays in November and December, 1989, at the rate of \$5.00 per hour.

PUBLIC HEARING - 1990 SKAGIT COUNTY BUDGET.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on November 20 and 27, 1989.

Mike Woodmansee, Budget/Finance Director, instructed the Board in the items to be considered. He reported a total budget of \$51,800,000. Mr. Woodmansee reported to the Board a summary of the expected 1990 forest related revenues. He discussed major issues affecting Skagit County's budget in the coming year such as growth management, domestic water supplies, public transportation, the criminal justice system and internal management. He provided a graph showing the percentage of budget increase over the past 10 years.

Mr. Woodmansee answered questions posed by the Board regarding cash reserves and computer update expenditures.

Don Bockelman, a Day Creek citizen, expressed his displeasure at seeing several areas "overbooked". He felt a major oversight had occurred in the underfunding of the Skagit River Flood Maintenance fund. He noted that ozone depleting substances were not addressed in the proposed budget, and that recycling continues to be a "joke" in budgetary matters.

Commissioner Vaux pointed out that the \$150,000 allotted to flood maintenance in the general fund represents only about 15% of the amount spent each year on flood maintenance. He noted that additional funds are collected through levies by diking districts and through grants.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which passed unanimously.

Commissioner Vaux then thanked Mr. Woodmansee for his diligence in preparing the 1990 budget, and thanked the department heads and elected officials for their cooperation. He then motioned to approve the resolution adopting the 1990 Skagit County budget. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12307)

Commissioner Vaux motioned to adopt the resolution certifying the 1990 property tax levies to the County Assessor as follows:

Current Expense.....	\$5,069,451
Veteran's Relief.....	32,335

Mental Health.....	71,856
Total General County Levy.....	5,173,642
County Road Fund Levy.....	3,497,180
Emergency Medical Services Levy....	692,394

Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12308)

Commissioner Vaux motioned to adopt the resolution diverting 1990 road fund levy funds for traffic enforcement as follows:

\$2.25/\$1,000 A.V. divided with \$2.1213/\$1,000 A.V., generating approximately \$3,297,180, deposited in the County Road Fund, and \$0.1287/\$1,000 A.V., generating approximately \$200,000, deposited in the Current Expense Fund.

Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12309)

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

1) Presentation - Traffic Safety Poster.

In recognition of the campaign by the Washington Traffic Safety Commission against drunk driving, Don Nelson, DWI/Traffic Safety Engineer, presented the Board with a traffic safety awareness poster to post in the Courthouse, depicting a jail cell in the old Skagit County Jail.

2) Signature - Contract for Professional Services Elliot Bay Design Group.

The Board approved for signature a Contract for Professional Services with Elliott Bay Design Group of Seattle for an audit of the conditions of the Guemes Ferry, to include a report of three alternatives for replacement of the outrives. The contract has a duration of 30 days, and the project cost shall not exceed \$4,000. Commissioner Vaux motioned acceptance of the contract. Commissioner Wylie seconded the motion, with a unanimous vote being received.

3) Signature - Contract for Professional Services - Custom Software Support/Training.

The Board approved for signature a Contract for Professional Services with Katy Cardinale of Eastsound, WA, to provide custom software support and training for the maintenance management system at the Burlington Shop. The contract will commence on November 22, 1989, and continue until November 21, 1990, and the contractor will receive \$40.00 per hour for her services.

4) Signature - Contract for Professional Services - American Antifreeze Recycling.

The Board approved for signature a Contract for Professional Services with American Antifreeze Disposal of Lynnwood, WA, for provision and pick up of

drums for disposal of antifreeze, to be located at the Skagit County Incinerator, at no charge to Skagit County.

5) Signature - Contract for Guardrail Installation - Cape Horn Road, Etal.

In accordance with action previously taken, the Board approved for signature a contract with the Junlo Corporation of Portland, Oregon, to furnish, install and repair guardrail on sections of the Cape Horn and Concrete Sauk Valley Roads, for the bid price of \$121,325.75.

6) Discussion - Facilities at Incinerator.

Mr. Monsen made a second request, on behalf of the Public Works Department Director, for permission to construct a facility at the Skagit County Incinerator for fabrication work which can be performed by County forces.

The Board informed Mr. Monsen that they had previously instructed that a metal building be constructed with funds from the Facilities and Land Acquisitions Fund.

7) Signature - Turnback Agreement - Packard Lane.

The Board approved for signature a County Turnback Agreement with the Washington Department of Transportation for a road named Packard Lane, which was used by the State a number of years ago during reconstruction of Chuckanut Drive.

8) Miscellaneous.

A. The Board approved for signature Grant Amendment #2 to Ecology Grant #TAX 89042 with the Washington Department of Ecology for an increase in funds of \$6,104 for the monitoring wells at the Skagit County landfills.

B. Mr. Monsen announced the hiring of Fred Biederman as a part-time purser/deckhand aboard the Guemes Ferry. He is a retired Coast Guard worker.

C. Mr. Monsen declared that a flood alert is in effect for the Skagit River. He stated that at 8:00 a.m. the river at Concrete was 38 feet, and at Mount Vernon was 34.5 feet on December 5.

D. The Board discussed with Mr. Monsen the possibility of allowing the participation of the Guemes Ferry in the annual Christmas Boat Parade in Anacortes, a suggestion of a ferry employee, Pat Hoyland. Mr. Monsen explained that the parade will begin at 5:00 p.m. on December 9, with a number of private vessels participating. The ferry crew would like to decorate the ferry and provide transportation for a group of handicapped or senior citizens. Mr. Monsen stated that plan would require the ferry to miss one run, and that those riding the ferry during the event would be held aboard school buses during the trip.

The Board directed Mr. Monsen to proceed with these plans, with Commissioner Wylie motioning approval, Chairman Rohrer seconding the

motion, and unanimous approval being received.

SOUTH MOUNT VERNON NEIGHBORHOOD ASSOCIATION APPEAL OF HEARING EXAMINER'S DECISION REGARDING VARIANCE REQUEST #V89-049 OF ALLAN FREDRICKSON.

Grace Roeder, Associate Planner, submitted an assessor's map of the southwest quarter of section #32, locating property at the intersection of Hickox and Cedardale Roads, the subject property.

Ms. Roeder explained that on November 1, the Hearing Examiner considered a variance request by Dr. Allan Fredrickson to construct a structure for the practice of small animal surgery and vaccinations within 25 feet of the front property line, instead of the required 35 feet. Ms. Roeder noted that in October of 1988, Dr. Fredrickson requested and was granted a special use permit for the construction of this building and a variance to allow that it be built within 20 feet of the rear property line. At that time it was thought that the front setback would be 35 feet, based on a 60 foot right-of-way. The applicant later discovered that Cedardale Road at that point has an 80 foot right of way, and it became necessary to obtain a variance for the front setback also. Ms. Roeder noted that the property is of a triangular shape, with the greatest width of 100 feet bordering on Hickox Road. She stated that the Department of Planning and Community Development in their Staff Findings made a recommendation for approval of the variance request. The Hearing examiner concurred with these findings, and approved the variance with all conditions listed in the Staff Findings, as well as additional conditions that the property be filled and graded to prevent runoff water to the east, that the Cedardale ditch be improved and maintained, and that the building maintain the county clean zone requirements.

Ms. Roeder read the appeal of the South Mount Vernon Neighborhood Association, as submitted by Robert Stoll, Joseph Soler and Virginia Darvill, members. In summary, the appeal cites that the building will be a traffic hazard in that it will limit vision to the south, causing a danger from trailer trucks that frequent this area and make wide turns around this corner.

Virginia Darvill, Hickox Road, Mount Vernon, reiterated the statements made in the appeal regarding the blockage of view of approaching traffic. She suggested that the County purchase the property to expand the corner, thereby softening the turn and increasing traffic safety.

Joseph Soler, 1781 Hickox Road, Mount Vernon, reported that he was the victim of an accident involving a wide turning truck at that intersection approximately 1 to 1-1/2 years ago. He stated that a head-on accident occurred at that location two days before the Hearing Examiner's public hearing. He also suggested the the County purchase the corner for improvements to the road.

Commissioner Vaux noted 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.

He asked what remedy the Association is seeking. The members agreed that they wished the Board to call for their own public hearing.

Dr. Fredrickson then made his statement. He stated that he agrees that traffic problems exist at the corner, but his building will do nothing to increase those problems. He stated that the stop sign is past his proposed building, and that the building would be an asset to the area in that the lot would be maintained and not allowed to grow up into tall blackberry bushes. Dr. Fredrickson noted that his building will have 8 foot sidewall, will be approximately 12 feet at its peak, and will access onto Cedardale Road. He explained the changes in setback which occurred when he was given conflicting information by the Assessor's Office and a private surveying firm.

Robert Stoll, 1727 Hickox Road, Mount Vernon, asked if the Board was operating under the "good ole boy" system, and later apologized for his remark. He also requested that the Board call for their own public hearing to consider additional information about the variance request.

Ms. Darvill pointed out that the County should look at traffic planning as part of land use planning. She stated that she is not opposed to the operation of the animal clinic, but does oppose anything built on the site which would endanger motorists.

Commissioner Vaux then motioned to call for a public hearing on Wednesday, December 20, 1989, at 9:00 a.m., at the site of the proposed clinic, and that Dr. Fredrickson be asked to stake out the perimeter of the proposed building prior to that date. Commissioner Wylie seconded the motion, which passed unanimously.

Commissioner Vaux's absence was excused for the following items:

MISCELLANEOUS ITEMS.

- A. The Board approved for signature Contract Amendment #1 to the agreement with Community Trades and Careers for subcontracting of DSHS funds for developmental disabilities services. The amendment comes as a result of an ongoing investigation by the Developmental Disabilities Advisory Board, during which deficiencies in the operating policy of the CTC group were identified. The amendment reduces the amount of award for CTC during the remaining six months of the contract.
- B. Commissioner Wylie motioned to adopt the resolution proclaiming a local emergency because of flooding which commenced on Sunday, December 3, 1989, and authorizing designated departments to incur obligations and enter into contracts necessary to provide emergency assistance to the victims of the disaster. Chairman Rohrer seconded the motion, which carried and was so ordered. (Resolution #12310)
- C. Commissioner Wylie motioned to call for a public hearing on Monday, December 18, 1989, at 2:00 p.m., to consider changes to the Skagit County

Code pertaining to the various fee schedules of the licenses, fees and permits administered by the Department of Planning and Community Development. Chairman Rohrer seconded the motion, which carried and was so ordered. (Resolution #12311)

D. Commissioner Wylie motioned to adopt the resolution waiving the permit fee of \$99.00 of the Concrete Community Senior Center. Chairman Rohrer seconded the motion, which carried and was so ordered. (Resolution #12312)

E. As of this date, Monday, December 4, 1989, the Board, by unanimous vote, did approve for signature Warrant #49948 through #50520 (Voucher #912453 through #911788) in the amount of \$286,155.20 (C-52-89).

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



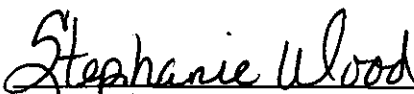
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners