

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

**Monday, August 20, 1990**

**SKAGIT COUNTY BOARD OF COMMISSIONERS**

**AGENDA**

10:00 a.m. - 11:00 a.m.

Public Works Department - Mark Spahr, Director:

- 1) Public Hearing - Consideration of Establishment of Lexington Avenue as a County Road.
- 2) Call for Public Hearing - Road Name Change - Gibraltar Pit Road to Remington Lane.
- 3) Presentation - Certificate of Commendation - Paula Jarvis, Volunteer Services.
- 4) Update - Citizens' Solid Waste Advisory Committee.
- 5) Submittal - Skagit County Procurement Policy for Recycled Products.
- 6) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:00 p.m.

Work Session - Facilities Management.

2:00 p.m. - 2:45 p.m.

- 1) Public Hearing - Additions to Skagit County Code Chapter 7.06 Pertaining to Dangerous Dogs.
- 2) Public Hearing - Amendments to Skagit County Code Chapter 9.16 Pertaining to Possession and Use of Intoxicating Liquor.

2:45 p.m. - 3:00 p.m.

Signature - Resolution Establishing Responsibility for Fire Hydrants and Rescinding Previous Resolution.

3:00 p.m. - 3:30 p.m.

Presentation of Certificate of Commendation to Ted Banta, Retiring President of Skagit County Fire Chiefs Association.

The Skagit County Board of Commissioners met in regular session on Monday, August 20, 1990, with Commissioners Ruth Wylie, W. W. Vaux, and Dave Rohrer present.

**PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:**

- 1) Public Hearing - Consideration of Establishment of Lexington Avenue as a County Road.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on July 31 and August 7, 1990.

Mr. Spahr located Lexington Avenue on a vicinity map south of Campbell Lake in the Plat of Fidalgo City. The portion in question was located between Seventh Street and the intersection of Sixth Street and Buttram Lane. Mr. Spahr stated that the road services one house and an as yet undeveloped plat.

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Donald Eastman interrupted Mr. Spahr at this point to indicated Mr. Spahr's error in the number of homes the road serves. He stated that Lexington Avenue actually services three residences.

Mr. Spahr continued his narrative, stating that the Engineer's Report recommends that Lexington Avenue not be established as a County road until it is brought up to County road standards. The section in question is approximately 500 feet, and has a width of less than 30 feet. It appears as though it may have been maintained at one time possibly 10 years or more ago by County forces, but it is chiefly undeveloped and in poor repair. Mr. Spahr stated that this request points out the need for a policy for the opening of unopened right-of-way. He stated that as the County continues to grow, more previously uninhabited right-of-ways become populated and eventually are proposed for acceptance on the County's road program.

Mr. Spahr stated that, in addition to the road's poor repair, in 1959 the eastern 20 feet of Lexington Avenue was vacated by the County, leaving a substandard right-of-way for vehicle travel. He stated that it would take a substantial effort on the part of County forces to bring the road up to standards.

Linda Kawashima, Office Assistant, commented that the road is very narrow and in very poor condition. She stated that no turn-arounds exist on the road, so that when vehicles traveling in opposite directions meet, one must back up to accommodate the other.

Mr. Eastman stated that County forces maintained the road up until about 5 years ago. Later in the discussion, he stated that he had been present when County forces repaired potholes near his driveway, but was unable to recall how long ago that was.

Janelle Buttram read from the conditions of her short plat, which the road serves. One condition for the approval of the short was that a 10 foot strip of right-of-way had to be deeded to the County. Ms. Buttram stated that this led her to believe that the road was an opened right-of-way.

Discussion ensued with the audience on whether or not the road has actually been maintained by County forces. Ms. Buttram testified that the Board held a public hearing at some time in the past when Commissioners Miller and Mansfield held office when the widening of Lexington Avenue was considered.

Commissioner Vaux stated that at some point someone in County government must have believed Lexington Avenue was a County road, because they allowed the plat to be approved.

It was established that the road surface has been oiled at some point in the past.

Commissioner Rohrer suggested that an attempt be made to contact previous road supervisors employed with the County to see if they recollect any maintenance performed on Lexington Avenue.

Ms. Kawashima clarified that the extra 10 feet that was deeded to Skagit County as a condition to Ms. Buttram's short plat approval was on a portion of Lexington Avenue south of the requested area. This was done so that short plat standards of 60 feet could be met.

Mr. Spahr stated that the Plat of Fidalgo City was formed between 1889 and 1909. He stated that unless vacated, the platted right-of-ways should remain County property; however, there is some evidence that unless the right-of-ways were opened within five years, they should revert to the ownership of the adjacent property holders.

Mr. Eastman supported Mr. Spahr's latter statement by reading from an October 18, 1976, letter from Michael Smith, Attorney at Law. The purpose of the letter was unclear.

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Mr. Spahr gave Chairman Wylie a detailed description of the conditions of the road.

Commissioner Vaux broached the subject of a trade of a portion of right-of-way on the requested area that had been vacated in 1959 for a portion of right-of-way adjoining Mr. Eastman's property, which Commissioner Vaux stated, he had discussed with Mr. Eastman in an earlier meeting with the neighbors. Mr. Eastman, who owns the entire block of property just to the east of the requested roadway, indicated that he is willing to trade the 1959 vacated right-of-way for a portion of right-of-way south of his block.

Commissioner Vaux made a suggestion and later motioned to perform a site visit of Lexington Avenue and Buttram Lane on Monday, August 27, 1990, at 8:30 a.m. Commissioner Rohrer seconded the motion, which passed unanimously.

2) Call for Public Hearing - Road Name Change - Gibraltar Pit Road to Remington Lane.

Mr. Spahr stated that, due to improvements in the area, a local group is asking for the renaming of Gibraltar Pit Road to the more attractive "Remington Lane".

Commissioner Vaux motioned to adopt the resolution calling for a public hearing to be held on Monday, September 10, 1990, at 10:00 a.m., to consider the renaming of Gibraltar Pit Road to Remington Lane. (Resolution #12604)

3) Presentation - Certification of Commendation - Paula Jarvis, Volunteer Services.

Ric Boge, Recycling Coordinator, stated that Ms. Jarvis was unable to attend the proceedings this morning. Mr. Boge read a memorandum addressed to the Board, enumerating Ms. Jarvis' many contributions to the success for Skagit County's waste reduction/recycling display at the Skagit County Fair on August 9 through 12, 1990.

The Board approved for signature a Certificate of Commendation for Ms. Jarvis for her outstanding public service.

4) Update - Citizen's Solid Waste Advisory Committee.

Mr. Boge provided a memorandum addressed to the Board which listed his recommendations for appointments to the SWAC. No representatives were listed for a number of entities, and Mr. Boge was directed to further complete recommendations for those seats. The Board wished to make their own selections for representatives from their Commissioner Districts. Commissioner Rohrer recommended that the two County employees working at the Inman transfer station be appointed as non-voting members, and they also be approached to give advice on representatives to fill other positions.

5) Submittal - Skagit County Procurement Policy for Recycled Products.

Theresa Thinner, Solid Waste Assistant, reviewed her proposed policy for regulation of the purchase of recycled paper products and other products by County departments. She stated that she has contacted each County department by memorandum to obtain their opinions. She indicated that, while the recycled products industry is still in its beginning stages, some products are more expensive than virgin products, while some are less expensive.

Commissioner Vaux requested an opportunity to review the policy for a week and make a decision at the next week. Chairman Wylie and Commissioner Rohrer agreed.

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**CONSENT AGENDA.**

Commissioner Vaux motioned to adopt the Consent Agenda of August 20, 1990, as submitted. Commissioner Rohrer seconded the motion, which passed unanimously.

• **Public Works Department:**

1. Final Order of Vacation - Portion of Lincoln Street. Cost of \$0.12 per square foot to Donald and Patricia Silvers.
2. Resolution - CRP Update - Construction funds for Best Road paving. \$361,890.00. (Resolution #12605)
3. Resolution - CRP Update - Additional construction funds of \$53,160.00 and engineering funds of \$5,000 to cover the increased scope of work for South Marches Point Road and Burlington Shop access road and yard. (Resolution #12606)

\* **Petitions for Property Tax Refunds:**

4. Hair Factory, 303 State Street, Sedro Woolley, WA 98284, in the amount of \$6.68, due to a manifest error. (004690)
5. Donald N. Vanpolen, 2020 Bulson Road, Mount Vernon, WA 98273, in the amount of \$155.82, due to a manifest error. (009590)

\* **Health Department:**

6. Region 3 AIDSNET Agreement with Snohomish County and Skagit County. Continued funding for last six months of 1990. (Contract #00563)
7. Agreement with Skagit Valley Hospital and Health Center to provide a Dealing with Stress Class for Skagit County employees in two eight-session classes, at a cost of \$480. (Contract #00564)

\* **Commissioners' Office:**

8. Record of the Proceedings from August 8, 1990.
9. Record of the Proceedings from August 13, 1990.
10. Record of the Proceedings from August 14, 1990.
11. Record of the Proceedings from August 15, 1990.

**MISCELLANEOUS ITEMS.**

- A. 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.

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As of this date, August 20, 1990, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #5748 through #5802 in the amount of \$19,229.25 (P-17-90).
- B. Commissioner Vaux motioned to call for bids for the replacement of the roof at the County's equipment maintenance shop in Burlington. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12607)

**PUBLIC HEARING - ADDITIONS TO SKAGIT COUNTY CODE CHAPTER 7.06 PERTAINING TO DANGEROUS DOGS.**

Chairman Wylie waived the reading of the notice of public hearing, as published in The Skagit Argus on August 7, 1990.

Gene Willet, Deputy Prosecuting Attorney, gave a summary of the events that led to this proposed ordinance addition. He stated that it is at the request of the Humane Society that this ordinance is considered. Mr. Willet stated that when the Humane Society makes a determination of a dangerous dog and the owner is notified, the owners have been known to hide the dog to avoid paying the licensing fee. The owners have also been known to sell give the dogs away to someone else either in or out of the County, or claim some other happening which precludes the owner from paying the licensing fee.

Mr. Willet stated that proposed new additions to the code mandate the reporting of any movement of a dangerous dog, and provides for penalties for failing to report. Some owners have given the excuse that they have destroyed the dogs after they have been declared dangerous, and proposed new additions would require verification of the destruction of the animals. Reporting the movement of a dangerous dog from another county, state or a foreign country to Skagit County to the Skagit County Human Society is required also.

There being no member of the public in attendance, Commissioner Vaux motioned to close the public hearing. Commissioner Rohrer seconded the motion, which passed unanimously.

Commissioner Rohrer then motioned to adopt the resolution adding new sections and renumbering existing sections of the Skagit County Code Chapter 7.06 relating to dangerous dogs, as described by Mr. Willet. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12608)

**PUBLIC HEARING - AMENDMENTS TO SKAGIT COUNTY CODE CHAPTER 9.16 PERTAINING TO POSSESSION AND USE OF INTOXICATING LIQUOR.**

Chairman Wylie waived the reading of the notice of public hearing, as published in The Skagit Argus on August 7, 1990.

Mr. Willet explained that the ordinance amendment presented today is a result of a situation wherein the current County ordinance relating to liquor offenses is enforceable only in unincorporated Skagit County. Some incorporated areas, such as the towns of Lyman and Hamilton, have no law enforcement bodies, and are served solely by the Sheriff's Office. Additionally, at times enforcement proceedings are initiated by Sheriff's Deputies within incorporated cities that do have law enforcement bodies. Although enforcement can still be facilitated through a variety of municipal and State laws, it would streamline the procedure if the ordinance allowed enforcement in both incorporated and unincorporated areas of the County.

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There being no member of the public in attendance, Commissioner Vaux motioned to close the public hearing. Commissioner Rohrer seconded the motion, which passed unanimously.

Commissioner Rohrer motioned to adopt the resolution amending sections 9.16.040 and 9.16.060 of the Skagit County Code relating to possession and use of intoxicating liquor, as mentioned above. Commissioner Vaux seconded the motion, which passed unanimously. (Ordinance #12609)

**SIGNATURE - RESOLUTION ESTABLISHING RESPONSIBILITY FOR FIRE HYDRANTS AND RESCINDING PREVIOUS RESOLUTION.**

The Board was presented with a proposed resolution which rescinds a previous resolution pertaining to responsibility for fire hydrant maintenance, and assigns responsibility for fire hydrants to water systems. It was explained to the Board that, in light of continuing calls and requests to clearly assign the payment for fire hydrant maintenance to either the fire departments or water systems, a request was made for an Attorney General's opinion on the matter. An expert opinion from the Office of the Attorney General indicates that the Board has no jurisdiction to assign maintenance cost responsibilities. On review by the County's legal counsel, it was discovered that the previous resolution makes reference to the negotiation of contracts for fire hydrant maintenance, and legal counsel recommended that this language be struck from the resolution. The proposed resolution does strike that language and insert appropriate language to assign responsibility to the water systems, as before.

Commissioner Rohrer motioned to adopt the resolution, as presented. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12610)

**PRESENTATION OF CERTIFICATE OF COMMENDATION TO TED BANTA, RETIRING PRESIDENT OF SKAGIT COUNTY FIRE CHIEFS ASSOCIATION.**

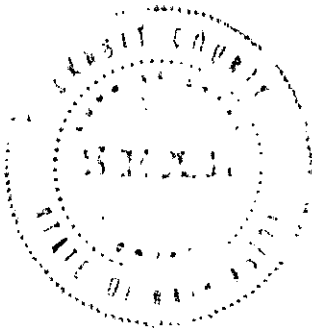
Chairman Wylie gave a statement in which she reviewed Chief Banta's accomplishments over his term as president of the Skagit County Fire Chiefs Association. The Board presented him with a plaque commending him for his service to the community.


Chief Banta gave a short speech in which he thanked the fire chiefs and departments for their support.

**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

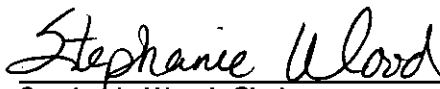


  
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Ruth Wylie, Chairman

  
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W. W. Vaux, Commissioner

  
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Dave Rohrer, Commissioner

ATTEST:

  
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Stephanie Wood, Clerk  
Skagit County Board of Commissioners