

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

**Monday, August 22, 1994**

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Road Maintenance Supervisors.
- Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.
- 1) Discussion - Draft Recommendation on Padilla Bay Watershed.
  - 2) Discussion - Pre-1965 Aggregation.
  - 3) Code Enforcement Report.
  - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director.
- 1) Public Hearing - Proposed Speed Limit Establishment on Travis Lane #6042 and Tani Lane #6043.
  - 2) Public Hearing - Proposed Speed Limit Reduction on a Portion of Claybrook Road.
  - 3) Discussion - Federal Aid Project Prospectus and Local Agency Agreement for Each of the Following Projects:
    - A) Pioneer Highway, et al., C.R.P. #8009-2.
    - B) Hathaway Railroad Grade Crossing Signalization, C.R.P. #9160-1.
    - C) Sterling Road Railroad Grade Crossing, C.R.P. #6421-1.
    - D) Gear Bridge, C.B.P. #40110-1.
  - 4) Discussion and Signature - Rock Rip Rap Grant to Bill Barber, Flood Control Project No. 9401.
  - 5) Miscellaneous.

**CONSENT AGENDA.**

**MISCELLANEOUS.**

- 1:30 p.m. - 2:00 p.m. Facilities Management - Roger Howard, Manager.
- 1) Change Order for Additional Work on Americans with Disabilities Act (ADA) Projects.
  - 2) Discussion - Impact of Annex Remodel on Prosecutor's Office.
- 2:00 p.m. - 3:00 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, August 22, 1994, with Commissioners Harvey Wolden, Robert Hart and Robby Robinson present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Discussion - Draft Recommendation on Padilla Bay Watershed.

Rob Knable, Planning Department Staff, reviewed the history and progress of the Padilla Bay/Bay View Watershed Action Plan. Mr. Knable advised that the Watershed Action Plan is in the final stages of development and it is anticipated that completion will be accomplished in November or early December of this year. Recommendations developed by the Padilla Bay/Bay View Watershed Management Committee were reviewed and contained such topics as Agricultural Practices, Stormwater and Erosion, Chemicals, Contamination Sites, Failing On-Site Septic Systems, Forest Practices, Marinas and Boats, and Wildlife (Migratory Waterfowl). Mr. Knable briefly reviewed specific items of the recommendations of the committee. A letter concerning development of a non-taxing watershed protection district was presented to the Board for review and was briefly discussed.

Commissioner Hart indicated that the Padilla Bay area is not tainted and therefore easy to begin instituting the recommendations of the committee by education of safe watershed practices throughout the community. The advantages of prevention rather than cure were discussed and the need for on-going education of the public was encouraged.

Chairman Wolden noted the importance of filtering water and improving sedimentation run-off which will provide better run-off into existing drainage ditches.

Commissioner Robinson stated that many of the recommendations are good, but expressed concern for the overall cost to the County for implementing these recommendations, and acknowledged the coordination difficulties that must be overcome with various governmental and private agencies in implementing the ambitious list of recommendations.

Commissioner Hart indicated that prioritization is of the utmost importance in implementing the recommendations.

Chairman Wolden expressed further concern over financial obligations of the County to fund these types of programs when grant monies expire.

Mr. Knable stated that an implementation plan will need to be developed as soon as possible.

2. Discussion - Pre-1965 Aggregation.

Dave Hough, Planning Department Director, reviewed the development status of the Comprehensive Plan. Mr. Hough explained that prior to the adoption of the Comprehensive Plan later this year, other issues remain that need to be addressed. Specifically, under the provisions of the Growth Management Act, interim zoning controls can be instituted. The aggregation of sub-standard lots is one of these matters of concern. A review of options available were reviewed with the Board in this regard.

Commissioner Hart indicated that he would welcome the opportunity to more closely scrutinize such options, and that the main concern should be for health and safety issues regarding pre-1965 lots.

Chairman Wolden concurred with Commissioner Hart's comments.

Commissioner Robinson expressed concern regarding alternative sewer systems.

A discussion ensued on the various interim options available to the Board and the importance of maintaining public health criteria.

Commissioner Robinson indicated the need for public input in this regard.

Tom Karsh, Permit Center Staff, encouraged the Board to consider this a major issue prior to adoption of the Comprehensive Plan and to obtain public input and address this issue as soon as possible. Mr. Karsh explained that the number one issue at the Permit Center is the subject of aggregation.

A discussion ensued on the performance of alternative on-site sewer systems.

The Board urged the Planning Department to proceed with release of the pre-1965 aggregation restrictions.

3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

4. Miscellaneous.

There were no miscellaneous items for review.

**PUBLIC WORKS DEPARTMENT - Rich Medved, Director.**

1. Public Hearing - Proposed Speed Limit Establishment on Travis Lane #6042 and Tani Lane #6043.

Ed Hawes, Public Works Staff, reviewed the exact location of Travis and Tani Lanes and advised that the homeowners association has requested that the speed limit be established at 25 mph. There being no public comment forthcoming, Chairman Wolden moved to close the public hearing. Commissioner Robinson seconded the motion, which unanimously carried.

Commissioner Robinson moved to establish the speed limit on Travis and Tani Lanes at 25 mph. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution to be provided by Staff at a later date).

2. Public Hearing - Proposed Speed Limit Reduction on a Portion of Claybrook Road.

Mr. Hawes reviewed the location of the proposed speed limit reduction to 25 mph on a portion of Claybrook Road. Mr. Hawes advised that a residential posting of 25 mph is being recommended by Staff. There being no public comment forthcoming, Chairman Wolden moved to close the public hearing and Commissioner Robinson seconded the motion. The motion unanimously carried.

Commissioner Robinson moved to approve the speed limit reduction as presented by Staff. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution to be provided by Staff at a later date).

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3. Discussion - Federal Aid Project Prospectus and Local Agency Agreement for Each of the Following Projects: Pioneer Highway, et al., C.R.P. #8009-2, Hathaway Railroad Grade Crossing Signalization, C.R.P. #9160-1, Sterling Road Railroad Grade Crossing, C.R.P. #6421-1, and Gear Bridge, C.B.P. #4001-1.

-Dave Sheridan, Public Works Department Staff, reviewed the specifics of two projects concerning the Pioneer Highway project. Staff explained that all of these projects will be funded by Federal monies. After brief discussion, Commissioner Robinson moved to approve the Pioneer Highway Federal Aid Project Prospectus and Local Agency Agreements. Commissioner Hart seconded the motion, which was unanimously approved. (Contract Nos. 02117 and 02118).

-Ed Hawes, Public Works Department Staff, reviewed the specifics of the Hathaway Railroad Grade Crossing Signalization. Mr. Hawes advised there had been a previous request for \$180,000 of County funds for priority railroad crossing signalization at this location. Grant monies have been promised for this project. This will provide the County with 90% of the engineering costs and 99% of the construction dollars for the railroad grade crossing signalization. Commissioner Robinson moved to approve the Federal Aid Prospectus and Local Agency Agreement for the Hathaway Railroad Grade Crossing Signalization as presented by Staff. Commissioner Hart seconded the motion, which was unanimously approved. (Contract #02119).

-Mr. Hawes explained the Sterling Road Railroad Grade Crossing project. Mr. Hawes advised that the County will only need to expend \$3,500 for these railroad grade crossings project. Commissioner Robinson moved to approve the Federal Aid Prospectus and Local Agency Agreement as presented by Staff. Commissioner Hart seconded the motion, which was unanimously approved. (Contract #02120).

-Doug Argo, Public Works Department Staff, reviewed the Gear Bridge project, and informed the Board that structural deficiencies need to be addressed. The dollar ceiling by the State for this project is \$100,000. Mr. Argo advised that this work will be done in the spring or summer of 1995 and will involve a short bridge closure. Commissioner Hart moved to proceed with the Gear Bridge Project and to approve the Federal Aid Prospectus and Local Agency Agreement as presented by Staff. The motion was seconded by Commissioner Robinson, and was unanimously approved. (Contract #02121).

4. Discussion and Signature - Rock Rip Rap Grant to Bill Barber, Flood Control Project No. 9401.

Dave Brookings, Public Works Department Staff, advised the Board that Bill Barber recently inherited property near Bayview-Edison Road and that the Samish River flows along the subject property. The previous property owner had placed broken concrete from various sources along the streambank to protect the bank from erosion. Some of the concrete was purportedly left by County crews and came from an old bridge. Several agencies have become aware of this situation and are asking Mr. Barber to remove the majority of the broken concrete along a 150 ft. section of the streambank and replace it with rock rip-rap. Approximately 190 cubic yards of rock rip-rap is needed to complete the project.

Staff is recommending that the Board approve a rock rip-rap grant to Mr. Barber for this purpose.

Commissioner Robinson moved to approve the rock rip-rap grant to Bill Barber as presented by Mr. Brookings. Commissioner Hart seconded the motion, which carried unanimously. (Resolution #15465)

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5. Miscellaneous.

- A. Rich Medved, Public Works Department Director, advised the Board that the County must send submittals for Road Arterial Project (RAP) funding shortly and wanted to introduce to the Board today the specific projects being considered for this submittal. Mr. Argo advised that 7 projects were are being considered for submission as follows: Starbird Road, Prairie Road, Alger-Cain Lake Road, Campbell Lake Road, Bennett Road, Cook Road, and West Bow Hill Road. All of these projects with the exception of Cook Road are being recommended for 11 foot lanes with 6 foot shoulders. Cook Road is being submitted as 12 foot lanes and 8 foot shoulders with turn lanes due to the high traffic volume and truck traffic. Mr. Argo advised that RAP funding is based on the scoring of average daily traffic, accidents, the structural aspect of the roadway section, horizontal and vertical alignment, and previous road improvements made. Once the final prospectus has been submitted, there is the risk of losing that funding in the future if changes to the project are made. The process of funding was described.

Discussions ensued on the need for local public involvement, the specific details of these road projects, and the need to prioritize the projects as submitted.

Commissioner Hart indicated the need for serious evaluation of road improvements on Cook Road and that the paramount concern must be for the safety of local users.

Mr. Medved advised that the funding will not be awarded until the spring of 1995, and that the Department will come back to the Board next week with recommendations for prioritization of these proposed RAP projects.

- B. Dave Brookings, Public Works Department Staff, presented pictures for the Board's review indicating the bank erosion and undermining of the former railway near Robinson Road. Mr. Brookings advised that this is a Parks Department project and that concern of nearby residents has necessitated the repairs. Specifics of the potential road damage and impacts to the old highway were reviewed. Mr. Brookings advised that this area is in the wild and scenic designation of the river corridor.

Chairman Wolden indicated that the cost of repairing the damage is far less than the costs during a high river event.

Mr. Brookings acknowledged that the first thing to be done is to convene a meeting of representatives from the agencies involved including all permitting agencies, and the shorelines administrator. The plan to be presented will include the connection of the two existing sections of rip-rap.

Mr. Medved reiterated that this is not a Public Works Department project but is a Parks Department project, but that the Public Works Department has the expertise to coordinate and take the lead on the necessary work to be done.

Mr. Medved indicated that Staff will get back to the Board within 2 weeks to review the progress of this project.

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**CONSENT AGENDA.**

Commissioner Robinson moved to approve the Consent Agenda for August 22, 1994. Commissioner Hart seconded the motion, which was unanimously approved.

• Commissioners' Office:

1. Record of the Proceedings from Monday, August 15, 1994.
2. Record of the Proceedings from Tuesday, August 16, 1994.
3. Cooperative Service Agreement/Best SELF Program with Whatcom County Commission on Children and Youth, a non-profit entity, for payroll processing services for temporary staff for the period June through September 1994 for reimbursement of costs only. (Contract #02122)

• Public Works Department:

4. Ordinance Establishing a Speed Limit Revision on Cape Horn Road to 30 m.p.h. (Resolution #15466)
5. Call for Public Hearing on Vacation of Unused Alleyway in the Plat of Blanchard. (Resolution #15467)
6. Out-of-State Travel Request of Frances L. Ambrose to attend the National Recycling Coalition 13th Annual Convention in Portland, Oregon, September 26-28, for an estimated cost of \$1,022 to \$1,212.

\* Planning:

7. Resolution Concerning the Appeal of Jon and Henrietta Schmidt of Hearing Examiner Written Order HEA 94 002.ORD (Adopting the Hearing Examiner's Decision). (Resolution #15468)

\* Health:

8. Amendment No. 3 to the 1994 Consolidated Contract with the State Department of Health, adding \$12,444 to the 1994 Budget for a total maximum consideration of \$491,227. (Contract #01838)

\* Sheriff's Office:

9. Personal Services Agreement with Daniel B. Fosso for supervision and review of legal research performed by Law Library Staff on behalf of post-conviction inmates incarcerated in the Skagit County Jail at a maximum amount of \$2,000 for the period July 1, 1994 through June 30, 1995. (Contract #02123)

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\* **Facilities:**

10. Personal Services Agreement with Valley Electric Co., Inc. for the installation of fiber optic cable, etc. at 1111 Cleveland Street, for a total amount of \$24,481.27 for the period July 1, 1994 through September 30, 1994. (Contract #02124)

**MISCELLANEOUS.**

1. Phyllis Coole-McKeehan, County Clerk, reviewed with the Board the request from an employee to receive the transfer of sick leave from other employees within her department. The employee has not been determined to have a life-threatening diagnosis. Ms. Coole-McKeehan advised that several employees had asked if they could transfer some of their accrued sick leave to this employee, and that such action requires Board approval. The Board was advised that this employee cannot use her accrued vacation time/annual leave as she is still in the probationary period of her employment.

A brief discussion ensued, and Chairman Wolden indicated that since there is only a small amount of time being needed at this time, it would be wise to monitor this situation for future losses to the employee, and allow the employee to use her accrued annual leave to cover the time away from work to date. Commissioners Robinson and Hart concurred with this proposal.

2. Judy Menish, Skagit County Treasurer, presented to the Board a recommendation for a variance from the usual Skagit County policy concerning reclassifications. It was explained that a revised job description and formal reclassification request were previously submitted. Ms. Menish explained that the employee has been in the office for the past three years and is highly motivated and has assumed much added responsibility. It was Ms. Menish's opinion that the employee needs to be upgraded financially to correspond with his duties.

Staff explained that this request pertains more to a particular individual's ability rather than to the job classification as a whole.

Commissioner Robinson confirmed with Ms. Menish that this increase can be absorbed in the Treasurer's Office existing budget and that the reclassification would mean an approximate 14% raise in pay for this individual.

Chairman Wolden expressed his concern that approving this type of large increase may set a precedent for other employees.

Ms. Menish countered that this is an extremely unusual situation and that the added job responsibilities justify this increase. Ms. Menish briefly reviewed the specifics of the increased responsibilities.

Commissioner Robinson expressed his difficulty in going outside of the established policy, stating that this may open the door for a Pandora's box of reclassification requests, and stated his preference for adherence with the pay range as suggested by Personnel.

Ms. Menish pointed out that the current raise in pay for this individual works out to 37 cents per hour and does not compensate the individual for his increased duties.

Commissioner Hart stated that he agrees with Ms. Menish in that the additional workload justifies

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compensation for what the employee is actually doing.

After further discussion Chairman Wolden indicated that the Board will take this matter up with the Administrative Officer and Personnel concerning a possible reconsideration at the first of the year, but at this point in time will adhere to the policies in place.

3. 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, August 22, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher numbers PDRAWAJO6147 through PDRAWAJO6355 and payroll warrants numbered 50863 through 51071 in the total amount of \$119,490.08 (Transmittal #P-16-94).

4. Stephanie Wood, Administrative Coordinator, presented documents to the Board for approval of the County purchase of two pieces of property near the fairgrounds. It was explained that this purchase is on behalf of the Parks Department acquisition fund and will give a main entrance to the fairgrounds off of Cleveland Street. Ms. Wood advised that Bob Taylor, Administrative Officer, had the authority of the Board to negotiate the purchase of this property.

Commissioner Hart moved to approve the purchase of 1814 Harrison Street from Sandra Hazel Faber for the purchase price of \$123,255. This purchase includes two lots and one house. Commissioner Robinson seconded the motion, which was unanimously approved.

Commissioner Robinson moved to approve the purchase of 1813 Cleveland from Dave and Alice Fitzgerald for a purchase price of \$101,008. Chairman Wolden seconded the motion, which unanimously carried.

### FACILITIES MANAGEMENT - Roger Howard, Manager.

1. Change Order for Additional Work on Americans with Disabilities Act (ADA) Projects.

Dave Fleming, Risk Manager, discussed the specifics of the Change Order for additional work to be done at the Concrete Senior Center and at Howard Miller Steelhead Park. These include adding a unisex accessible toilet at the Concrete Senior Center, adding an RV pad at the Howard Miller Steelhead Park, additional pathway paving at the west RV pad, and removal of the concrete pad at the east kitchen facility.

Commissioner Robinson moved to approve the Change Order with Earl Hanson Trucking Company in the total amount of \$21,230.91. Commissioner Hart seconded the motion, which unanimously carried. (Contract #Q2Q28)

2. Discussion - Impact of Annex Remodel on Prosecutor's Office.

Roger Howard, Facilities Manager, reviewed with the Board previous discussions concerning the impact to the Prosecutor's Office during remodeling and construction. The impact will be lessened due to the scheduling of work during the swing shift. There will be several projects that will disrupt the work schedule of the Prosecutor's Office including asbestos abatement work. These disruptions will include utility, power



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and water services.

Dave Needy, Prosecuting Attorney, advised that his Department wants to remain flexible and have things go smoothly. Mr. Needy advised that many in his office are very environmentally concerned with their workspace areas. Mr. Needy stated that blocks or days of poor working conditions may cause problems for the efficiency of his department.

Chairman Wolden confirmed with Mr. Howard that the earliest start time for the remodelling would be October.

A discussion ensued on the availability of the Riverside Building due to the vacation of Public Works employees and the financial considerations associated therewith.

Chairman Wolden indicated that the potential liabilities could outweigh the cost of the actual project. It was Chairman Wolden's opinion that personnel should be moved to avoid any of these potential problems.

Commissioner Hart indicated that these projects are taking an extreme amount of time and directed Mr. Howard to look into penalty clauses for delays. Chairman Wolden concurred with this statement.

Commissioner Robinson asked Mr. Needy that if Riverside is still available, would there be adequate space for his Staff. Mr. Needy indicated that it would be adequate.

The Board advised Mr. Howard to check into the availability of the Riverside building and the possibilities of delay clauses in the renovation contract.

**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



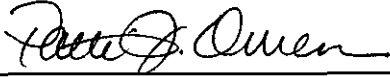
  
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Harvey Wolden, Chairman

  
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Robby Robinson, Commissioner

  
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Robert Hart, Commissioner

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ATTEST:



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Patti J. Owen, Clerk  
Skagit County Board of Commissioners