

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

**Tuesday, September 25, 1990**

- 9:00 a.m. - 10:00 a.m.      Board of Health:
- 1) Introduction of New Environmental Health Specialist - Britt Pfaff.
  - 2) Discussion - Proposed Revisions to Chapter 12.16 of Skagit County Code Regarding Solid Waste Handling and Facilities.
  - 3) Miscellaneous.
- 10:00 a.m. - 11:00 a.m.
- 1) Public Hearing - Amendments to Skagit County Code Chapter 9.04 Regarding Boating Activities.
  - 2) Public Hearing - Declaration of Surplus Property - Twelve Forfeited Horses.
  - 3) Bid Award - Grazing Lease - Northern State.
  - 4) Discussion - Hansen Creek Project.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 25, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

**BOARD OF HEALTH:**

- 1) Introduction of New Environmental Health Specialist - Britt Pfaff.

Ms. Pfaff was unavailable for an introduction to the Board today.

- 2) Discussion - Proposed Revisions to Chapter 12.16 of Skagit County Code Regarding Solid Waste Handling and Facilities.

John Thayer, Environmental Health Supervisor, provided the Board with a memo specifying changes which the Health Department is recommending be made to the Solid Waste section of the Skagit County Code. He stated that the original Solid Waste legislation was passed by the Board of Commissioners in January of 1974. At that time, the Board made provision for the public to dispose of solid wastes generated by their own families on their personal property. The Health Department continues to deal with problems with this provision, when large illegal dumps are discovered and the Health Department is unable to determine whether the waste was generated by one family or many. Additionally, the 1974 legislation attempted to deal with a number of existing abandoned, non-conforming landfills by "grandfathering" them. Mr. Thayer stated that this has been the subject of attempts by illegal dump owners to use a "loophole" by which they will not have to clean up their dumps.

Mr. Thayer reviewed the following amendments which are being considered to address these two problems:

- |               |   |
|---------------|---|
| SCC 12.16.300 | Changes the frequency of garbage removal at any residence from every two weeks to "at such frequency as to not create a nuisance or at least every two (2) weeks.   |
| SCC 12.16.300 | Adds language referencing current schedule of charges instead of having specific fines listed in the Code that must be updated periodically. Removes language allowing disposal of solid waste generated by individual property owners on property and allows "engaging in a composting or recycling operation acceptable to the Health Officer". |

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Chairman Wylie suggested that a portion of this amendment allow for the disposal of self-generated non-polluting inert materials such as concrete on privately owned property. Discussion was held on the disposal of wood wastes, and options of burning, burying, or landfilling were argued. Mr. Thayer noted that most of the problems the Health Department has been experiencing have been at contractor sites, where contractors have dumped debris from remodels and renovations which they claim to be their own. The Board directed Mr. Thayer to make a recommendation regarding wood waste disposal, contacting Northwest Air Pollution for information.

- SCC 12.16.340 "Grandfathering" of non-conforming sites is limited to those identified prior to January 2, 1974.
- SCC 12.16.350 Provides for continued monitoring and/or remediation of hazardous sites, and a targeted closure date for all non-conforming sites of June 1, 1991.
- SCC 12.16.370 Violations/penalties section. Again refers to current schedule of fines, and makes minor typing changes.
- SCC 12.16.365 Adopts Department of Ecology minimum functional standards for solid waste handling.

Mr. Thayer indicated that he will be taking approximately two more weeks to receive comments from the Public Works, Planning and Health Department, and will then consult the Prosecuting Attorney for a review of the proposed changes. He will return to the Board with the finalized proposal after that.

3) Miscellaneous.

- A. Carolyn Milat, Health Department Director, stated that the Well Child Clinic that has been conducted in the basement of the Shepherd of the Hills Lutheran Church in Concrete has worked out very well. Limitation of the facility currently utilized have prompted the supervisor of that program to request that the program now be moved to the new satellite facility being operated by the County on Main Street in Concrete for the one-day per month the program operates.

The Board directed Ms. Milat to contact Bob Taylor, Administrative Officer, to work out the details of such a move.

- B. 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.

As of this date, September 25, 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 #59264 through #59710 (Vouchers #9854 through #10515) in the amount of \$642,911.98. (C41-90)
- 2) Warrants #71933 through #72051 (Vouchers #71933 through #72051) in the amount of \$142,334.96. (R25-90)

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- C. In accordance with action previously taken, the Board approved for signature a contract with Scholten Roofing of Lynden, Washington, for the repair of the roof at the County's Burlington Maintenance Shop. (Contract #00639)

**PUBLIC HEARING - AMENDMENTS TO THE SKAGIT COUNTY CODE CHAPTER 9.04 REGARDING BOATING ACTIVITIES.**

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on September 11, 1990.

Gene Willet, Deputy Prosecuting Attorney, stated that the reason that this item is brought before the Board today is that property owners adjacent to the Swinomish Channel have complained that the high wakes caused by speeding boats is eroding the banks of their properties. Many property owners have been forced to repeatedly repair the banks of their properties.

Mr. Willet said that the result of these complaints is that Mr. Willet, with cooperation from the Sheriff's Office, has drafted amendments to Section 9.04.010 and 9.04.270 which compel all types of boats to obey the "no wake speed" defined in SCC 9.04.010(2), except for emergency vessels.

Commissioner Vaux pointed out that SCC 9.04.010(2) defines the "no wake speed" as being one which causes "minimal" wake. He questioned whether enforcement is feasible using such an ambiguous term.

Mr. Willet indicated that the Sheriff's Deputies explain that most boaters are well aware of what the "no wake speed" is, and that the deputies are comfortable with their abilities to enforce the Code as it now exists.

The Board also discussed boat launching, which is made difficult in the presence of high wakes.

Discussion then ensued on the Sheriff's authority on the half of the Swinomish Channel which apparently "belongs" to the Swinomish Tribe. Mr. Willet was unsure about the specifics of the Sheriff's authority, but guessed that, since all waterways belong to the State, the Tribe must have only rights for use of the Channel. He felt confident that, if enforcement barriers exist, the Sheriff could sign an enforcement agreement with the Tribal authority.

Harry Lang, stated that the fact that the current in the channel runs both ways at times makes it difficult to control speed.

Wayne Cessaro attested to having heard complaints about the high wakes made by boats on the Swinomish Channel.

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

Commissioner Vaux then motioned to adopt the ordinance amending Section 9.04.010(10) and 9.04.270 of the Skagit County Code relating to boating and recreational activities, as presented by Mr. Willet. Commissioner Rohrer seconded the motion, which passed unanimously. (Ordinance #12666)

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**PUBLIC HEARING - DECLARATION OF SURPLUS PROPERTY - TWELVE FORFEITED HORSES.**

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on September 11 and 18, 1990.

Gene Willet, Deputy Prosecuting Attorney, was allowed to speak first, as he was needed in court.

Mr. Willet suggested that the Board consider donating the horses to youth groups such as the 4-H, FFA or other groups. He stated that this would allow children who are unable to afford animals to become involved in worthwhile projects. Mr. Willet stated that he understands the horses to be of marginal value as riding beasts, and therefore, they could be given away rather than sold. Mr. Willet had no specific ideas for their donation, but hoped the Board would consider his suggestion. He stated that, even those horses in the best condition were reported to be worth less than \$500, relegating them to an item of interest only to meat factories.

Mike Woodmansee, Budget/Finance Director, explained that the proper procedure for disposing of items that have been confiscated and have become the property of the County is to publish a notice of intent to sell County property, hold a hearing at which the sale of the property is discussed, declare the items as surplus, and auction them to the highest bidder. This procedure has been followed thus far.

Mr. Woodmansee presented a resolution that would declare the eleven horses and one foal appropriated through a court action by the County as surplus, and would authorize their auction on Monday, October 15, 1990, at 2:00 p.m., at the Skagit County Fair Grounds. Additions to the resolution, which were included at the request of the Humane Society, were reviewed. The following conditions were made on the sale of the horses:

- The horses will be sold individually.
- The home address of the buyer and proposed location of the horse(s) must be provided to the Humane Society.
- Any permanent movement of the horse(s) must be reported to the Humane Society.
- Adequate food, water and shelter, as well as a minimum of 1.5 acres must be provided for each horse.
- The purchaser may have no previous animal cruelty convictions.
- The purchaser must own the horse(s) for a minimum of one year.
- The Humane Officer will inspect the premises within 30 days of the auction.

Sandy Nelson, Shelter Manager, stated that these conditions were developed to prevent the horses from being sold to a meat plant. She did state that an appropriate beginning bid must be discussed.

Chairman Wylie confirmed that if the horses are worth less than \$500 each, they do not have to be auctioned, at the discretion of the County.

Catheryn Minerich, who has sheltered several of the horses since their confiscation, stated that \$350 is the maximum value of any of the horses. She stated that besides their age, many have been trained improperly and have medical conditions.

The Board discussed with Katie Jungquist of the Treasurer's Office how buyers will be screened for compliance with the conditions set by the Humane Society before being allowed to purchase the animals.

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Wayne Cessaro asked to discuss the reimbursement that each individual who has boarded the horses may expect to receive. Chairman Wylie requested that this discussion be deferred until after the public hearing.

Marshall Ball, an audience member, stated that Mr. Johnson, the previous owner of the horses, had claimed that one horse was a registered quarter horse mare worth \$7,000 in a statement to the court. Mr. Ball wanted the opportunity to bid on this horse.

Ms. Minerich, who was sheltering the horse, stated that in her professional opinion, this alleged registered quarter horse is worth less than \$500 because of an advanced arthritic condition.

Ms. Nelson volunteered to check on the veracity of Mr. Johnson's claim.

There being no further public comment, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion, which passed unanimously.

Commissioner Rohrer then motioned to approve the resolution declaring the County's intention to sell eleven horses and one foal at an auction to be held October 15, 1990, at 2:00 p.m., at the Skagit County Fairgrounds, with the conditions set forth above. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12667)

A brief discussion was held with Mr. Cessaro and Ms. Minerich regarding reimbursement for boarding costs. Mr. Woodmansee was assigned to contact District Court regarding this matter.

**BID AWARD - GRAZING LEASE - NORTHERN STATE.**

Commissioner Vaux motioned to adopt the resolution awarding the bid for use of the Northern State pasture lands for the grazing of cattle to Jim Posey, whose bid was \$10 per acres per year plus a bonus bid of \$3,751.00, and was the lowest bidder. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12668)

**DISCUSSION - HANSEN CREEK PROJECT.**

Jon Aarstad, Parks and Recreation Department Director, reviewed with the Board a map of a portion of the Northern State property recently purchased from the General Administration, Washington State. He stated that where Hansen Creek crosses the Northern State property it does, in periods of heavy rains, flood its banks and erode surrounding soil and a nearby road. Mr. Aarstad stated that, although all of the flooded land is within the boundary of the County's acquisition, the road that is being eroded provides access to wells used by the General Administration.

Mr. Aarstad proposed a project to control the erosion that would be performed with a 50/50 matching agreement with the General Administration. Placement of rock rip-rap in an area near the road would contain the creek within its banks, and Mr. Aarstad explained eventual plans to build a sedimentation pond upstream of the rip-rapped area similar to the settling area at Coal Creek.

The Board approved of Mr. Aarstad's proposal.

**BID OPENING - CLEAR LAKE PARK SEPTIC SYSTEM INSTALLATION.**

No bids were received.

**BID OPENING - NEW MOBILE HOME FOR HOWARD MILLER STEELHEAD PARK.**

Chairman Wylie waived the reading of the notice of call for bids, as published in The Skagit Argus.

The following bids were received and opened:

- 1) Coach Corral Mobile Home Sales  
377 So. Burlington Blvd.  
Burlington, WA 98233

Skyline Brand Oak Manor #5703 - \$34,949.33  
Skyline Brand Oak Springs #2623 - \$35,633.03

Options: Skirting installation, foundation and 10 tie downs - \$2,534.85  
Air tight stove - \$1,451.25  
Front 7 rear 4x4 platform w/rails & steps - \$752.50

The bid will be reviewed for compliance and a recommendation for award made at a later date.

**BID OPENING - COAL CREEK SEDIMENT BASIN DREDGING PROJECT.**

Chairman Wylie waived the reading of the notice of call for bids, as published in The Skagit Argus.

The following bids were received and opened:

- 1) One Way Construction  
215 N. Reed Street  
Sedro Woolley, WA 98284

Bid total: \$76,230.00 (\$1.50 per cubic yard plus equipment costs)

- 2) CM Trucking and Construction, Inc.  
2062 F&S Grade Road  
Sedro Woolley, WA 98284

Bid total: \$145,103.50 (\$4.60 per cubic yard plus equipment costs)

Second Bid: valid upon approval of fill and grade permit for 2614 Minkler Road, Sedro Woolley

Bid total: \$85,279.75 (\$1.95 per cubic yard plus equipment costs)

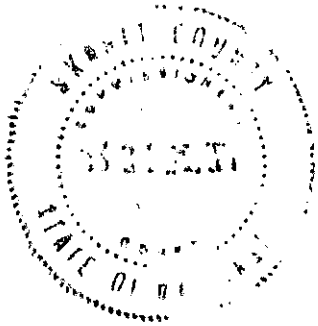
The bids will be reviewed for compliance to specifications and a recommendation for award made at a later date.

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**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