

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, September 10, 1990

10:00 a.m. - 11:30 a.m.

Public Works Department - Mark Spahr, Director

- 1) Continuation of Public Hearing: Establishment of Lexington Avenue as a County Road
- 2) Public Hearing: Road Name Change Gibraltar Pit Road to Remington Lane
- 3) Presentation: Skagit County Recycler of the Month - Shelter Bay Recycling Team
- 4) Discussion: City of Sedro Woolley/Sedro Woolley Sub-Flood Control Zone
- 5) Discussion: Cheryl Drive
- 6) Call for Bids: 1990 Coal Creek Sediment Basin Dredging Project
- 7) Call for Public Hearing: Vacation of County Right-of-Way Vicinity of Seaview Development Off Rosario Road
- 8) Update: Toxicology Study - Skagit County Incinerator
- 9) Miscellaneous

CONSENT AGENDA

MISCELLANEOUS ITEMS

1:30 - 2:30 pm.

- 1) Bid Openings:
  - a) Lease of Northern State Grounds for cattle grazing
  - b) Re-roof of Maintenance Shop
  - c) Two new tractors with interchangeable attachments
  - d) Rental Ferry Passenger Service Vessel
- 2) Resolution setting Public Hearing for Declaration of Surplus Property - 12 Forfeited Horses.
- 3) Resolution - Appointment of Gary Stewart to Boundary Review Board.
- 4) Call for Public Hearing - Amendments to Chapter 9.04.010(10) and 9.04.270 of Skagit County Code Relating to Boating and Recreational Activities.
- 5) Call for Public Hearing - Addition of New Chapter to Skagit County Code Title 9 Regulating Noise, Defining Terms and Providing Penalties.

The Skagit County Board of Commissioners met in regular session on Monday, September 10, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

PUBLIC WORKS DEPARTMENT:

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

Mark Spahr, Director Public Works Department, reported. Mr. Spahr reviewed the hearing process that has taken place to date and presented a slide showing the location of the road. Mr. Spahr noted there may be some legal issues involved

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in the establishment of this road as a County road. He added that there is no record of County maintenance of Lexington Avenue. Mr. Spahr said that John Moffat has advised that it would be inappropriate to consider the establishment of a roadway as a County road without clear title to the land involved.

Mr. Spahr recommended that the County look at the existing plat and work from that standpoint because the County owns a 10 foot strip in that area. Don Nelson suggested going back to the original description of the plat survey boundaries, establishing lot lines and then, while there, lay out the existing road in a dash line and what was written up to be Lexington Avenue in solid lines. Commissioner Rohrer added that he did not see any way to handle this other than surveying the property in question.

Chairman Wylie asked how long this process would take? Mr. Spahr said he would hope within the next couple of weeks, although he would have to discuss the matter with the Engineering Department.

Commissioner Vaux motioned to continue the Public Hearing. Commissioner Rohrer seconded the motion, which was carried and so ordered.

2) Public Hearing: Road Name Change Gibraltar Pit Road to Remington Lane

Mr. Spahr noted that this public hearing is in response to a request from property owners who live on Gibraltar Pit Road and are planning to develop their property. There was consideration given to extending that road beyond the end of the existing road.

Mr. Spahr stated that it is the recommendation of the Public Works Department in response to the petitioners, to change the roads name, in its entirety, from Gibraltar Pit Road to Remington Lane.

Commissioner Vaux motioned to change the name of that portion of County Road #1362 known as Gibraltar Pit Road in Section 17, Township 34 North, Range 2 East, W.M., running westerly from the Gibraltar Road #1361 to be renamed to Remington Lane #1362. Commissioner Rohrer seconded the motion, which passed unanimously.

(Resolution #12633)

3) Presentation: Skagit County Recycler of the Month - Shelter Bay Recycling Team

Ric Boge, Skagit County Recycling Coordinator, recommended to the Board that the award for Skagit County Recycler of the Month be given to the Shelter Bay Recycling Team. The Board welcomed Rick Stebbins and members of the Shelter Bay Recycling Team and thanked them for their efforts. A Certificate of Commendation In Recognition of Dedicated Public Service was presented to the Shelter Bay Recycling Team.

4) Discussion: City of Sedro Woolley/Sedro Woolley Sub-Flood Control Zone

Don Nelson, Public Works Department, reported. Mr. Nelson reviewed a boundary map of the Sedro Woolley Sub-Flood Control Zone established in July 1971 with the Board. The area in question is partially within the boundaries of the County and partially within the boundaries of Sedro Woolley, which complicates the matter to a certain extent. Mr. Nelson reported that since 1971 there has been considerable growth in the City of Sedro Woolley in the area in question, with increasing drainage problems developing. Some of these problems probably existed prior to 1971, but with the growth experienced over the last 20 years it has gotten to be a rather serious problem.

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Mr. Nelson further reported that as a result of the developing problems, he was invited to a Sedro Woolley City Council meeting a couple of weeks ago by Mayor Walley. He stated that he recommended at that time that a storm sewer system be put in. The Sub-Flood Control Zone does not have, at this time, the authority to go ahead and do that. An engineering study will have to be made that will provide a design, costs, etc. and then a public hearing will have to be held. Also, since the zone is partially within the City of Sedro Woolley and partially within the County the City would have to grant the County authority to hold a public hearing, which they have done. Because the zone is under two jurisdictions, the matter is more complex. In fact, nothing like this has occurred before. A decision needs to be made about how to go ahead with this.

There was discussion with the Board regarding this matter. Commissioner Vaux asked how the work would be paid for? Mr. Nelson advised that the property owners within the district would be assessed for the costs. A storm sewer needs to be designed and installed. Mayor Walley added that there is no place to put the water.

Commissioner Vaux asked about the alternatives? Mr. Nelson said the alternatives are to: 1) do nothing, 2) the Sub-Flood Control Zone could undertake the project by holding a public hearing and authorizing an assessment to cover costs, or 3) this area could form its own group to handle the problem.

Mayor Walley said the problem is the Sub-Flood Control Zone runs out into the County. Chairman Wylie asked if an Interlocal Agreement was needed? Don Nelson confirmed that an Interlocal Agreement was needed.

Mark Spahr asked what the estimated costs were of obtaining an estimated assessment? Mr. Nelson advised that it would cost between \$5,000 and \$6,000, probably bottom line. Mr. Nelson suggested that a meeting be held with the existing advisory committee to discuss this matter. Mr. Spahr emphasized that this is clearly a district wide improvement project.

Don Bockelman said that apparently a new development in the area is causing a lot of the problem and wouldn't it be wise to inhibit development until the problem is corrected? Mayor Walley agreed that it would and that is what has been done. He added that all developments have been stopped except for one going in at Mountain View Estates.

Commissioner Rohrer motioned to proceed with the Engineering Study with costs relative to the Sedro Woolley Sub-Flood Control Zone. Commissioner Vaux seconded the motion, which passed unanimously.

5) Discussion: Cheryl Drive

Mark Spahr reported that a petition has been received from residents of Cheryl Drive requesting that the intersection of Cheryl Drive/Garden of Eden Road be opened up to two way traffic. In making this request they are asking that the traffic control strategy development done in 1984 be reversed.

Ed Hawes, Traffic Engineer, presented a report to the Board. He advised the Board that in 1984 John Rumsey of the Public Works Department, looked at the Cheryl Drive area to alleviate traffic cutting through the development. Mr. Rumsey came back to the Board with a recommendation to install passive signing to alleviate cut-through traffic but allow emergency access. Because of this, a loss of direct school bus service to the area was experienced.

Mr. Hawes advised that for the last two years verbal requests have been received that the signing be taken down so the school bus can be allowed to re-enter the development. The Board has received a petition signed by a majority of the

residents living on Cheryl Drive requesting that signs be taken down making it a through street with two way traffic once again.

Commissioner Vaux asked if signs could be put up indicating "bus access only"? Mr. Hawes agreed that this was a possibility and he could look into it.

Chairman Wylie asked if the school bus would stop at every house? Mr. Hawes stated that the school district indicated that if the bus were to reroute into the development they would only stop at one location. Chairman Wylie asked if it would be safer for the bus to load in the cul'de sac'? Mr. Hawes then reviewed the Engineers Report outlining the most appropriate action to take. The traffic has remained pretty static and conditions are very close to what they were in 1984.

After further discussion regarding this matter Commissioner Rohrer motioned that the signing be changed to "bus access only". Commissioner Vaux seconded the motion, which passed unanimously.

6) Call for Bids: 1990 Coal Creek Sediment Basin Dredging Project

Commissioner Vaux motioned to approve a resolution to call for bids for the Coal Creek Sediment Basin Dredging Project, with a bid opening on September 25, 1990, at 1:30 p.m., or as soon thereafter as possible. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12634)

7) Call for Public Hearing: Vacation of County Right-of-way Vicinity of Seaview Development off Rosario Road

Commissioner Vaux motioned to approve a resolution calling for vacation of county right-of-way located as follows:

Beginning at a point on the south line of Government Lot 3, in Section 10, Township 34 North, Range 1 East, W.M., 615 feet west of the SE corner, thence North 300 feet, thence West to the easterly right-of-way line of Rosario Road #1031, a county road, thence southwesterly along the east line of said road a distance of 30 feet, thence easterly 645 feet West of the East line of said Section 10 thence Southerly to the South line of said Section, thence East a distance of 30 feet to the point of beginning.

Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12635)

9) - Update: Toxicology Study - Skaqit County Incinerator

Jeff Monsen, Assistant Director, Public Works, advised that there is not a lot to report at this time. Samples have been taken, but the analysis of the samples is just beginning.

Commissioner Vaux stated that he was under the impression that samples would be collected prior to starting, and in the summers of 1989, 1990 and 1991. Mr. Monsen advised that the contract does not clearly spell this out.

There was some discussion regarding the commitment of the consultant on this matter.

Mr. Monsen said they would expect to have an analysis of the samples in final form by January. Preliminary results from Clemson University could be as early as the end of October. The analysis received in January would determine whether or not analysis would be performed.

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Mark Backlund stated he read through the Preliminary Report of March 1990. When this study was first proposed the time span was suggested to be 10 to 20 years. He emphasized that he believes it is important that the time span be as long as possible.

Commissioner Vaux said he did remember specifically when they went to the DOE to get them to fund 1/2 of the project they could only get a three year commitment. At that time they went back to the toxicology people and agreed to a three year plan.

Don Bockelman said that since the last time he talked to the Board he has talked to Jim White of the State Department of Health who reviewed the preliminary report, felt that it is poorly done and would not comment on it. Commissioner Vaux emphasized that the Board is following the program requested by this group. Mark Backlund said that this is not what was contracted for.

Chairman Wylie said that samples were taken when the plant started in order to establish a baseline. She asked if they believe the baseline data is no good? Dr. Backlund replied that it is just sketchy.

Dr. Susan Cook commented that when doing a baseline study you may run across things that are a surprise. For example, in this study it was found that dioxins were present. There was no control to compare it with. There should be a control area outside of the sampling area. She also suggested that three years of study would not necessarily have to be 1988, 1989 or 1990. It could be 1988, 1989 and then two years after that to give a better time spread. She felt that should have been discussed. Dr. Cook said the biggest problem she sees is that a progress report should have been received a lot sooner, plus there is no metal data there. They also should have sampled some fish in the area. She said, although she was not criticizing the Board, she felt that there wasn't good communication and WWU/Clemson didn't give the County the results it needed to make decisions.

Considering that Public Works will be meeting with DOE and DOH on September 26th to discuss this study, Chairman Wylie suggested that more information be gathered and then reported on to the Board.

Don Bockelman asked what the Board was going to do with the information that indicates there is a significant level of dioxin in Skagit County? Chairman Wylie said she would like to see the report first.

Commissioner Vaux said it is his intent to get this squared away and correct whatever problem there is in the procedures. He said he believes the County committed to a round of samples in the summer of 1991 and he is going to try and prove that to them. He said he also believes that we are suffering from the fact that they moved from Bellingham to South Carolina.

9) Miscellaneous

a) Commissioner Rohrer motioned to approve the awarding of the bid for reconstructing portions of Old 99 North #5051 to Associated Sand and Gravel Co., Inc., the lowest bidder to meet the specifications for the total amount of \$477,638.00. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12636)

b) Commissioner Vaux motioned to approve the purchase of a motor vehicle from Snohomish County in the amount of \$1,850.00. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12637)

c) Commissioner Vaux motioned to approve a request in the amount of \$59.65 to

pay for lodging and meals for SWAC members to attend a Solid Waste Advisory Committee meeting. Commissioner Rohrer seconded the motion, which passed unanimously.

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1) Bid Openings:

a) Lease of Northern State Grounds for Cattle Grazing

The following bids were received for the lease of Northern State grounds for cattle grazing:

- |    |   |                   |
|----|---|-------------------|
| 1. | James Possey<br>853 Chuckanut Drive<br>Bow, WA 98232    | <u>\$3,751.00</u> |
| 2. | Munks Farms<br>3732 Mt. View Road<br>Ferndale, WA 98248 | <u>\$1,011.00</u> |

b) Re-roof of Maintenance Shop

The following bids were received for the re-roofing of the Maintenance shop:

- |    |   |                    |
|----|---|--------------------|
| 1. | Lloyd A. Lynch General<br>Contractor, Inc.<br>535 N.W. Locust St.<br>Issaquah, WA 98027 | <u>\$45,150.00</u> |
| 2. | Western Roofing, Co., Inc.<br>2200 Iowa St.<br>Bellingham, WA 98226                     | <u>\$52,261.00</u> |
| 3. | Scholten Roofing Enterprises, Inc.<br>7381 Guide Meridian<br>Lynden, WA 98264           | <u>\$49,575.00</u> |
| 4. | Scholten Roofing Enterprises, Inc.<br>7157 Guide Meridian<br>Lynden, WA 98264-9499      | <u>\$38,689.25</u> |

c) Two new tractors with interchangeable attachments

The following bids were received for two new tractors with interchangeable attachments:

- |    |  |                     |
|----|--|---------------------|
| 1. | Coastline Ford Tractor<br>3732 Smith Ave.<br>Everett, WA 98201 |                     |
| .  | Ford Model 6610<br>Alamo Attachments                           | <u>\$95,587.34</u>  |
| .  | Ford Model 7610<br>Alamo Attachments                           | <u>\$100,021.15</u> |
| .  | Ford Model 7710<br>Alamo Attachments                           | <u>\$101,224.20</u> |

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2. Farmers Equipment Co., Inc.  
1589 Highway 20  
Burlington, WA 98233  
  - . Case/IH Model 5120  
Motrim Attachments \$118,250.00
3. Sahlberg Equipment, Inc.  
5950 4th Ave. So.  
Seattle, WA 98108  
  - . Ford Model 6610  
Tiger Attachments \$85,204.42
  - . Ford Model 7710  
Tiger Attachments \$98,222.91

d) Rental Ferry Passenger Service Vessel

The following bids were received for rental of ferry passenger service vessel for the Guemes Ferry while the Guemes Ferry is in drydock:

1. Island Mariner Cruises  
#5 Harbor Esplanade  
Bellingham, WA 98225  

Island Caper  
\$750.00 per day bare boat  
before and after November 4.  
  
\$700.00 per day with operator.  
\$ 15.00 per hour with operator.
2. Island Mariner Cruises  

Rosario Princess  
\$600.00 per day bare boat  
before and after November 4.  
  
\$550.00 per day with operator.  
\$15.00 per h our with operator.
3. Belairco, Inc.  
119 N. Commercial St., #1400  
Bellingham, WA 98225  

Squito  
\$899.00 per day before and after  
November 4, including operator.
4. Puget Sound Charters  
2602 174th Ave. N.E.  
Redmond, WA 98052  

Rimfire  
\$525.00 per day before and after  
November 4.  
\$660.00 per day with operator.

2) Mike Woodmansee, Finance Director, reported that through action in District Court eleven horses and one foal were seized by the Humane Society and declared forfeited to Skagit County. Mr. Woodmansee reviewed with the Board criteria for

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seizure.

Commissioner Vaux motioned to approve a resolution to set a Public hearing for Proposal to Sell Forfeited Horses to be held September 25, 1990 at 10:00 a.m. for the purpose of taking input and making a determination whether to sell the forfeited horses. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12638)

3) Resolution - Appointment of Gary Stewart to the Boundary Review Board

Commissioner Wylie motioned to approve a resolution appointing Gary Stewart, 1777 Conway Hill Road, Mount Vernon, WA, to the Boundary Review Board, with said appointment expiring on June 12, 1993. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12639)

4) Call for Public Hearing - Amendments to Chapter 9.04.010(10) and 9.04.270 of Skagit County Code Relating to Boating and Recreational Activities

Commissioner Vaux motioned to approve a resolution to call for a public hearing relating to the consideration of amendments to Chapter 9.04.010(10) and 9.04.270 of the Skagit County Code relating to boating and recreational activities, said public hearing to be held Tuesday, September 25, 1990, at 10:00 a.m. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12640)

5) Call for Public Hearing - Addition of New Chapter to Skagit County Code Title 9 Regulating Noise, Defining Terms and Providing Penalties

Commissioner Vaux motioned to approve a resolution to call for a public hearing to consider a new addition of a new chapter to the Skagit County Code Title 9 Regulating Noise, Defining Terms and Providing Penalties. Said hearing to be held on Tuesday, September 25, 1990, at 10:00 a.m. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12641)

CONSENT AGENDA

Commissioner Vaux motioned to adopt the Consent Agenda of September 4, 1990, as submitted. Commissioner Rohrer seconded the motion, which passed unanimously.

\* Petitions for Property Tax Refunds:

1. Joseph P. Swihart, 559 Township, Sedro Woolley, WA 98284, in the amount of \$862.97, due to S/C did not file timely for exemption - refund. (010090)
2. George Castiller, P.O. Box 1031, Anacortes, WA 98221, in the amount of \$342.90, due to Board of Equalization reduced values #67-90. (009690)
3. Fred J. Harrison, 3107 Lyman Hamilton Road, Sedro Woolley, WA 98284, due to senior citizen exemption. (009990)

\* Public Works Department:

4. Signature: Supplement No. 2 to Engineering Services Contract - Elliot Bay Design.
5. Signature: Contract with Northwest Enviro Services.



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\* Senior Services Department:

Grant Proposals for 1991 for Northwest Regional Council.

6. Case Management
7. Nutrition
8. Volunteer Services
9. Senior Employment

\* Human Services:

10. Amendment to Contract with DSHS

\* Commissioners' Office:

10. Letter of Understanding to the current collective bargaining agreement between the Skagit County Commissioners and AFSCME Local Union #176-JP dated January 1, 1988 through December 31, 1990.
11. Record of the Proceedings from September 4, 1990.
12. Record of the Proceedings from September 5, 1990.

MISCELLANEOUS ITEMS

A. Commissioner Rohrer motioned to approve Voucher numbers 4659 through 4660 and payroll warrants numbered 6440 through 6441 in the total of \$1,770.71 (P-19-90) Commissioner Vaux seconded the motion, which passed unanimously.

B. Commissioner Rohrer motioned to approve Voucher numbers 009378 through 009853 in the total of \$567,711.90, Warrant #58876 through 59262. (C39-90) Commissioner Vaux seconded the motion, which passed unanimously.


C. Commissioner Vaux motioned to adopt a resolution approving the Preliminary Plat of Brown and McMillen #2. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12643)

D. Commissioner Vaux motioned to adopt a resolution establishing per diem for Board of Equalization be increased from \$75.00 to \$100.00 effective April 1, 1990. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12642)

ADJOURNMENT

Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion, which passed unanimously.

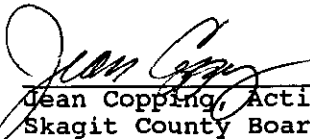
BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
\_\_\_\_\_  
Ruth Wylie, Chairman

  
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W. W. Vaux, Commissioner

  
\_\_\_\_\_  
Dave Rohrer, Commissioner

ATTEST:

  
\_\_\_\_\_  
Jean Copping, Acting Clerk  
Skagit County Board of Commissioners