

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, July 14, 1998**

- 7:30 a.m. – 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. – 9:00 a.m. Operations Division Manager/District Maintenance Supervisors.
- \*T 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director.
  - 1) Public Hearing – Consideration of Vacation of a Portion of Unused County Right-of-Way Known as Fruitdale Road, No. 9111.
  - 2) Introduction – New Employees.
  - 3) Discussion – Change of Status of Sauk Landfill Attendant Position.
  - 4) Discussion – Hours of Operation at the Clear Lake Compactor Site.
  - 5) Signature – Community Litter Cleanup Program Agreement with the Washington State Department of Ecology (Illegal Dumpsite Cleanup).
  - 6) Signatures – Water Resource Investigation Program for Skagit River near Sedro Woolley:
    - A) Joint Funding Agreement U.S. Geological Survey, U.S. Department of Interior.
    - B) Interlocal Agreement and Resolution with Dike District No. 12.
  - 7) Miscellaneous.
- 10:30 a.m. – 11:30 a.m. Discussion – Jail Safety Issues.
- 11:30 a.m. – Noon Planning & Permit Center – Tom Karsh, Director.
  - 1) Signature – Ordinance Amending Chapter 15.04 of the Skagit County Code Relating to adding Reference to the 1997 Editions of the Uniform Building and Related Codes.
  - 2) Planning Commission Referred Items:
    - A) Proposal – Comprehensive Plan Policy Amendments Establishing Road Intersection LOS Standards. Recommendation – Amend the Skagit County Comprehensive Plan Transportation Element Policy 4.3 Page 9.4 and Policy 4.4 Page 9.5.
    - B) Proposal – 1997 Annual Amendments to the Skagit County Comprehensive Plan. Recommendation – Comprehensive Plan Map Amendments.
  - 3) Western Washington Growth Management Hearings Board Case #97-2-0060c Final Decision and Order: Invalidity and Non-Compliance Issues.
  - 4) Miscellaneous.
- 1:30 p.m. – 2:00 p.m. Bid Opening – 1998 Guardrail Project, No. ES53540-2: Alger-Cain Lake Road, No. 53540; South Del Mar Drive, No. 1067; Fidalgo Bay Road, No. 1471; LaConner Whitney Road, No. 4241; Hathaway Road, No. 9160; Grip Road Bridge, No. 6600; Sterling Road, No. 6421; Lake Cavanaugh Road, No. 0200; South Skagit Highway, No. 0700; and Rockport Cascade Road, No. 8700.

The Skagit County Board of Commissioners met in regular session on Tuesday, July 14, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

**PUBLIC WORKS DEPARTMENT – Chal Martin, Director.**

1. Public Hearing – Consideration of Vacation of a Portion of Unused County Right-of-Way Known as Fruitdale Road, No. 9111.

Ed Hawes, Public Works Department Staff, explained the exact location of the proposed vacation of an unused portion of right-of-way along Fruitdale Road. He advised that this land is currently pending annexation to the City of Sedro Woolley, and that the land has no use to the County. He stated that there is a cloud on the title, and the property owner has been paying taxes on the subject property. Staff advised that no charge should be assessed other than the filing fee. Mr. Hawes advised that County legal counsel has advised to proceed with the vacation process rather than executing a Quit Claim Deed.

Dave Baltz, Public Works Department Staff, expanded on the description of the involved property.

There being no public comment forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously. The public hearing was closed.

Mr. Baltz further advised that legal description contains a minor error and this will be cleaned up on the final order of vacation.

Commissioner Wolden moved to vacate the unused portion of Fruitdale Road to the landowner for the total cost of the public hearing of \$75 and to waive any other fees. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Documentation to be provided by Staff at a Later Date)**

2. Introduction – New Employees.

Sky Miller, Surface Water Management Division Manager, introduced Jennifer Aylor, Watershed Planner, from Walla Walla County.

Steve Flude, County Engineer, Janice Marlega, project manager in Public Works, who will be handling the Cook Road Project.

3. Discussion – Change of Status of Sauk Landfill Attendant Position.

Robin LaRue, Solid Waste Division Manager, stated that approximately a year ago the Sauk Landfill Attendant increased his hours and is now qualified for pro-rated benefits. This was not included in the County solid waste budget for 1998. Mr. LaRue requested pro-rated benefits for this person, or, in the alternative, hire another employee to share this position. Mr. LaRue advised that he has consulted with the Personnel Director, and that the Public Works Director is in support of the request to extend pro-rated benefits to this individual.

Commissioner Wolden moved to support the recommendation of the Public Works Director in this regard and allow the Sauk Landfill Attendant to be afforded pro-rated benefits. Commissioner Anderson seconded the motion, and it passed unanimously.

4. Discussion – Hours of Operation at the Clear Lake Compactor Site.

Mr. LaRue stated that currently the Clear Lake Compactor site is open five days per week, ten hours per day. The schedule is Monday, Wednesday, Friday, Saturday and Sunday, from 8:00 a.m. to 6:00 p.m. He advised that instead of looking for a replacement employee, he would like to modify the operating schedule so that a part-time employee is no longer needed. The options are to continue to be open 5 days a week, but change the hours to 9:00 a.m. to 5:00 p.m., or to remain open 10 hours per day, but close one day (Wednesday) per week.

Commissioner Anderson indicated that he modification of the hours would be his preference rather than closing one day per week. Commissioner Wolden concurred. Commissioner Hart asked if there had been an evaluation done on the hours of usage of the site. Mr. LaRue stated that records indicate that early in the day and late in the day are the best hours to cut.

Mr. LaRue also suggested closing the facility on the following holidays: Martin Luther King's Birthday, President's Day, Memorial Day, Veterans Day and the Day after Thanksgiving Day. The Board concurred with this suggestion, and Commissioner Wolden indicated that the closures should be well posted in advance.

5. Discussion – Community Litter Cleanup Program Agreement with the Washington State Department of Ecology (Illegal Dumpsite Cleanup).

Mr. LaRue presented an Agreement with the Washington State Department of Ecology for \$30,000 as part of a Community Litter Cleanup Program. Commissioner Anderson moved for approval of the document as presented by Mr. LaRue. Commissioner Wolden seconded the motion, and it passed with a unanimous vote. **(Contract No. 04012)**

6. Signatures – Water Resource Investigation Program for Skagit River near Sedro Woolley:

A) Joint Funding Agreement U.S. Geological Survey, U.S. Department of Interior,

Sky Miller, Surface Water Management Division Manager, presented a Joint Funding Agreement with the U.S. Geological Survey, U.S. Department of Interior. He briefly explained the scope of this project. Commissioner Anderson moved to approve the Joint Funding Agreement as explained by Mr. Miller. Commissioner Wolden seconded the motion and it passed unanimously. **(Contract No. 04013).**

B) Interlocal Agreement and Resolution with Dike District No. 12.

Commissioner Wolden moved to approve a Resolution and Interlocal Agreement with Dike District No. 12 in this regard, with the contract amount not to exceed \$10,000. Commissioner Anderson seconded the motion, and it passed unanimously. **(Resolution No. 17063, Contract No. 04014)**

7. Miscellaneous.

Mr. Martin next discussed the difficulties the Department has encountered in hiring a Traffic Engineer. He requested that the Board allow the Department to broaden the salary range in order to attract qualified individuals to apply for the position. He explained the need to attract a candidate who would remain with the County for the long-term.

Chairman Hart expressed his reluctance to authorize a higher pay scale, as government employees typically have long-term job security and benefit packages that are unmatched in the private sector. He commented that it is often not necessary to try to out-bid private entities. He questioned Mr. Martin if perhaps part of this position could be contracted out. Chairman Hart stated that he needed to be convinced that this expanded salary range is necessary to attract viable candidates.

Mr. Martin commented on the need to bring a professional traffic engineer on board to be a credible resource on the witness stand, and that on balance the salary and benefits paid would be offset by the potential losses to the County over a long period of time.

On query from Commissioner Wolden regarding hiring someone in this capacity from the private sector, Mr. Martin responded that the County can purchase this service, but oftentimes the experts in the field are hired by someone else by the time the County looks to hire them.

Commissioner Anderson indicated that he would not be supportive of the increased salary range due to the overall impacts to other people working in the Department. He stated that the stability that the County offers is attractive and he would rather have the Department do a more exhaustive search in this regard.

Ed Hawes, Public Works Program Manager, stated that there are some unique aspects to this position that are currently not being served, including correspondence and communication between the Public Works Department and County legal counsel as relates to civil litigation. He stated that it takes a unique perspective to look at the questions raised by plaintiffs and answer and explain responses to counsel. He explained that the Department needs someone with a high degree of competence and to contract out is a hit-or-miss proposition.

Commissioner Anderson reiterated his position in not wanting to expand the salary range, stating that Skagit County is a great place to work, that employees are well paid, and that, consequently, he does not see a mass exodus of County employees to work in the private sector.

A discussion ensued on the level of expertise that is required for this position, and the existing expertise within the Engineering Division.

Chairman Hart queried Mr. Flude as to what other counties are currently paying for this type of position. Mr. Flude responded that the salaries are all over the map, with no definite salary levels apparent.

Mr. Martin suggested that the Department try again, opening the salary to the middle level, and then bringing back qualified applications to the Board for their review.

The Board was agreeable to this proposal.

**DISCUSSION – JAIL SAFETY ISSUES.**

Ed Goodman, Sheriff, stated that this session is to explain to the Board several jail safety issues that have raised concerns with both Risk Management and Facilities.

Dan Slattery, Jail, explained several key issues including broken cell windows and the dangers of broken porcelain plumbing fixtures. He explained that inmate behavior trends within the facilities have changed dramatically since the building was constructed. He reviewed statistics of the inmate population.

Sheriff Goodman expressed concern for the safety of corrections officers and inmates who are not hardcore criminals.

Roger Howard, Facilities Director, stated that County staff can replace the sinks and toilets, but the window replacement would need an outside contractor. Mr. Howard gave a brief history of the construction of the jail building and the reasons for the original design and equipment. The replacement of porcelain fixtures with stainless steel fixtures was reviewed.

Dave Fleming, Risk Manager, stated that as the County has been notified that there is a potential problem, our defense has gone away if someone is injured. He stressed that these are very serious issues and could get terribly expensive to correct. He urged the Board to consider the most expedient methods of correcting this dangerous situation.

Mr. Slattery listed the exact number of windows, toilets and sinks that would need to be replaced, and estimated the total cost of such replacement at approximately \$90,000. He advised that County forces would be utilized for the installation of the toilets and sinks.

Mr. Howard advised that this is a project that might take a year and a half to complete.

After a brief discussion concerning the cost estimate, Chairman Hart suggested that perhaps this work should be put out for bids, with hopefully, resultant lower prices. Mr. Howard concurred that competitive bids would more than likely garner a lower cost.

Sheriff Goodman indicated that his Staff, together with Facilities Management, would prepare the appropriate documentation for a call for bids within the next 30 days. They will then come back to the Board with an accurate cost estimate.

**PLANNING & PERMIT CENTER, Tom Karsh, Director.**

1. Signature – Ordinance Amending Chapter 15.04 of the Skagit County Code Relating to adding Reference to the 1997 Editions of the Uniform Building and Related Codes.

Corey Schmidt, Building Official, presented the previously-approved Ordinance to the Board for signature. The Board signed the necessary document. **(Ordinance No.17064)**

2. Planning Commission Referred Items:

- A) Proposal – Comprehensive Plan Policy Amendments Establishing Intersection LOS Standards.  
Recommendation – Amend the Skagit County Comprehensive Plan Transportation Element Policy 4.3 Page 9.4 and Policy 4.4 Page 9.5.

Gary Christensen, Assistant Director, advised that the Planning Commission had taken action on two items, and dates for consideration need to be scheduled. He advised that this item comes as a unanimous recommendation from the Planning Commission.

After a brief discussion, the item was scheduled for the Board's consideration on July 23 at 8:30 a.m.

- B) Proposal – 1997 Annual Amendments to the Skagit County Comprehensive Plan.  
Recommendation – Comprehensive Plan Map Amendments.

Mr. Christensen advised that this item was also referred by the Planning Commission and was addressed as part of a referred action by the Board to the Planning Commission. He briefly explained the process that the Planning Commission had taken, and advised that several study sessions will be required to work through these recommendations. Mr. Christensen stated that the recorded motion is being drafted.

A discussion ensued on the review of the study areas.

Commissioner Anderson commented on the need to include the affects of ESB 6094 in this year's amendments to the Comprehensive Plan.

A lengthy discussion ensued on the processes of amending the Comprehensive Plan. Mr. Christensen clarified to the Board that citizens must have their amendment requests submitted to the County by July 31<sup>st</sup>. The County does not have to identify their proposed amendments until 60 days after the citizens' petitions are received. Mr. Christensen explained that the 1998 amendments are wide open and the Board can select whatever they wish to submit as amendments.

Commissioner Wolden moved to include the adoption of a Comprehensive Plan process to include ESB 6094 and it's criteria in this year's proposed Comprehensive Plan Amendments. Commissioner Anderson seconded the motion, and it passed unanimously.

3. Western Washington Growth Management Hearings Board Case #97-2-0060c Final Decision and Order: Invalidity and Non-Compliance Issues.

Mr. Christensen advised that the Western Washington Growth Management Hearings Board (WWGMHB) issued a decision on January 23, and four invalidity and twelve noncompliance issues were remanded to the County for additional work. The County has been working on a number of these issues, including addressing the Bayview Ridge UGA, and having discussions with the cities regarding some of the urban growth areas. Mr. Christensen advised that the County will not be able to meet the July 22nd deadline. Counsel will prepare a response to the WWGMHB looking at a two stage approach. One would be to identify the issues for the short-term and long-term. We will propose to address the short-term issues within the next 6 months and long-term issues within 12 months. These deal with urban areas and commercial/industrial designations.

Mr. Christensen advised that such a response will be prepared shortly and will be brought back before the Board next week for their consideration and review.

3. Miscellaneous.

Chairman Hart stated that the Board held an Executive Session recently to discuss the Supreme Court case, and that the following is the understanding of what needs to be done.

1. From our understanding, the Department should proceed to process the 27 short plats and 3 long plats applied for during the February 5, 1996 to May 31, 1997 window.
2. The Department should proceed to eliminate the cloud on the permits which went forward after the Invalidity Order.
3. The Department should evaluate applications brought to the counter during this period, and which were refused by staff in writing, showing the date and completeness.
4. The Board has asked counsel to amend the Complaint in Whatcom County Superior Court to clarify if the 1979 Commercial/Light Industrial zoning is still valid pursuant to the Supreme Court decision; and
5. Notify those Commercial/Light Industrial property owners in the Bayview UGA of our actions to let them proceed at their own risk.

**BID OPENING – 1998 GUARDRAIL PROJECT, No. ES53540-2: Alger-Cain Lake Road, No. 53540; South Del Mar Drive, No. 1067; Fidalgo Bay Road, No. 1471; LaConner Whitney Road, No. 4241; Hathaway Road, No 9160; Grip Road Bridge, No. 6600; Sterling Road, No. 6421; Lake Cavanaugh Road, No. 0200; South Skagit Highway, no. 0700; and Rockport Cascade Road, no. 8700.**

Jim Karcher, Engineering Division Staff, opened the following bids for the 1998 Guardrail Project:

Coral Construction Co.  
PO Box 347  
Wilsonville, OR 97070  
Bid Bond Attached  
No Addenda.  
\$157,441.00

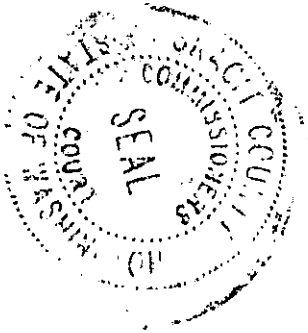
Peterson Brothers  
2008 E. Valley Highway  
Sumner, WA 98390  
Bid Bond Attached  
No Addenda  
\$145,321.34

Mr. Karcher advised that the bids would be reviewed in detail and a bid recommendation would be forthcoming to the Board within the next two weeks.

ADJOURNMENT.

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



*Robert Hart*  
Robert Hart, Chairman

*Ted W Anderson*  
Ted W. Anderson, Commissioner

*Harvey Wolden*  
Harvey Wolden, Commissioner

ATTEST:

*Patti J. Chambers*  
Patti J. Chambers, Clerk of the Board  
Skagit County Board of Commissioners