

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

Monday December 16, 1991:

- 9:00 a.m. - 10:00 a.m. Executive Session - Personnel.
- 10:00 a.m. - 11:30 a.m. Public Works Department - Rich Medved, Director:
- 1) Signature - Joint Funding Agreement - U.S. Geological Survey.
 - 2) Discussion - Dike District 20 Rock Project.
 - 3) Discussion - Request for Review of Padilla Bay Dike.
 - 4) Discussion - Skagit County 1992 Recycling Services Contract.
 - 5) Resolution Approving Final Draft Guemes Island Ferry Capital Facilities Plan.
 - 6) Resolution - Establish C.R.P. on Main Street in Conway.
 - 7) Signature - Change Order for Security Fencing Project at Burlington Maintenance Shop.
 - 8) Bid Award Recommendation - One New 40-Ton Lowboy Trailer.
 - 9) Resolution Rejecting Bids for One New Track Loader.
 - 10) Call for Bids - Two New 1992 Small Station Wagons.
 - 11) Call for Bids - One New Console Copier Machine.
 - 12) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

- 1:30 p.m. - 2:00 p.m. Auditor's Office:
- 1) Discussion - Space Needs.
 - 2) Information - Appointments to Boards.
- 2:00 p.m. - 2:45 p.m. Hearing Examiner Recommendation - Denial - Agricultural Lot Size Variance Request #VAR 91-047 of Kendra Smith, 1553 Cook Road, Burlington.
- 2:45 p.m. - 3:00 p.m. Signature - Real Estate Contract - Northern State Property Purchase.
- 3:00 p.m. - 4:30 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Monday, December 16, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Signature - Joint Funding Agreement - U.S. Geological Survey.

The Board approved for signature an annual joint funding agreement with the U.S. Geological Survey wherein the Geological Survey operates 7 water resource gauges in Skagit County. The funding is split in a 60% to 40% ratio, with Skagit County paying \$12,500 and the Geological Survey paying \$8,600. The funds were budgeted for next year. (Contract #01169)

RECORD OF THE PROCEEDINGS

Monday, December 16, 1991

Page #2

2) Discussion - Dike District 20 Rock Project.

Dave Brookings introduced Alice Devries and Andy Anderson, Dike District #20 Commissioners.

Mr. Brookings explained that following last year's floods, many diking districts requested the County perform work for them on a reimbursable basis. It is not uncommon for Skagit County to enter into this type of contractual agreement. Dike District #20 was one of the districts that requested the County perform a rock project, and Dave Brookings made a cost estimate of \$21,567.50 based on the County's trucking rates of \$26.00 per hour. The project was performed, but the County was overburdened with projects and had to hire independent trucks to perform the rock hauling. These independent trucks charged a rental rate of \$60.00 per hour, which contributed to the fact that the final cost record for the project exceeded the estimate by about \$17,000.

Mr. Brookings explained that the difference in the truck rate charge totals \$8,709.66, which he recommended that Skagit County absorb. Other materials and labor in excess of the estimate totaled \$8,650.00, and Mr. Brookings recommended that the dike district be required to pay those.

Rich Medved concurred with Mr. Brookings' recommendation, and indicated that in future, staff will take the difference in truck rental rates into consideration when estimating projects.

Chairman Vaux questioned Mr. Brookings. Mr. Brookings stated that usually project costs are following closely and communicated to the dike districts, but this time there was no communication with the dike district until the project was complete, so the dike district commissioners were unaware of the cost overruns until after the project was complete.

Chairman Vaux stated that he felt it was not right to split the cost overruns when the dike district had no control over them, but Mr. Brookings clarified that \$8,650 of the overruns were for additional rock required to complete the project.

The Board then concurred with Mr. Brookings' original recommendation.

3) Discussion - Request for Review of Padilla Bay Dike.

Mr. Brookings explained that the flood control section has been aware of weak spots existing on a private dike belonging to Virgil Nelson on Padilla Bay for the past year, and has been working to solve them. In the spring, the flood control section offered Mr. Nelson a rock grant to armor the weak spots, but Mr. Nelson refused the grant because he felt it would be too costly for him to place the rock.

Mr. Brookings showed slides of the erosion on Mr. Nelson's dike. He stated that the dike is eroding in 5 sections, 2 of which constitute an immediate threat. Mr. Brookings stated that the dike is so remote, it would be impossible to import material to armor the dike until spring. At first, staff looked at using a drag line to dredge soil from the bay to armor the dike, but it was later decided that the bay soils would not be stable enough to support the dike. Staff has now recommended planking the dike with 2" x 4" and 2" x 12" planks with bracing.

Mr. Brookings stated that the Department of Natural Resources is willing to donate the labor from Indian Ridge inmates to complete the project, and the Department of Fisheries has approved this approach. The materials are expected to cost about \$2,500, and Mr. Nelson is willing to pay. Mr. Brookings stated that he is informing the Board of these developments because the Public Works Department is providing technical support for the project. This spring, continuing to provide technical support, the Public Works Department will address a permanent solution to the dike and ask neighbors to participate in the costs.

RECORD OF THE PROCEEDINGS
Monday, December 16, 1991
Page #3

The Board sanctioned Mr. Brookings' activities and directed him to continue with the project.

4) Discussion - Skagit County 1992 Recycling Services Contract.

Ric Boge, Recycling Coordinator, explained that C&D Salvage, who has recently been chosen by the County to provide recycling services at four County waste disposal facilities, intends to hire former County Commissioner Dave Rohrer to work part time in the management of the business. While Mr. Boge was certain that no impropriety was involved with Mr. Rohrer's employment with C&D Salvage, he wished to inform the Board at the time of Mr. Rohrer's involvement.

The Board directed Mr. Boge to notify John Moffat, the County's Chief Civil Deputy Prosecutor, to assure that no conflict exists.

5) Resolution Approving Final Draft Guemes Island Ferry Capital Facilities Plan.

Dave Baltz, Transportation Planner, explained that as directed, changes were made to the draft of the Guemes Island Ferry Capital Facilities Plan and were mailed to each Ferry Advisory Committee member. No responses were received from any committee members and at this time, Mr. Baltz recommended that the document be finalized and adopted.

Commissioner Wylie motioned to approve the Guemes Island Ferry Capital Facilities Plan as submitted, and Commissioner Robinson seconded the motion. The motion passed unanimously. (Resolution # 14158)

6) Resolution - Establish C.R.P. on Main Street in Conway.

Commissioner Wylie motioned to adopt the resolution authorizing the initiation of a county road project on Main Street in Conway, and the expenditure of \$10,000 in preliminary engineering funds to prepare plans and specifications for .34 miles of road reconstruction. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14159)

7) Signature - Change Order for Security Fencing Project at Burlington Maintenance Shop.

Robin Larue, Design/Construction Engineer, explained that County policy requires the Board of Commissioners' approval of any change orders that exceed a certain percentage of the total contract. Because staff wishes to amend the contract for security fencing to include the addition of a wider gate, corner posts and hardware at the Burlington Maintenance Shop, the Board of Commissioners' must review and decide whether or not to approve the change order.

Commissioner Wylie motioned to approve change order #2 in the amount of \$1,532.00 to the contract for installation of security fencing at the Burlington Maintenance Shop. Commissioner Robinson seconded the motion, which passed unanimously.

8) Bid Award Recommendation - One New 40-Ton Lowboy Trailer.

Mr. LaRue explained that the low bidder for a new lowboy trailer was N C Machinery; however, the unit they bid did not meet the requirements for including loading pads. Therefore Mr. LaRue recommended that the bid be awarded to the second lowest bidder, Smith Tractor and Equipment, for a Trail King Model TK 80 FG, at \$35,240.65. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14160)

9) Resolution Rejecting Bids for One New Track Loader.

Mr. LaRue explained that a single bid was received from N C Machinery for the new track loader, and was

RECORD OF THE PROCEEDINGS

Monday, December 16, 1991

Page #4

greatly in excess of the cost estimate at \$258,982.55. Mr. LaRue recommended that the single bid be rejected, that the bid specifications be modified to get a wider response, and that the bid be republished later.

Commissioner Wylie motioned to adopt the resolution rejecting all bids for the purchase of a new track loader. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14161)

10) Call for Bids - Two New 1992 Small Station Wagons.

Commissioner Robinson motioned to adopt the resolution calling for bids for the purchase of two new small station wagons for the Planning Department with bids to be opened on December 30, 1991, at 1:30 p.m. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14162)

11) Call for Bids - One New Console Copier Machine.

Commissioner Robinson motioned to adopt the resolution calling for bids for the purchase of a new console copier machine for the Public Works Department, with bids to be opened on December 30, 1991, at 1:30 p.m. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14163)

12) Miscellaneous.

A. Ric Boge reported that Rich Classen, who represents Texaco, has resigned his seat on the Solid Waste Advisory Committee. Mr. Boge asked for direction in filling Mr. Classen's vacant seat.

The Board directed Mr. Boge to fill the vacancy with another representative from Shell or Texaco.

CONSENT AGENDA

Commissioner Wylie motioned to approve the consent agenda of December 16, 1991, as submitted. Commissioner Robinson seconded the motion, which passed unanimously.

- Public Works Department:

1. Resolution - Call for public hearing for vacation of portion of County road right-of-way known as Fish Hatchery Lane #0872. (Resolution # 14165)
2. Resolution - Regarding change in operating hours of the Inman Landfill. (Resolution # 14165)

- * Parks and Recreation Department:

3. Rafters agreement with River Drifters for the period from October 1, 1991, to September 30, 1992. Rafters must pay \$1.00 per person exiting the Skagit River onto County property and a performance deposit of \$100.00. (Contract #01170)
4. Out-of-State Travel request for Jon Aarstad, Director, to travel to San Diego, California, to attend the Pacific Revenue and Maintenance School on January 31, 1992. Cost for flight and room (not including meals) - \$560.00.

- Health Department:

5. Resolution - Adopting schedule of charges for Water and Clinical Laboratory, Environmental Health and Vital Records. (Resolution # 14166)

RECORD OF THE PROCEEDINGS

Monday, December 16, 1991

Page #5

6. Guest speaker contract with Larry David to provide a presentation on AIDS: A Personal Perspective on December 2, 1991, at a cost of \$25.00. (Contract #01171)
7. Guest speaker contract with Larry David to provide a presentation on AIDS: A Personal Perspective for a cost of \$25.00, on request, throughout the year 1992. (Contract #01172)
8. Core provider agreement with DSHS Division of Medical Assistance to provide reimbursement for services provided to eligible patients of the AIDS Case Management program. (Contract #01173)

* Planning Department:

9. Ordinance - Amending Skagit County Code Chapters 14.04 (Zoning Ordinance), 14.08 (Short Plat Subdivision Ordinance, and 14.12 (Subdivision Ordinance) relating to individual and public drinking water systems. (Ordinance # 14167)
10. Out-of-State Travel Request for Roxanne Michael, Building Official, to travel to Indianapolis, Indiana, From February 7 through February 16, to attend the ICBO Code Development Committee Meeting. Travel, accommodations and meals paid for by ICBO.

* Senior Services:

11. Agreement with Island Hospital for food preparation and delivery of meals for the Skagit Nutrition Project for the year 1992. Island Hospital is reimbursed at \$2.40 per bulk meal delivered, \$2.65 per hot home-delivered meal, \$1.65 per frozen meal, and \$7.50 per day transportation charge. (Contract #01174)
12. Rental agreement with Saturday Community Market Association to use a portion of the Concrete Senior Center on Saturdays from May 23, 1992, through September 7, 1992, at a charge of \$160.00. (Contract #01175)

* Commissioners' Office:

14. Letter to Jim Shanafelt, Manager of Planning, Research and Public Transportation Division of the Department of Transportation, jointly requesting funding for a rail line rehabilitation project with the City of Mount Vernon.

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.

As of this date, December 16, 1991, 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 #75879 through #76418 (Vouchers #115820 through #116581) in the amount of \$921,342.20. Transmittal #C-53-91.
- 2) Warrant #75878-30 (Voucher #75878-30) in the amount of \$65,744.20. Transmittal #C-52-90.
- 3) Warrants #87398 through #87459 (Vouchers #87398 through #87459) in the amount of \$17,615.00. Transmittal #PR-23-91.

- B. A resolution, modified at the direction of the Board of County Commissioners, regarding new bidding

policies for County departments, was presented.

Commissioner Wylie motioned to adopt the resolution as submitted. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14168)

AUDITOR'S OFFICE:

1) Discussion - Space Needs.

Jerry McInturff, Skagit County Auditor, stated that he has budgeted for and had permission to construct walls to partition off the accounting section of his office for the past three years running. The Facilities Management Department has yet to begin work on constructing the walls.

Roger Howard, Facilities Manager, indicated that he would expedite the wall construction.

2) Information - Appointments to Boards.

The Board authorized travel and expense funds for Kathy Longfellow, Chief Accountant, to make two trips, one to Washington, D.C. and the second to a yet-to-be-decided location, in each of the next two years, while serving in the capacity of a member of the State committee on Accounting, Auditing and Financial Reporting. Each Washington, D.C., trip will cost approximately \$1,100.00.

HEARING EXAMINER RECOMMENDATION - DENIAL - AGRICULTURAL LOT SIZE VARIANCE REQUEST #VAR 91-047 OF KENDRA SMITH, 1553 COOK ROAD, BURLINGTON.

Jeff Morgan, Associate Planner, provided an assessor's map of the subject property, which is located near the intersection of Cook Road and Chuckanut Drive. Photographs and a site map were also provided. The proposal, he explained, is to subdivide a 10 acres parcel into two lots, creating two legal, non-conforming lots in an area zoned Agriculture. The Department of Planning and Community Development recommended denial of the request, as did the Hearing Examiner. Mr. Morgan explained that the case is similar to that of a previous Agricultural Variance request in that the family situation necessitates subdivision of the property.

Chairman Vaux gave Brad Furlong, an attorney representing the proponent, an opportunity to speak. Mr. Furlong explained that Ms. Smith and her husband have separated, and have agreed to subdivide the property so that Ms. Smith can build a second residence on the property where she can live with her children and they can remain in close proximity to their father.

Mr. Furlong stated that there are lots nearby which are 2.5 acres in size. The property itself has been out of agricultural production for the past 30 years, and lies on the fringe of a transition zone between residential and agricultural use. The area to the west is highly developed, and the property presently contained a 5,500 square foot home, a boathouse, a paved driveway and other outbuildings. A stand of fir trees covers a portion of the property, and another portion has been residentially landscaped.

Mr. Furlong requested that the Board hold their own public hearing to consider additional testimony which the Hearing Examiner did not consider.

Chairman Vaux asked Ms. Smith how the subject property was effected by last year's flooding. Ms. Smith showed on the hearing room whiteboard areas to the southeast of the property on which water stood and one small area in the northwest corner of the property which had standing water on it.

The Board then discussed whether or not the pending divorce proceedings would supersede a variance decision. Both Mr. Furlong and Mr. Morgan agreed that it might, but Mr. Furlong went on to elaborate that

RECORD OF THE PROCEEDINGS
Monday, December 16, 1991
Page #7

he felt it was important to allow the Board of Commissioners the opportunity to act on a land use decision instead of depending upon a superior court judge to make that decision, so he had counseled Ms. Smith to file for the variance.

As the Board felt there may be discretionary issues they would like to review, Chairman Vaux motioned to hold a public hearing at which they may consider those issues. Commissioner Wylie seconded the motion, which passed unanimously.

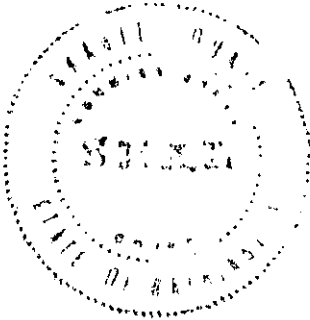
SIGNATURE - REAL ESTATE CONTRACT - NORTHERN STATE PROPERTY PURCHASE.

The Board approved for signature a real estate contract with the State of Washington Department of Community Development for the purchase of property at the old Northern State Hospital site east of Sedro Woolley.

ADJOURNMENT:

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





W. W. Vaux, Chairman




Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners