

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

Monday, January 31, 1994

9:00 a.m. - 9:30 a.m. Juvenile Probation

- 1) Signature - Interagency Agreement Between the State of Washington Department of Social & Health Services and Skagit County for Consolidated Juvenile Services.

9:30 a.m. - 10:00 a.m. Resolutions - Setting Tax Levies for 1994.

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

- 1) Public Hearing - Vacation of Alleyway in the Plat of Grasmere.
- 2) Presentation - Certificate of Commendation - M.V. Guemes Ferry Crew (1993 Coast Guard Inspection).
- 3) Signature - Supplement No. 1 to Contract with Montgomery Watson Consulting Engineers for Skagit County Drainage Study.
- 4) Signature - Right-of-Way Plans/Concurrence and Right-Of-Way Offer on Bow Hill Road.
- 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

The Skagit County Board of Commissioners met in regular session on Monday, January 31, 1994, with Commissioners Robert Hart, Robby Robinson and Harvey Wolden present.

JUVENILE PROBATION - Lyle Poolman, Administrator.

Craig Stoner, Juvenile Probation Staff, presented to the Board for signature an Interagency Agreement Between the State of Washington Department of Social and Health Services and Skagit County concerning consolidated juvenile services. Under this Agreement, the County Juvenile Court will furnish personnel and services necessary to facilitate various programs in conjunction with the State of Washington for a total amount of \$374,584 provided by the State to the County. Mr. Stoner explained that these are enhancement dollars that supplement the basic program that the County provides as follows:

1. A Consolidated Juvenile Services Program which can be used with a variety of probationers, and includes a probation officer provided by the State, handling up to 30 probationers, and thus allowing the County better supervision of the probationers;
2. SODA program (Sex Offender Disposition Alternative) for very intensive supervision of sex offenders that are kept in the community; and,
3. Option B for children who would have been committed to a state institution but in the County's estimation can be kept in the community with money provided by the State for intensive supervision of these types of children.

RECORD OF THE PROCEEDINGS

January 31, 1994

Page #2

Commissioner Robinson moved to sign the contract between Skagit County and the State of Washington. Commissioner Hart seconded the motion, which was unanimously approved. (Contract #9192)

RESOLUTIONS - SETTING TAX LEVIES FOR 1994.

Paul Mahoney, Skagit County Assessor, advised the Board that it is time to set the tax levies for 1994. Mr. Mahoney advised the Board that the levies proposed by the County meet all of the necessary State requirements. Commissioner Hart asked how many minor districts are taxing at their maximum rate. Mr. Mahoney replied more are than not. Mr. Mahoney stated that legislation gives the County Assessor authority to administer the proposed tax levies. The Board reviewed the individual district information presented to them and discussed individual districts and their levels of taxation, and how annexation and urban growth development may affect the levies in the future.

Commissioner Robinson moved to adopt the resolution setting the tax levies for 1994. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution #15212)

PUBLIC WORKS DEPARTMENT - Rich Medved, Director.

1. Public Hearing - Vacation of Alleyway in the Plat of Grasmere.

Linda Leonhart, Public Works Staff, advised the Board that Public Works had previously received a petition for vacation of an unused alleyway in the Plat of Grasmere in the vicinity of Concrete from Mr. James Massingale. Ms. Leonhart clarified that there was a misunderstanding on the original petition in that Mr. Massingale thought that adjacent property owners had to be listed on the petition. In reality, only the names of those who signed the petition should have been listed. Consequently, the signatures of Clara Dods and Billy Duke should be stricken from the petition. The original petition asked that the entire alleyway be vacated. After a site review by Public Works Staff, and after talking to adjacent property owners, vacation of the entire alleyway would essentially landlock the Dods' property. The Dods use the alleyway to enter their outbuilding. Mr. Massingale was advised by Staff that it was very unlikely the County would vacate the alleyway, that there is not an existing right-of-way at end of the properties in question and that a chickenwire fence blocks one portion of the alleyway. Mr. Massingale advised that if the Board denies the original petition, he would like to petition to vacate just the portion of the alleyway along his property line. The Board expressed their feeling that vacation of a portion of the alleyway was not a viable alternative. Chairman Wolden ascertained from Staff that the right-of-way in question is 15 feet wide and that Mr. Massingale is trying to meet set-back requirements. Staff advised that it is not feasible for adjacent property owners to gain an access from Spruce Street due to a steep embankment, and that the solution might be a private easement granted among the property owners. Staff advised that Board that they had suggested a private easement, but there has not been agreement reached among the property owners.

The Board opened the public hearing. Clara Dods, adjacent property owner to the subject property, advised the Board that the chickenwire fence is illegal and that no variance was ever granted for a fence. Mr. Massingale advised the Board that he was assured by the County years ago that his property consisted of two residential building sites provided he could provide the proper septic requirements for both building sites. Mr. Massingale has acquired septic permits on both properties. Vacating the alley, Mr. Massingale stated, would assist him in meeting the necessary set-back requirements. Mrs. Dods has objected to the vacation of the alleyway as it would landlock her property. Staff informed the Board that the subject property is bound by setback requirements and building codes, and that every building on the subject and adjacent properties would violate current building standards today.

RECORD OF THE PROCEEDINGS

January 31, 1994

Page #3

Commissioner Robinson asked if the possibility of granting an easement to Mrs. Dods and obtaining a variance of the setback requirements might be the answer to this problem. Mrs. Dods would thereby have access from the other end of the alleyway along Concrete Avenue according to Mr. Massingale. Commissioner Robinson clarified with Staff and Mr. Massingale that an easement would have to be in place in order to grant the vacation of the alleyway. For the vacation to be granted, an agreement would be needed among all of the adjacent homeowners to assure them access to and utilization of their properties. Mr. Massingale advised the Board that he has a signed agreement in the form of another petition for vacation that states the alleyway could never be closed without the agreement of all of the property owners. Commissioner Hart suggested that this is a reasonable request from Mr. Massingale for him to utilize his property. The question of perpetuity arose and whether such an agreement would stand if the properties along the alleyway were sold in the future. Michael Dods presented a photograph to the Board showing that the other end of the alleyway is not sufficient to allow the ingress and egress of the adjacent property owners. Ms. Leonhart explained the photographs entered into evidence showing that the proposed entryway to the alleyway is not sufficient for entry to the Dods' property. Commissioner Robinson asked if Mr. Massingale would grant an easement to the Dods to allow for entry to their garage as it currently exists and stressed that the Board would like to help all parties find agreeable alternatives to the vacation of the alleyway. Commissioner Robinson stated that the County cannot allow the Dods to be cut-off from the use of their property. Commissioner Hart advised that an easement may be the answer and seems perfectly reasonable, and that it may be possible for the County to waive the setback requirements in special situations such as this. Rich Medved, Director of Public Works, advised the Board that the County tries not to waive setback requirements as a routine matter, but can waive the setback requirements in situations such as this. Staff advised that there would there would have to be a variance process started.

Commissioner Hart advised Public Works Staff to look into the most convenient and least costly options available to Mr. Massingale. Commissioner Robinson suggested that perhaps the public hearing should be continued until these options are ascertained. Ms. Leonhart asked the Board to act today on the original petition as presented so that the County can proceed to check on variance and setback requirements. Mr. Massingale added that a waiver of the setback requirements would solve his property use problems.

There being no further public comment, Commissioner Hart moved to close the public hearing. Commissioner Robinson seconded the motion, which was unanimously passed.

Commissioner Hart moved to deny the present petition for vacation of the unused right-of-way, conditioned on Staff's assignment to find a reasonable way for Mr. Massingale to utilize his property without effecting the rights of his neighbors. Commissioner Hart advised Mr. Massingale to seek the assistance of the Board if the process becomes stymied along the way. Rich Medved, Director of Public Works, advised that Staff should have all questions answered by next Monday. The motion to deny the present petition for vacation of the unused right-of-way was seconded by Commissioner Robinson, and passed unanimously.

2. Certificate of Commendation, Guemes Ferry Crew.

Robin LaRue, Public Works Department Staff, advised the Board that it is a rare occasion when any entity receives a 100% rating from the Coast Guard three years in a row. Mr. LaRue stated that the credit for this accomplishment goes to Charlie Tewalt and members of the Guemes Ferry Crew. Mr. Tewalt introduced to the Board members of the ferry crew in attendance. The Board presented a Certificate of Commendation in recognition of dedicated public service to the M.V. Guemes Ferry Crew. The Board added their words of praise and commendation for the good work of the crew.

3. Signature - Supplement No. 1 to Contract with Montgomery Watson Consulting Engineers for Skagit County Drainage Study.

Dave Brookings, Public Works Department Staff, presented to the Board a Supplement to a contract with Montgomery-Watson, an engineering consulting firm. This supplement grants some additional time to complete the contract for drainage study consulting services and thereby giving the contractor until May 1, 1994 to complete the necessary work. Commissioner Robinson moved to approve the supplement as presented. Commissioner Hart seconded the motion which was unanimously passed. (Contract #001393)

4. Signature - Right of Way Plans/Concurrence and Right-of-Way Offer on Bow Hill Road.

Doug Barnet, Public Works Department Staff, presented to the Board two items for signature concerning Bow Hill Road #2120-3, SR11, on Chuckanut Drive. Mr. Barnet advised the Board that the County is now ready to make right-of-way offers to property owners. The right-of-way plans need to be signed by the Board and the book identifying the specific dollar amounts available to offer property owners must also be signed. Mr. Barnet clarified to the Board the exact location of the right-of-way project and informed the Board that the book specifies anticipated right-of-way offers and an original set of right-of-way plans. The Board signed the two documents as presented by Mr. Barnet.

CONSENT AGENDA.

- Commissioners' Office:
 1. Record of the Proceedings from Monday, January 24, 1994.
 2. Record of the Proceedings from Tuesday, January 25, 1994.
 3. Record of the Proceedings from Wednesday, January 26, 1994.
 4. Personal Services Agreement for Liz Findley to provide family and individual therapy in conjunction with the ARIS program from January 1, 1994 through December 31, 1994 at the rate of \$40 per 50-minute therapy session. (Contract #001913)
 5. Personal Services Agreement for Alicia Acosta-Thomas to provide family and individual therapy in conjunction with the ARIS program from January 1, 1994 through December 31, 1994 at the rate of \$40 per 50-minute therapy session. (Contract #001914)
 6. Application for Dance Hall License for Skagit Valley Grange No. 620 for the period February 1, 1994 through January 31, 1995 for no fee.
 7. Memorandum of Agreement between Upper Skagit Bald Eagle Festival and Skagit County to provide organization and operation of the Annual Bald Eagle Festival effective January 1, 1994 through December 31, 1994 for the amount of \$1,500. (Contract #001915)
 8. Personal Services Agreement for Charles Britt to provide family and individual therapy in conjunction with the ARIS program from January 1, 1994 through December 31, 1994 at the rate of \$40 per hour. (Contract #001916)

RECORD OF THE PROCEEDINGS

January 31, 1994

Page #5

9. Resolution appointing Dave Christianson as a member of the Noxious Weed Control Board effective February 1, 1994 through February 1, 1998. (Resolution #15213)
- * Parks & Recreation:
10. Parking Lease Agreement with Brakefield Elite Physique for the purpose of parking County vehicles on property owned by Brakefields for the period March 1, 1994 through December 31, 1994 at the rate of \$54 per quarter. (Contract #001917)
- Facilities:
11. Personal Services Agreement with Barnett's Carpet Connection for replacement of carpet in the Administration Building elevators effective the date the agreement is signed through February 28, 1994 for the amount of \$400. (Contract #001918)
- * Planning Department:
12. Resolution regarding Shoreline Variance Permit #SHL 92-006 of William Thomas overturning the decision made by the Hearing Examiner Pro-Tem and approving the shoreline variance request, subject to certain conditions. (Resolution #15214)
- * Permit Center:
13. Out-of-State Travel Request for Corey Schmidt to attend The Colorado Codes Institute seminar in Denver, Colorado March 7 - 11, for \$995
14. Out-of-State Travel Request for Al Jongsma to attend The Colorado Codes Institute seminar in Denver, Colorado, March 7 - 11, for \$620.
- * Data Processing:
15. Agreement for Computer Access between Land Title Company and Skagit County for the period January 1, 1994 through December 31, 1995 for the County to provide access to computer screens at the monthly rate of \$70, payable in advance on a quarterly basis by land Title Company. (Contract #001919)
- * Public Works:
16. Ordinance Amending S.C.C. 11.30.010 Relating to Primitive Roads. (Resolution #15215)
17. Resolution Appointing Members to the 1994 Skagit County Solid Waste Advisory Committee. (Resolution #15216)
18. Resolution Designating Solid Waste Facility at Hi Q Compost Facility. (Resolution #15217)
19. Addendum No. 2 to Standard Contract between Vintage Oil, Inc. and Skagit County amending the Schedule of Fees to be incurred by the County for waste motor oil collection and recycling. (Contract #001658)
- * Health:
20. Support Group Facilitator Contract with Kathy Straub to furnish services for the Skagit AIDS Volunteers for Wednesday evenings in 1994 at the rate of \$40 per month. (Contract #001920)

RECORD OF THE PROCEEDINGS

January 31, 1994

Page #6

MISCELLANEOUS.

1. Stephanie Wood, Administrative Coordinator, presented to the Board for signature an Out-Of-State Travel Request for her to attend a Pitney Bowes Postal Training workshop in Atlanta, Georgia from February 2 through February 6, 1994. The purpose of the workshop is to learn ways to save money on the postage budget through special postal rates. Ms. Wood advised that Pitney Bowes is paying the cost of her airfare and lodging so her total travel request is for only \$300. Commissioner Hart moved to approve Ms. Wood's out-of-state travel request, and Commissioner Robinson seconded the motion. The motion passed unanimously.
2. 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.

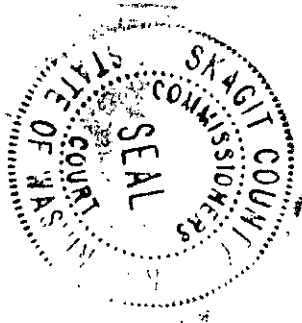
As of this date, January 31, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant #43401 through #44196 (Vouchers #126621 through #127380 and #PW9400006908 through #PW9400007219 in the total amount of \$1,049,572.31. Transmittal #P-2-94.

ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON




Harvey Wolder, Chairman


Robby Robinson, Commissioner


Robert Hart, Commissioner

ATTEST:


Patti J. Owen, Clerk
Skagit County Board of Commissioners