

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, October 9, 1995

- 9:00 a.m. - 10:00 a.m. Board of Health - Pat Pearce, Director.  
1) Skagit County Community Health Assessment Process.  
2) Community Network Update.  
3) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Public Works Department - Jan Kelsner, Director.  
1) Public Hearing - Vacation of County Road Known as Reservoir Hill Road #0555.  
2) Discussion - 1996 Solid Waste Advisory Committee Appointments.  
3) Signature - Resolution Designating Eligibility List for Procurement of Maintenance Materials.  
4) Miscellaneous.
- 11:00 a.m. - 11:30 a.m. Presentation - Sedro-Woolley Ball Field Association.
- CONSENT AGENDA.  
MISCELLANEOUS.**
- 1:30 p.m. - 2:30 p.m. Appeal of Troy and Julia McNeil of Hearing Examiner's Decision regarding Use of an Off-Road Vehicle Trail and Race Track by Other than Family Members (APL 94-005A.ORD).
- 2:30 p.m. - 3:30 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session with Commissioners Robert Hart and Ted W. Anderson present. Commissioner Harvey Wolden's absence was excused.

**BOARD OF HEALTH - Pat Pearce, Director.**

1. **Skagit County Community Health Assessment Process.**

Pat Pearce, Director, continued the discussion on the APEX II, Community Process, from a previous meeting, and mentioned that this is to strengthen the partnership between the local health department and its community in addressing the community's major public health problems and ultimately building a healthier community. Ms. Pearce stated that the APEX process is a vision for the community. Ms. Pearce stated that the Board of Health is requested to appoint 15 community leaders for 18 months to draft a community health plan. Ms. Pearce mentioned that the committee would be made up of various individuals who would be contacted by the Health Department.

Chairman Hart emphasized the importance of marketing the proposed plan in order to gather input from the community. Chairman Hart questioned whether the committee members would represent the broad community and stated his concern of whether the committee members input would be considered enough to substantiate their time and energy on this project.

John Thayer, Health Department Staff, explained the development of the plan, stating that the plan would provide a "blueprint" for the County.

Commissioner Anderson inquired as to whether the committee would be making recommendations to the Health Department and expressed concern of the importance that the work of the committee be reflected in the end result.

A discussion ensued.

2. Community Network Update.

Ms. Pearce presented the dates for the upcoming community meetings in regard to the Skagit Community Network. Ms. Pearce also mentioned that the board members would be attending upcoming training titled, "Involving the Community." Ms. Pearce reviewed the Board vacancies.

PUBLIC WORKS DEPARTMENT - Jan Keiser, Director.

1. Public Hearing - Vacation of County Road Known as Reservoir Hill Road #0555.

Linda Leonhart, Public Works staff, presented the Order for Vacation for the County Road known as Reservoir Hill Road, which is located in the Clear Lake area. Ms. Leonhart stated that the property owners have all signed the petition in this regard and also mentioned that the plan is to vacate the right of way back to the owners. Ms. Leonhart mentioned that letters from Puget Power have also been received indicating approval of this vacation.

Chairman Hart opened the public hearing.

Joe Lacer, property owner, inquired as to his property rights in regard to the vacation of this road. A discussion ensued.

Commissioner Anderson made a motion to close the Public Hearing.

Commissioner Anderson made a motion to vacate the road, as proposed. Chairman Hart seconded the motion and it passed unanimously.

A discussion ensued in regard to the cost of the public hearing.

Chairman Hart made a motion, amending the previous motion, to reflect the cost of the Public Hearing in the amount of \$83.96 to be included as the total cost of vacation. Commissioner Anderson seconded the amended motion and it passed unanimously.

2. Discussion - 1996 Solid Waste Advisory Committee Appointments.

Gary Sorenson, Public Works Staff, reviewed the 1996 Solid Waste Advisory Committee appointments. Chairman Hart urged keeping those individuals on the committee who indicated a desire to stay and suggested advertising for interest in filling the vacant positions. Mr. Sorenson concurred that they will advertise in regard to filling the positions and will bring back to the Board for review at a later date.

3. Signature - Resolution Designated Eligibility List for Procurement of Maintenance Materials.

Ms. Keiser presented the eligibility list for procurement of maintenance materials.

A discussion ensued.

Chairman Hart made a motion to approve the resolution as presented. Commissioner Anderson seconded the motion.

A discussion ensued in regard to the Beaver Lake Quarry, as to whether if this is, in fact, the Tewart Quarry, and if so, this quarry would be used only in declaration of emergency to prevent conflict of interest.

Chairman Hart made a motion to approve a Resolution, to include that the Beaver Lake Rock Quarry only be used in emergency situations in regard to conflict of interest, in the event that this is the Tewalt Rock Quarry. Commissioner Anderson seconded the motion and it passed unanimously.

4. Miscellaneous.

Ms. Keiser stated that she received a letter from Dike District #25, stating support for the culvert project in this area.

A discussion ensued in this regard.

**PRESENTATION - SEDRO WOOLLEY BALL FIELD ASSOCIATION.**

John Janicki, presented an update of the construction of a playfield complex in Sedro Woolley. Mr. Janicki mentioned that this would be the largest facility in the Sedro Woolley area, consisting of 17 acres. Mr. Janicki stated the facility would be ready for use next Fall and also explained that several service organizations have donated funds in this regard and that discussion have been held with the Sedro Woolley School District in regard to maintenance. Mr. Janicki requested funding from the County in this regard.

A discussion ensued.

Chairman Hart reviewed the problem of the County financing a project such as this, stating that this project could possibly be funded by the real estate excise tax.

A discussion ensued in regard to the volunteerism involved in this project in the last nine years.

Jon Aarstad, Parks Director, stated his support of this project, mentioning that the entire County would benefit from a facility of this extent.

Chairman Hart stated that this presentation and request would be reviewed during the budget process.

**CONSENT AGENDA**

Commissioner Anderson made a motion to approve the Consent Agenda, Items #1-5 and Items #7-9, omitting item #6, for Monday, October 9, 1995. Chairman Hart seconded the motion and it passed unanimously.

• Commissioners' Office:

1. Record of the Proceedings from Monday, October 2, 1995.
2. Record of the Proceedings from Tuesday, October 3, 1995.
3. Resolution for Approval of Sick Leave Transfer for Anna Ramirez from the Health Department. Anna Rameriz, Staff Assistant, has used all her sick time due to the serious condition of her daughter. Co-workers have offered to transfer some of their sick time to Anna as she is now on leave without pay and her daughter's condition is a life and death struggle. (Resolution #15905).
4. Resolution Providing a Defense to Sheriff Ed Goodman, Deputy George A. Smith, Deputy Annette Lindquist and Deputy Bart G. Moody in a lawsuit brought by Edwin Warren Lampson. (Resolution #15906).

- Public Works Department:
  5. Adopt-A-Road Litter Control Program Agreement with the Rotary Club of LaConner to adopt LaConner-Whitney Road from McLean Road to the intersection with Chilberg Road for the period of October 11, 1995, through October 11, 1996. (Contract #02632).
  
- \* Health Department:
  5. Interagency Agreement for the Heart Health Community Project 1995-1996 with the Skagit County Public Hospital District #1 and #304 d.b.a. Affiliated Health Service. This agreement funds \$2,000 to provide teen peer education on the tobacco prevention project. The term of the agreement is from October 1, 1995, through September 30, 1996. (Contract #02633).
  6. Personal Services Agreement with Affiliated Health Services for the term of October 1, 1995, through October 30, 1995, to coordinate the implementation of the Community Health Risk Assessment for Skagit County in October, 1995. The contractor will receive \$5,000 for the shared cost of the implementation to be conducted by Gilmore and Associates. (This Item was Omitted from the Consent Agenda at this time).
  7. Guest Speaker Contract with Mount Baker Planned Parenthood to present Healthy Relationships during 1995 for the fee of \$50 per presentation. (Contract #02634).
  8. Guest Speaker Contract with Ron Carr to present Gang Relations during 1995 for the fee of \$60 per presentation. (Contract #02635).
  
- \* Sheriff:
  9. Out-Of-State Travel Request for Keith R. Brown to attend Electronic Surveillance School in Bozeman, Montana on October 8, 1995, through October 15, 1995, for a total of \$228. Keith Brown will be transferred from Patrol to Drug Task Force on completion of this school.

MISCELLANEOUS.

1. 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 9, 1995, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Vouchers # #5009987 through #5010061, #5010063 - 5010119, 5010122 - 5010584, 5001-92 - 5001-93, 5007-408-5007-420, 5007-408 - 5007-420, 5007-422-5007-425, 5010-800 - 5010-802, 5010-804 - 5010-821, 5010-823 - 5010-824, 5010-827 - 5010-829 in the total amount of \$6,215,358.48, Warrant 138868 through 139616. Transmittal #C24-95.

2. Staff presented for Parks Department, an agreement regarding Rules & Regulations for Community Use of School Facilities. Commissioner Anderson made a motion to approve the agreement, as presented. Chairman Hart seconded the motion and it passed unanimously. (Contract #02636).
3. Staff presented a Resolution for Letters of Interest and Statement of Qualifications in regard to the structural engineering services required for the foundation system of the Skagit County Courthouse. Chairman Hart made a motion to approve the Resolution, as presented. Commissioner Anderson seconded the motion and it passed unanimously. (Resolution #15907).

4. Staff presented a Resolution providing a Defense to Tim Hoffman, Corbin Volluz, John R. Moffat, Stanley K. Bruhm, George E. McIntosh, Susan K. Cook, Paul H. Reilly, David R. Needy, Robert G. Casey, Gary Frazier, Edward M. Goodman, Dan Slattery, Deputy Keith R. Brown, Deputy Gregory Adams, Deputy John Doe #1, Deputy John Doe #2, Deputy Jane Doe, and Michael Rickert in lawsuit by Gordon R. Henderson. The County will be represented by Will Smart of Keller Rohrback. Commissioner Anderson made a motion to approve the Resolution, as presented. Chairman Hart seconded the motion and it passed unanimously. (Resolution #15908).
5. Staff presented a contract with Northwest Loggin for the term of October 10, 1995 through November 11, 1995, not to exceed \$25,000 to remove debris from the northern most bank, river area between bank and first pier along with other debris on remaining piers. Chairman Hart made a motion to approve the Contract, as presented. Commissioner Anderson seconded the motion and it passed unanimously. (Contract #02637).
6. Staff presented an Out-Of-State travel request for the Prosecutor's Office for K. Garl Long to attend advanced Trial Advocacy Program in San Diego, CA, sponsored by the National College of District Attorneys in San Diego, California on October 8-12, 1995. The total cost of this trip will be \$1,124. Chairman Hart made a motion to approve the request. Commissioner Anderson seconded the motion and it passed unanimously.

**APPEAL OF TROY AND JULIA MCNEIL OF HEARING EXAMINER'S DECISION REGARDING USE OF AN OFF-ROAD VEHICLE TRAIL AND RACE TRACK BY OTHER THAN FAMILY MEMBERS (APL 94-005A.ORD).**

Jim Cahill, Planning Department Staff, reviewed the appeal, as referenced above, reading the staff report into the record, which was issued June 21, 1995.

Mr. Cahill stated that the Planning Department has determined that there has been a violation in regard to the site being used by other than family members.

A discussion ensued in regard to allowable options of special use permit. Mr. Cahill reviewed the Special Use Codes by Hearing Examiner and Special Use Codes by Administrative.

Paul Taylor, Attorney representing Troy and Julia McNeil, reviewed the sequence of events in regard to the use of the property, consummating a lawsuit being filed by the County for violation of code.

Mr. Taylor stated that the County originally authorized use of the track for family members and stated that they are asking for compromise to use the track as a practice track, with stipulations, if necessary.

Mr. Taylor presented a copy of the proposed compromise to the Board for review.

Commissioner Anderson asked whether the proposal was distributed to the neighbors for comment. Mr. McNeil stated that continued distribution of the proposal was terminated due to serious threats being made by the neighbors.

Colin McNeil, brother of the appellant, stated that his son also participates in motocross racing and that the areas for practicing this sport are limited. Mr. McNeil stated his desire to have a place for the kids to practice.

Clifford Jaeger, Sterling Road, stated that he lives adjacent to the track, and that he moved there to enjoy peace and quiet, and the noise is definitely a nuisance. Mr. Jaeger stated that he also owns a motorcycle and is not against motorcycles and emphasized that this is not a personal issue. Mr. Jaeger stated his desire to keep this as an agricultural area, as it is zoned.

Christie Henley, Sterling Road, stated that she lives near the McNeil property. Ms. Henley stated that her family moved to the area for the quiet agricultural/residential area. Ms. Henley also reported that she is the one who recorded by video camera the code being violated.

Louise Harris, neighbor to the McNeil track, stated that the noise is intolerable. Ms. Harris stated that one of the petitions was possibly illegal as it was signed by people who work at the Shell Refinery, as she does, however, they do not live in the McNeil property area. Ms. Harris stated that a real estate agent informed her that her real estate values could possibly decrease with this motocross track situation near her property. Ms. Harris stated that the compromise would not be much of a compromise if the McNells will be able to use the track from noon to 7:00 p.m. Ms. Harris stated the whole neighborhood should not have to suffer.

A discussion ensued in regard to motocross tracks operating with special use permits, zoning and allowable use.

Mr. Taylor again disclosed that his clients are willing to discuss a compromise.

Troy McNeil announced that it is not his desire to cause any trouble. Mr. McNeil mentioned that he is very willing to develop a compromise in this regard.

Ms. Harris stated her disagreement of any type of compromise, due to the noise nuisance. Ms. Harris stated that if she is forced to compromise, she hopes that the numbers of users allowed to use that track are looked at in greater detail.

Ms. Henley reiterated that the compromise should not allow anyone other than family members to use the track and questioned who would enforce the compromise.

A discussion ensued in regard to developing a compromise.

The Board believing that the Hearing Examiners decision is not supported by substantial evidence, adopted its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Chairman Hart stated that the Board concurred that the compromise would include the following:

- a) That the practice course be allowed to be used on Friday and Saturday from noon to 7:00 p.m.
- b) That a maximum of 3 motorized All Terrain Vehicles or motorcycles be on the track at any one time.
- c) That the track be used only when a member of the McNeil family is present.
- d) That absolutely no competitive or commercial activity on the property

Chairman Hart made a motion to approve the compromise, as suggested. Commissioner Anderson seconded the motion and it passed unanimously.

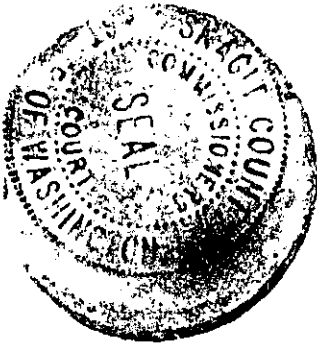
Staff reported that they would provide a Resolution in this regard at a later date.

The Skagit County Board of Commissioners met in Executive Session to discuss litigation issues for approximately one hour.

**ADJOURNMENT:**

Chairman Hart made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion and it was carried unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



  
Robert Hart, Chairman

  
Harvey Wolden, Commissioner

  
Ted W. Anderson, Commissioner

ATTEST:

  
Debby Sims, Clerk  
Skagit County Commissioners