

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

Monday, October 8, 1990

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

Public Works Department - Mark Spahr, Director:

- 1) Presentation - Certification of Commendation for Recycler of the Month - "Discovery Recyclers".
- 2) Discussion - Erika Lane.
- 3) Signature - W.S.D.O.T. Ferry Franchise.
- 4) Signature - Contract Bridge Load Rating Consultant.
- 5) Resolution - Rescindment of Bid Award for Rock Drill.
- 6) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

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

Public Hearing - Inactivity of Sewer District #3.

2:00 p.m. - 3:30 p.m.

Department of Planning and Community Development - Scott Kirkpatrick, Director:

- 1) Discussion - Growth Management Act.
- 2) Staffing Update.
- 3) Enforcement Update.
- 4) Miscellaneous.

The Skagit County Board of Commissioners met in regular session on Monday, October 8, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

- 1) Presentation - Certificate of Commendation for Recycler of the Month - "Discovery Recyclers".

Ric Boge, Recycling Coordinator, introduced students from the Skagit Discovery School in Sedro Woolley, who were awarded a certificate of commendation for their recycling efforts.

- 2) Discussion - Erika Lane.

Mr. Spahr reviewed the last discussion with the Board held on January 22, 1990, regarding Erika Lane. Mr. Spahr stated that a request was received from neighboring property owners to establish Erika Lane as a County road, so that the County would repair and maintain the road. After the discussion, the Board directed the Public Works Department to research the existing right-of-way owned by the County.

Mr. Spahr stated that research has revealed that the existing right-of-way is 15 feet wide. It was taken in a tax foreclosure, so the property is not right-of-way. Mr. Spahr stated that the Road has not been surveyed to establish its boundaries, but that the engineering department has made recommendations and estimated costs for the improvement of Erika Lane to County standards. Two recommendations were reviewed. They were:

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- Access Road: Construct a BST surface with a minimum width of 37 feet. Estimated cost is approximately \$23,754.00.
- Access Gravel Road: Construct a gravel surface with a minimum width of 33 feet. Estimated cost is approximately \$17,021.00.

Both recommendations assume that a 90 foot diameter cul de sac will be constructed just inside the west property line of Mr. Studley. The staff recommends that for either option, a minimum of 40 feet of right-of-way be made available. This would necessitate the acquisition of property from adjacent property owners. An existing shed on one parcel of property may be included in the additional property required from the adjacent property owners.

Mr. Spahr related that the records of the Public Works Department show that Erika Lane was oiled for a length of 635 feet in 1971. In 1975, records show that road crews were chased off of Erika Lane, presumably by a property owner. By 1982 the road had declined to a questionable status, and in 1984, a Treasurer's Deed was acquired from a tax sale of a portion of the roadway.

Janet Hardman, whose mother, Janet Bartee, is a property owner, argued that maintenance has been performed on Erika Lane more recently. She also argued that the drainage of the roadway should be addressed in any maintenance or repair planning.

Other audience members were asked to introduce themselves. They were Janet Bartee, Sylvia Halliday, and Ryan and Mark Studley. The audience members expressed their unhappiness at the fact that no road work had begun during the summer construction season, when they had understood from Mary Cherberg, Office Engineer, that road work would begin some time during August.

Commissioner Vaux asked who the owner of the property was before it was lost to Skagit County in tax forfeiture.

Linda Johnson, Office Engineer, replied that it had belonged to Valley View Properties, a real estate agency.

Commissioner Vaux inquired as to whether Valley View Properties had built the road.

Mark Studley replied that the road was built by local homeowners in the 1800's, but has been maintained by Skagit County since the 1950's.

Further complaints were heard from the audience on the poor condition of the road.

Commissioner Vaux asked Mr. Spahr why the work had not yet begun.

Mr. Spahr responded that it seems that this project simply "fell through the cracks" and was not referred to the engineering department in a timely manner. After the engineers did begin on it, they wanted to take the time to make sure the estimate was correct.

Chairman Wylie wondered how the property can be converted from public trust lands to right-of-way.

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Ms. Johnson replied that legal counsel has indicated that the property converts to right-of-way when the County establishes it as a roadway.

Discussion continued, with property owners urging an expedient decision.

The Board finally agreed to have the patch truck dispatched to Erika Lane to make temporary repairs to last through the winter. Additionally, they directed that a survey be performed and that staff approach property owners who will be required to donate right-of-way to see if they would be agreeable to doing so.

3) Signature - W.S.D.O.T. Ferry Franchise.

Mr. Spahr reported that Federal rules indicate that if a county ferry system uses Federal funds in any portion of its lifetime, a franchise for the ferry must be obtained in compliance with WAC rules. It has just recently been discovered that, although it was several years ago, Federal funds were utilized for the Guemes Ferry, and no franchise was obtained. The Washington State Department of Transportation is now requiring that Skagit County submit a franchise application

The Board approved for signature a franchise application to the Washington State Department of Transportation for the Guemes Ferry.

4) Signature - Contract Bridge Load Rating Consultant.

The Board approved for signature a Consultant Agreement with Berger/Abam Engineers, Inc., of Federal Way to perform structural engineering and load rating on the remaining bridges within Skagit County that they have not already rated. This concludes the load rating study of all bridges in Skagit County. (Contract #00713)

5) Resolution - Rescindment of Bid Award for Rock Drill.

Mr. Spahr explained, via a memo, that an error was made on the bid specifications for a new rock drill in which an incorrect brand name was requested. When the error was discovered, the successful bidder, Great Northern Equipment, made a considerable effort to make the incorrect rock drill fit the carrier owned by the County; however, it was discovered that this was not possible, and it was the recommendation of both the bidder and the staff that the bid award be rescinded, and Great Northern Equipment be reimbursed for their efforts and their restocking charge.

Commissioner Rohrer motioned to adopt the resolution rescinding the bid award for the purchase of a new rock drill to Great Northern Equipment, and authorizing payment to Great Northern Equipment in the amount of \$2,324.01. (Resolution #12677)

6) Miscellaneous.

A. Mr. Spahr explained that, in answer to complaints from a citizen, the Public Works Department investigated the property at 1732 Coal Bunker Road, the Gerald Russell property. Mr. Russell is employed to tend the refuse transfer station adjacent to his property in Alger. The complainant alleged that Mr. Russell was collecting refuse on his property that should have been disposed of at the transfer station, and that it was causing an unsightly mess.

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Staff visited Mr. Russell, who is developmentally disabled, and discovered that Mr. Russell allows people to dump various items, including defunct appliances, dead animal carcasses, and old cars, on his property because he believes they are valuable. Mr. Spahr stated that staff feels an obligation to assist in the clean up of Mr. Russell's property, and in fact authorized Charlie Decker of C&D Salvage, the low bidder, to do so. A condition of Mr. Russell's was that the defunct automobiles be allowed to remain, and the Health Department agreed that, although the automobiles are filled with garbage, it is contained and therefore does not pose a health hazard. During the clean up operation, Mr. Decker hired heavy equipment and was engaged in its use, when Mr. Russell's guardian asked that the operation cease until further discussions could be held. Mr. Spahr stated that Mr. Decker incurred additional costs because of this work stoppage, because he will be forced to rent the heavy equipment for an additional day to complete the clean up. Mr. Spahr introduced a resolution which would authorize the sum of \$1,300 toward the clean up of the Russell property.

When questioned by the Board, Mr. Spahr agreed that it is likely that the incident will repeat itself, given Mr. Russell's disability and his belief that people are giving him valuable property when they leave their garbage on his property. The Board asked Mr. Spahr to look into the possibility of posting some sort of signage, such as "NO DUMPING" on the Russell property.

Commissioner Vaux then motioned to adopt the resolution authorizing the clean up of debris at 1732 Coal Bunker Road, the Gerald Russell property, and payment to C&D Salvage for the clean up in the amount of \$1,300. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12678)

CONSENT AGENDA.

Commissioner Vaux motioned to adopt the consent agenda of October 8, 1990, as submitted. Commissioner Rohrer seconded the motion, which passed unanimously.

* Petitions for Property Tax Refunds:

1. Robert E. Smith, 471 Friday Creek Road, Burlington, WA 98233, in the amount of \$380.36, due to a senior citizen exemption. (011290)
2. Norman T. Finn, 1515 14th, Anacortes, WA 98221, in the amount of \$46.16, due to a senior citizen exemption. (004590)
3. John T. Parent, P.O. Box 753, Darrington, WA 98241, in the amount of \$112.63, due to a disability exemption. (011490)
4. Fern Taylor, P.O. Box 692, Anacortes, WA 98221, in the amount of \$122.37, due to a manifest error. (010990)
5. Art Koehn, 159 Butler Creek Road, Sedro Woolley, WA 98284, in the amount of \$1,083.68 due to a senior citizen exemption. (010790)
6. William R. Wilcox, 1378 Hwy. 9, Mount Vernon, WA 98273, in the amount of \$56.36, due to a senior citizen exemption. (011090)

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* **Parks and Recreation Department:**

7. Instructional Services Contract with David Rindal to conduct a Rhythm Fitness Class from September 24, 1990, through December 31, 1990, for payment of 90% of the class fees after expenses. (Contract #00714)
8. School Use Agreement - LaConner School District - for use of gymnasium for adult volleyball league from October through December. Each team pays league fee of \$110. (Contract #00715)

* **Skagit County Fair:**

9. Judges Contract with Ruth O'Donnell to judge open class flowers on Thursday, August 9, 1990. Payment occurs at \$0.21 per mile of travel expenses, and a maximum of \$5.00 for meals. (Contract #00716)

* **Commissioners' Office:**

10. Record of the Proceedings from October 1, 1990.

MISCELLANEOUS ITEMS:

- A. Gary Frazier, Skagit County Sheriff, discussed with the Board the possibility of providing a sheriff's deputy for periodic visits to a satellite location in Concrete for the purpose of providing upriver residents with access to gun permits, cedar permits, and to answer questions. This would also serve as a remote check-in station for the deputies patrolling the upriver area, providing access to the sheriff's computer system, telephones, a work station and a place for interviews.

Sheriff Frazier stated that, although the County maintains a satellite office on Main Street in Concrete, he would prefer to accept the offer of the Concrete Chief of Police to use space in the police department located a couple of blocks away. Sheriff Frazier suggested that rental fees could be deferred in return for the use of the sheriff's department's computer access by the Concrete police.

Sheriff Frazier estimated that it would cost approximately \$3,500 to run a line to the building, hook up a modem and purchase a computer station. The monthly line cost of \$125 would be absorbed in the sheriff's budget.

The Board discussed the merits of accepting Chief Rogge's offer as opposed to utilizing the existing County satellite office. It was noted that the interviewing of witnesses and suspects should not occur in close proximity to the public functions of the satellite office.

Commissioner Rohrer motioned to authorize Sheriff Frazier to enter into a contract with the City of Concrete for use of office space at the Concrete Police Department, and to expend funds up to \$3,500 in set up costs to implement computer service. Commissioner Vaux seconded the motion, which passed unanimously.

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- B. In accordance with action previously taken, the Board approved for signature a Memorandum of Agreement with CommonGround Dispute Resolution Center for disbursement of funds generated by additional surcharges on small claims and district court filings in accordance with Resolution #12593. (Contract #00717)
- C. The Board approved for signature a rental agreement with Brakefield Elite Physique, in which the County will pay \$50 per month to Brakefield's for the use of their aerobics room for the purpose of conducting stretching and toning classes offered by the County's wellness program. The rental costs will be recovered through the tuition fee for the class. (Contract #00718)
- D. 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, October 10, 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 #72052 through #72161 (Vouchers #72052 through #72161) in the amount of \$465,577.39. (R-26-90)
 - 2) Warrants #59713 through #60096 (Vouchers #010516 through #010995) in the amount of \$574,399.27. (C-43-90)
- E. Commissioner Vaux motioned to appoint Mary Good to the NSRSN Advisory Board to replace Barbara Gjertsen, who tendered her resignation to the Board due to illness. Commissioner Rohrer seconded the motion, which passed unanimously. A Certificate of Commendation was issued to Barbara Gjertsen for four years of service on the Skagit County Mental Health Advisory Board.

PUBLIC HEARING - INACTIVITY OF SEWER DISTRICT #3.

Chairman Wylie waived the reading of the notice of public hearing, as published in The Skagit Argus on September 18, 25 and October 2, 1990.

Glen Strebe, 1428 Gibraltar Road, Anacortes, Sewer District #3 Commissioner was invited to speak.

Mr. Strebe provided the Board with records of the proceedings from five meetings the sewer district has held this year. He stated that the district had intended to have a tax proposition on the September or November ballot this year to assess the district to pay the County back for elections fees; however, they did not meet the deadline for ballot inclusion. He stated that they intend to place the proposition on the next available ballot. He stated that the district, as evidenced by the minutes from their five meetings, has been active, and would like to continue to operate. He stated that the Board appointed Bob Parmalee last November to take the place of Dennis Caron, who moved away.

Chairman Wylie asked if the district had applied for any grants in the past year.

Mr. Strebe replied that they had not; however, a study was performed by State departments in 1988 of the Similk Beach area, which tended to show that there is no problem with failing septic systems in the area of the district which encompasses the Similk Beach area.

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Paul Schissler, P.O. Box 817, LaConner, representing the Swinomish Tribe, stated that the Tribe perspective is to maintain the quality of water presently enjoyed at Similk Bay, where shellfish harvesting is performed. He stated that the Department of Ecology, while finding the quality of water in Similk Bay to be high, expressed some concern during shoreline visits. He stated that the Tribe would like the district to be allowed to continue to function in the presence of the possibility of a need to apply for grants to maintain water quality.

June Martin, a Dewey Beach resident, made a statement in which she stated that she felt that existing private sewage disposal systems should be left in place, as opposed to the construction of community sewers.

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

At this point the Board declined to discontinue the operations of Sewer District #3.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

1) Discussion - Growth Management Act.

Mr. Kirkpatrick reported that the department has started the Comprehensive Plan policy update.

The first of the public forums on sphere of influence agreements was held the previous week in Concrete. Subsequent meetings are planned for LaConner, Big Lake and Sedro Woolley in the coming weeks.

The Board discussed the meetings with Mr. Kirkpatrick, and their ability to attend them.

Mr. Kirkpatrick reviewed a letter received from the Town of Concrete, which requests the County's help with planning and permitting functions.

Mr. Kirkpatrick reported that, under the Growth Management Act, the County's wetlands inventory is due October 15, 1990.

Mr. Kirkpatrick provided a schedule of study sessions and public hearings of the Planning Commission for the next 12 months pertaining to the update of the Comprehensive Plan.

2) Staffing Update.

Mr. Kirkpatrick reported that the department's new enforcement officer, Tim Hoffman, will begin work on October 29, 1990.

3) Enforcement Report.

Mr. Kirkpatrick provided a synopsis of his weekly enforcement report.

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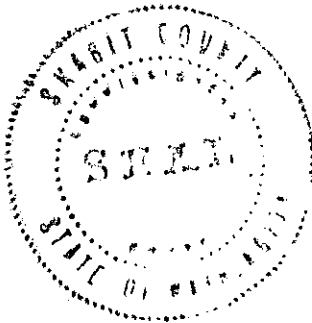
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ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ruth Wylie, Chairman

W. W. Vaux

W. W. Vaux, Commissioner

Dave Rohrer

Dave Rohrer, Commissioner

ATTEST:

Stephanie Wood

Stephanie Wood, Clerk
Skagit County Board of Commissioners