

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

**Monday, November 9, 1992**

9:00 a.m. - 10:00 a.m. Board of Health.

- 1) Introduction of New Staff.
- 2) Immunization I-3 Contract Amendment.
- 3) Environmental Health Program Activity.

10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director.

- 1) Discussion - Joint Project with Drainage District No. 19, Little Indian Slough Culvert Replacement on Bayview-Edison Road.
- 2) Update - Countywide Drainage Study.
- 3) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS.

1:30 p.m. - 2:00 p.m. Hearing Examiner Recommendation - Approval - Open Space Application #OS-92-002 of Ann Magnano, Sinclair Island.

2:00 p.m. - 2:30 p.m. Discussion - Juvenile Detention Facility.

2:30 p.m. - 3:00 p.m. Signature - Burlington Northern Property Acquisition.

3:30 p.m. - 4:30 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioner's met on Monday, November 9, 1992, with Commissioner's Robby Robinson and Bill Vaux present. Commissioner Wylie's absence was excused.

**BOARD OF HEALTH.**

- 1) Introduction of New Staff.

The Board was introduced to, and welcomed, Jeanne D'Arcy, Office Assistant II, clerical floating position; Ina Stice, Office Assistant II, Senior Screening and STD Clinic; and Martha Ruiz, Laboratory Analyst, Water Clinic Laboratory.

- 2) Immunization I-3 Contract Amendment.

Barb Meier, Public Health Nurse, discussed with the Board that there are funds available to the County for programs to improve the immunization status of infants birth to two years old. At present, only 50 percent of these children are appropriately immunized. Skagit County will be receiving approximately \$13,180.00 that will provide for the program from mid November, 1992, through September, 1993. An additional \$13,180.00 is expected to continue services from October 1, 1993 until September 30 1994. The Skagit County Health Department intends to use a portion of the funds to increase accessible immunization sites. The Skagit County Health Department will provide vaccines to children one Saturday a month at the Cascade Mall location of the Affiliated Health Services. Other sites are planned for the Skagit Valley Children's Center at Skagit Valley College and at the Marblemount Community Center. These two sites are

projected to be open one Saturday per month.

A portion of the funds will be used to track the improving levels of immunization in the high priority infant group.

Ms. Melers stated that the Contract Amendment is verbal at this point, and the document will be provided to the Board for signature within a couple weeks.

3) Environmental Health Program Activity.

John Thayer, Environmental Health Specialist, reviewed with the Board the fluctuation and trends of various health program activities. The programs covered were:

Federal Safe Drinking Act amendments.  
Federal and state Solid Waste Code revisions.  
Solid Waste Enforcement Grant.  
Revision to Pool/Spa Rules.  
Skagit County Solid Waste Code update.  
Skagit County Water Code.  
Revisions to State Food Code.  
State Health Report Data on injuries in schools.  
Hiring of Solid Waste Consultant.

**PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR.**

1) Discussion - Joint Project with Drainage District No. 19, Little Indian Slough Culvert Replacement on Bayview-Edison Road.

Dave Brookings, Flood and Drainage Manager, addressed the Board regarding a proposal for a joint project between the County and Drainage District No. 19 for the replacement of a culvert in the Little Indian Slough at a location on Bayview-Edison Road. Mr. Brookings stated that the source of concern is the outlet end of the culvert which is corroding, creating a potential flooding problem in the surrounding farmland. A quote has been received from One-Way Construction of \$37,000 to install a new culvert. Mr. Brookings felt that this was a reasonable price quote. Ordinarily, the County would arrange a 50/50 cost share with Drainage District No. 19 on this type of project. The Drainage District feels that they should not have to incur 50 percent of the cost in this situation, as the culvert should have lasted longer than the time frame that it has been in place, and have offered \$10,000 toward the project. Mr. Brookings stated that the culvert is definitely in poor condition and is in need of replacement.

Mr. William Roozen, Drainage District No. 19, stated that the installation of the culvert should have lasted longer than nine years. He felt that there had been an error made in the installation of the culvert, by the County, which caused the premature corrosion. He said that a chain had been used around the culvert in the installation process and the corrosion has occurred where the chain scuffed the surface of the culvert.

Commissioner Robinson asked where the balance of the cost was going to come from if the Drainage District contributed \$10,000.

Mr. Medved stated that the County Public Works Off-Road Drainage fund had sufficient funds to cover the

expense. He said that there is good reason to believe that the corrosion has occurred due to the reasons stated by Mr. Roozen. He felt that due to it being an emergency situation and the winter weather and high tide season drawing near, the County should contribute a higher portion of the cost to replace the culvert. He stated that it was a one time event, and it was not the intent to change the 50/50 cost sharing arrangement with Drainage District No. 19. There is a shorelines exemption for the proposed project.

Commissioner Vaux asked Mr. Brookings whether he agreed with the opinion that the County is responsible for negligent placement of the culvert resulting the corrosion.

Mr. Brookings stated that he is not sure what caused it as he was not there when it was installed. He said that he is sure that it needs to be replaced, and it is a definite problem that needs to be taken care of. When asked who did the inspecting of the culvert and found the problem, Mr. Brookings said that the Drainage District found this particular situation.

Commissioner Robinson asked whether the corrosion was serious enough to cause the flood gate to fall off.

Mr. Brookings stated that it was.

Commissioner Vaux voiced concern whether contributing more than the agreed 50 percent would set a precedent for other similar repairs. He agreed that the repairs need to be made, but was unsure whose responsibility it was. He felt that if the County was indeed responsible for damaging the culvert which created the corrosion, they should provide for the repair.

Mr. Medved stated that projects such as these are done more carefully and this will not be an ongoing occurrence.

Doug Barnet, County Engineer, stated that a change order can be done to the contract with One-Way Construction adding the culvert replacement to the present contract for the repair of the Indian Slough Bridge. A complication exists wherein the contractor is concerned regarding a change order being done as the retainage would then be held until the completion of the culvert project. The culverts will not be available from the manufacturer until the end of December, and the contractor is almost finished with the project he is presently working on. He said that the culvert project will only take two or three days once the culvert is manufactured.

Commissioner Vaux felt that a change order was unnecessary as an emergency situation exists, and a new contract for the project should be entered into.

Commissioner Vaux motioned to declare an emergency situation making it necessary to replace the culvert in Little Indian Slough on Bayview-Edison Road, contracting with One-Way Construction at the price quoted, and the Public Works Department will be responsible for working out the cost sharing agreement with Drainage District No. 19.

Chairman Robinson seconded the motion which carried and was so ordered.

2) Update - Countywide Drainage Study.

Mr. Brookings stated that the Skagit River Flood Control Committee met once a month from the beginning

of the Study and several public meeting have been held to receive input from the community. He said that a priority list of 24 sites had been created using various criteria, eight of which he and Dennis Dorratcague of J.M.M. wished to review with the Board.

Mr. Dorratcague stated that the scope of work was set for the top eight sites on the priority list. The priorities were set in a two step process, first the drainage flood committee met, and then the flood control committee met to set priorities. Each problem area was reviewed, recommendations were taken and put in the order in which to carry them out.

The top eight problem areas in priority order are:

Biz Point/Seaview, Jackman Creek, Maddox Creek #1, N. Samish River, Snee-Oosh, Bayview-Joe Leary, and Upriver Creeks. The problem areas work plans are made up of the following components: Area of Study, Work Scope, Products, Assumptions, and County Responsibility.

The cumulative budget for performing the study on these problem areas is \$271,108. The allowance in the contract for the work is \$198,290, which cuts off the last two of the eight projects on the priority list. The remaining projects will be scheduled as funds are available.

Commissioner Vaux stated that the major product of the study will be the creation of a system of financing for the projects.

Mr. Dorratcague stated that he would like to have a work session with the Board and the Skagit River Flood Control Committee in late spring of 1993 to review draft proposals from the study.

Ms. Carol Ehlers asked whether the cities will be included in the drainage study planning.

Mr. Dorratcague stated that the cities will be contacted, but the general feeling is that they will handle their own flood control planning. He said that some already have a plan in place or are in the planning process.

3) Miscellaneous.

There were no miscellaneous items presented at this time.

CONSENT AGENDA.

\* Commissioner's Office:

1. Signature - Resolution appointing David Cohen, Ph.D., 5220 Rockport-Cascade Road, Rockport, Washington 98283, as a deputy designated mental health professional. Appointed term shall begin November 9, 1992, and terminate November 9, 1995. (Resolution #14631).
2. Record of the Proceedings for the week of November 2, 1992.

\* Health Department:

3. Signature - Out-of-State Travel Request for Kay Van Stralen having attended New

Challenges in HIV Care in Portland, Oregon, October 28, and 29, 1992. Class expense \$185.00, accommodations \$113.36, plus gas and food.

\* Parks, Recreation and Fair:

- 4 & 5. Signature - Contracts for Professional Services with Don Wick and Judy Shultz to provide Basic Swing instruction September 18, through October 23, 1992, from 7:00 p.m. - 8:15 p.m. The County provided the facilities, and the contractors will be paid 90 percent of the fees collected after departmental expenses. Fees for the course are \$35.00 per person with a maximum enrollment of 40. (Contract #01470) and (Contract #01471).

\* Planning Department:

6. Signature - Resolution approving Variance Request #VAR-92-040 of Larry Bughi, 170 Rosario Beach Road, Anacortes, Washington 98221. (Resolution #14632).

\* Public Works:

7. Signature - Change Order No. 2, Main Street, Conway, CRP #8024 - 1, Drainage and Paving Project. This change order includes \$13,927.10 for paving the south part of Second Street, a portion of Spruce Street and additional storm drainage on Spruce Street.
8. Signature - Amendment of Resolution - Declaration of Sole Source Replacement Components at the Resource Recovery Facility. North Cost Electric as a sole source vendor for "Allen-Bradley" equipment for Control Instrumentation, item 10, has been added. (Resolution #14633).

• Sheriff:

9. Renewal of Agreement between Skagit County (Agency) and MTC/Cascades Job Corps Center (Center) based on Title 40, United States Code, Section 3706, wherein the Agency and the Center agree that:
  1. the location of the Center is geographically within territorial jurisdiction of the Agency;
  2. the Center will report all serious offenses committed on the Center site to the Agency;
  3. the Center will allow the Agency access to the Center for official business;
  4. the Agency will provide emergency backup capability to the Center when needed and requested;
  5. the Agency will respond to all emergency requests that require police action, and will assume command of the situation on arrival according to normal law enforcement practices;
  6. the Center will turn over to the Agency any evidence of a crime that would normally be reported to the Agency whenever discovered by the Center. The Agency will not request the Center to use Administrative Search power to search and seize evidence of a crime being investigated by the Agency.

7. the Agency will assist the Center through training and information communication flow, when possible, as the law allows;
8. all investigations conducted by the Agency at the Center will follow normal law enforcement practices in accordance with Agency training;
9. In the event of a citation issued to, and a offending juvenile released, the Agency will notify the Center in order for their Security to take control of the student from the arresting officer.  
This agreement is effective upon full executing and shall remain in effect until terminated by either party. (Contract #01472).

\* Boundary Review Board:

10. Resolution approving the annexation of property to Skagit County Fire Protection District No. 3. Said property is described as follows:

The Southeast 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 and that portion of the Southwest 1/4 of the Northeast 1/4 lying southwesterly of the following described line:

Beginning at the Northwest corner of said Southwest 1/4 of the Northeast 1/4 of said Section 3, Township 33 North, Range 4 East, W.M.' thence Southeasterly in a straight line to the Southeast corner of said Southwest 1/4 of the Northwest 1/4 of the terminus of said line. (Keith Johnson.) (Resolution #14634).

**MISCELLANEOUS.**

- 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, November 9, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #92796 through 92903 (Vouchers #92796 through 92903) in the amount of \$598,991.91. Transmittal Number R22-92.

- B) The Board approved and signed a dance license for The Alger Tavern, 176 Old Highway 99, Bellingham, Washington 98226. License will expire November 8, 1993.
- C) Commissioner Vaux motioned to approve a contract with Global Environmental, the lowest bidder, 2763 13th Avenue S.W., Seattle, Washington 98134, for the removal of underground storage tanks. Total contract amount is \$25,075.00. Work is to be completed within 60 days of issuance of the "Notice to Proceed." (Contract #01473).

**HEARING EXAMINER RECOMMENDATION - APPROVAL - OPEN SPACE APPLICATION #OS-92-002 OF ANN MAGNANO, SINCLAIR ISLAND.**

Grace Roeder, Associate Planner, reviewed with the Board that it is Ms. Magnano's desire to place her 39

acre parcel on Sinclair Island into open space designation. It is presently zoned Rural and the District Comprehensive Plan designation is Rural Open Space. The intent of open space is to preserve and conserve natural resources. The Planning Department and the Hearing Examiner recommend approval of the request, providing that reasonable public access is allowed to the property. The options for consideration are:

- a) to summarily approve the Hearing Examiner's recommendation; or
- b) to remand it back to the Hearing Examiner for further discussion; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Hearing Examiner's recommendation to be necessary.

Commissioner Vaux motioned to approve the Hearing Examiner's recommendation. Chairman Robinson seconded the motion, which carried and was so ordered.  
(Resolution #14636).

**DISCUSSION - JUVENILE DETENTION FACILITY.**

Terry Rousseau, Juvenile Probation Director, stated that when the department's 1993 budget revenue was prepared, projections of revenues from Island and San Juan Counties were not included. The interlocal agreement that the County has had with them in the past for temporary housing of juvenile offenders was not anticipated to be renewed. Our facility is overloaded with Skagit County juvenile offenders, and it was felt that there was no longer the ability to house additional persons from outside the County. Island County has grown in population over 50,000. There is a state statute regarding Counties over a population of 50,000 being required to maintain their own juvenile retention/detention facility. Mr. Rousseau has spoken with Bill Norton, and Jan Stetler of Island County Juvenile Probation, who have voiced concern over the changes being made. For the size that Island County is, they have very few juveniles to detain in comparison to Skagit County when it was their size.

Mr. Rousseau said that he, Tom Kearny and Dave Zeretsky from San Juan County, Bob Taylor, Mike Woodmansee, and Craig Stoner met to discuss the possibility of Skagit County continuing to provide temporary housing of San Juan County juvenile offenders. San Juan County's needs would have a lower impact on the Skagit County facility.

Mr. Taylor stated that San Juan County juveniles were housed in Skagit County's detention facility totaling slightly less than 200 bed days in 1991. That was the highest bed day count they had in the last five years. Island County's bed day count had grown considerably faster in comparison.

Mr. Rousseau stated that there has been good communication with San Juan County, and the juveniles are kept for shorter lengths of time. Island County youths tend to stay in detention longer, sometimes in excess of the speedy trial time frames, and there is a lesser quality of communication with their staff.

Mr. Rousseau said that the average daily number of youths detained in the Skagit County facility is a little over 15, with only 14 beds available. The County's Juvenile Probation Department has restrictions on the offenders that are allowed into the detention facility, and in some cases other alternatives are found.

Mr. Stoner stated that there are various types of sex offenders, gangs, and suicidal youths, that are in detention at the same time. There have been three suicide situations recently. One youth claimed that he was sexually assaulted by his roommate who was a known sex offender. The claimant is from Island

County. Every resident has to be strictly screened to be kept in detention.

Mr. Rousseau suggested that an interlocal agreement be entered into with San Juan County as there is an existing, reciprocal, trusting relationship between them and Skagit County. He felt that Island County holds a negative attitude toward their youths.

Mr. Taylor stated that given the space constraints that will exist even when the new facility is complete makes it difficult to maintain the Island County relationship. There would need to be a larger facility.

Mr. Woodmansee stated that the Juvenile Detention remodel scheduled in 1995 will increase the present number of rooms from 10 to 20. He said that Island County has a problem because Skagit County did not plan our budget to include revenues that would have been received had the interlocal agreement been continued, and they have not budgeted for a juvenile detention facility. If Skagit County chose to build a larger, new facility, it would cost a considerable amount more than the planned remodel to take place in 1995.

Mr. Rousseau stated that there is a letter from Island County regarding the situation that needs to be responded to and asked for direction from the Board.

It was decided that the relationship with San Juan County will continue, and Mr. Rousseau will draft letters for the Board's approval regarding the non-continuance of the relationship with Island County, and continuing a relationship with San Juan County.

**SIGNATURE - BURLINGTON NORTHERN PROPERTY ACQUISITION.**

Steve Colby, Special Operations Manager, Skagit County Parks, Recreation and Fair, presented an Earnest Money Agreement to the Board for their signature that had been discussed and agreed upon at a previous date. The County will acquire abandoned Burlington Northern right-of-way between Big Lake and Sedro-Woolley at the price of \$113,254.00.

Commissioner Vaux motioned to approve the Earnest Money Agreement for ten percent of \$113,254.00 for abandoned Burlington Northern right-of-way.

Chairman Robinson seconded the motion which carried and was so ordered.

**MISCELLANEOUS**

- A) Commissioner Vaux motioned to adopt a resolution establishing Superior Court Commissioner compensation. The salary shall be set at the salary level received by District Court Judges as of September 3, 1992. In the future years the salary for the Superior Court Commissioner shall be as approved by resolution of the Board of County Commissioners. Chairman Robinson seconded the motion which carried and was so ordered. (Resolution #14635).
- B) Commissioner Vaux motioned to approve an agreement by and between Skagit County District Court Judges, and Skagit County District Court Clerk Employees, and Teamsters Local #788 from November 1, 1992, through December 31, 1994. Chairman Robinson seconded the motion which carried and was so ordered. (Contract #01474).




**ADJOURNMENT**

Commissioner Vaux motioned to adjourn for the day. Chairman Robinson seconded the motion, which carried and was so ordered.


BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
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Robby Robinson, Chairman

  
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Ruth Wylie, Commissioner

  
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W. W. Vaux, Commissioner

ATTEST:

  
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Connie Carter, Clerk  
Skagit County Board of Commissioners



RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, November 10, 1992

8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager and Road Supervisors.

Flag Salute.

9:00 a.m. - 10:00 a.m. Planning Department - Scott Kirkpatrick, Director.

- 1) Code Enforcement Report.
- 2) Miscellaneous.

The Skagit County Board of Commissioners' met on Tuesday, November 10, 1992, with Commissioner's Robby Robinson, and Bill Vaux present. Commissioner Wylie's absence was excused.

PLANNING DEPARTMENT - SCOTT KIRKPATRICK, DIRECTOR.

- 1) Code Enforcement Report.

The Code Enforcement Report was presented to the Board.

- 2) Miscellaneous.

- A) A discussion was held regarding the status of a situation with Roger Pederson, a resident in the Bayview area, being questioned about the appearance of a camping vehicle park on his property. Chairman Robinson felt that it should be considered settled as Mr. Pederson has responded to the County that he has no intent of having a camping vehicle park, and that the water and electrical hookups he has installed are for his personal and farm use.
- B) Kraig Olason, Assistant Planning Director, stated that the Comprehensive Plan Agriculture Element Citizens Advisory Committee met Monday, November 9, 1992, and had a turnout of 12 out of 16 members. The "Rules of the Road" were reviewed as well as the purpose of the committee. Rob Knable will be primarily in charge of the Comprehensive Plan Elements Committee Meetings.
- C) Mr. Olason stated that the Planning Commission met on Monday, November 9, 1992, and all items were voted on positively. The items before the Commission were: Clark's Skagit River Cabins Comprehensive Plan Amendment #CPA-92-006, Northwest Food Coop Comprehensive Plan Amendment, #CPA-92-007, and Wynn Anderson Comprehensive Plan Amendment, #CPA-92-006.

MISCELLANEOUS

Mr. Dewey Hyatt, One-Way Construction, held a discussion with the Board regarding outstanding payments due to his company for the Silver Creek Bridge and Indian Slough Bridge projects. Mr. Hyatt stated that the pay that was received for the Silver Creek Bridge was incorrect. When he called regarding the error, he was told that a new employee made the error and an attempt would be made to correct it by the following invoice cut-off date. The second time he called he was told that a mistake had been made, the paperwork had to be redone, and the check was in the mail. He said that the Silver Creek Bridge project was complete as of September 12, 1992, and the retainage should be given to him. He sent Washington State Labor and Industries the necessary paperwork two months ago, and they say it will be another 30 days before they review it. He said that there was \$34,000 outstanding owed him by the County for the Silver Creek Bridge project. He was told that the County could not pay him until the paperwork is returned from Labor and Industries.

Chairman Robinson stated that the Auditor mailed a check for \$67,000 to One-Way Construction on Monday, November 9, 1992.

Mr. Hyatt thought that amount was for the Little Indian Slough project. He said that project was finished except for striping the road.

Commissioner Vaux asked whether the \$34,000 amount would bring him up to the retainage amount.

Mr. Hyatt stated that it would.

The Board assured Mr. Hyatt that the matter would be looked in to and appropriately taken care of.


ADJOURNMENT

Commissioner Vaux motioned to adjourn the proceedings. Chairman Robinson seconded the motion. The motion carried and was so ordered.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
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Robby Robinson, Chairman

  
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Ruth Wylie, Commissioner

  
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W. W. Vaux, Commissioner

ATTEST:

  
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Connie Carter, Clerk of the Board

