

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

May 21, 2007

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 21, 2007, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney was present. Also in attendance was Donna Caton, Clerk of the Board.

CALL TO ORDER AND FLAG SALUTE

Chairman Carter called the meeting to order with the pledge of allegiance.

MINUTES

May 14, 2007: A motion was made, seconded and passed to approve the minutes of the regular meeting of May 14, 2007.

PRESENTATION:

1. **Local Mayors Regarding Boundary Review Board:** Jack Durney, mayor of the City of Hoquiam announced that he and other local mayors are present to respond to Resolution 2007-30. Mr. Durney reported that a letter was provided to the Board of County Commissioners regarding the Boundary Review Board. The Boundary Review Board was formed as a result of an issue involving Sierra Pacific and the City of Aberdeen. Mr. Durney announced that the mayors have chosen Vicky Cummings to serve on the Boundary Review Board. Vicky Cummings serves as the Director of the Council of Governments. Mr. Durney reported that they believe that the Boundary Review Board concept is not appropriate for Grays Harbor and creates an additional layer of involvement in something that is a local issue at the city level. Mr. Durney summarized and stated that there is concern regarding the resolution and requested that the Board of County Commissioners review, reconsider and revoke the resolution.

BIDS

1. **East Aberdeen Pressure Sewer Line Phase 3:** There was a public hearing to consider bids for the construction of a 6 inch diameter Pressure Sewer Line in the City of Aberdeen, Washington. The project is located in the general vicinity of Wishkah Street and Fleet Street near the Rotary Log Pavilion. The project consists of construction of a pressure sewer line containing approximately 700 feet of 6 inch diameter HDPE pipe. Contract documents were available at the office of HDR located at 626 Columbia Street NW, Suite 2A, Olympia, Washington. Notice of this advertisement for bids was

published in the *Montesano Vidette* on April 19 and April 26, 2007. The Clerk of the Board opened and read the following bids received with bid bond attached:

Wiseman Utilities Inc., Olympia, WA	\$136,618.28
Trenchless Construction Services, Arlington, WA	\$112,139.24
Rognlin's Inc., Aberdeen, WA	\$126,736.99
Advanced Boring Specialist, Vancouver, WA	\$129,039.45

The bids were referred to the Department of Public Services for review and recommendation.

HEARINGS

1. Amending Ordinance 357 Related to the Wildcat Aquifer Moratorium:

There was a public hearing to consider an ordinance amending Ordinance 357 to allow applications for well and on-site sewerage disposal system permits on previously established lots. Notice of this hearing and the proposed ordinance was published in its entirety the *Montesano Vidette* on May 10, 2007. Chairman Carter asked for a staff report. Brian Shea, Planning and Building Division Director reported that the Board of County Commissioners adopted Ordinance No. 357 on February 12, 2007 pursuant to RCW 36.70.795 to preserve the status quo with respect to development in the Wildcat Creek Aquifer area of Grays Harbor County. A public hearing was conducted on April 11, 2007 soliciting additional input and comment from members of the public and County staff concerning the moratorium. The Board believes the moratorium remains necessary to protect the Wildcat Creek aquifer but that further information and facts indicated that allowing applications for well and on-site sewerage disposal system permits on lots legally-established prior to February 12, 2007 will not adversely expose the Wildcat Creek Aquifer area to excessive depletion or contamination. Mr. Shea outlined maps showing the existing number of tax lots within the moratorium area. If the proposed ordinance is adopted it would allow for well and septic application for the properties that are located on the map and includes approximately 118 lots. Chairman Carter asked for public comment. Narad Rao reported that he has property on the Elma/Hicklin Road and he spoke in support of the C-5 zone which is one house per 5-acres. He stated that the moratorium prevents him from building on his property as he would like.

Ken Brogan reported that he has a project on the Elma Hicklin Road that has been in the process since mid 2006. He submitted applications for four projects on October 2006. These applications included one 2-large lot subdivision, one 4-lot short subdivision with a special use permit applied and another subdivision with a special use and a 3-4 lot short plat subdivision with a special use. Mr. Brogan reported all fees were paid the day the applications were submitted. All of the applications included septic evaluation forms

which were returned back from Grays Harbor County and were stamped October 12, 2006. Mr. Brogan explained that all sites that they own on Elma Hicklin Road were evaluated. On December 4 they received comments from the Planning Department asking for specific items in order to complete all four of the applications. On December 28, 2006 Mr. Brogan submitted a SEPA application, a report from a hydrologist for ground water contamination prevention and their assessment of potential for ground water contamination. In 2003 Mr. Brogan had hired the same firm to complete a four thousand radius feet analysis report and it included a portion of this property. In December 2003 the same report was done. He explained there is some variation because of change in density from the 2003 report to the 2006 report. The assessment was with proper management and documentation to assist homebuyers in ways to prevent ground water contamination and the report is available in the Planning Department. On December 28, 2006 the SEPA application was submitted and the moratorium was adopted February 12, 2007. Mr. Brogan reported that he complied with all County requirements and had been moving forward with his project. At this time the \$1.7 million investment is on hold and he would like to know what the outcome is going to be regarding this issue.

Busse Nutley, City Administrator for McCleary, reported that the City Council voted to support the proposed ordinance amendment. Ms. Nutley submitted a letter of support from Wallace Bentley, Mayor of the City of McCleary.

Helen Lake, resident of McCleary reported that she represents Steve Hamilton who also lives in McCleary. In 2006 they started a project on property on the Elma-McCleary Road that has some legal problems and required a boundary line adjustment. She requested that Mr. Hamilton receive relief from the moratorium.

Sue Maholk, resident of McCleary reported that she owns 1.9 acres off of Stillson Road and she would like to build a single home on her property.

There was no additional public testimony and the hearing was closed.

Action: A motion was made, seconded and passed to approve Grays Harbor County Ordinance No. 363 – An Ordinance Amending Ordinance No. 357 to Allow Applications for Well and On-Site Sewage Disposal System Permits on Previously-Established Lots

2. Vacation of Right of Way – Neiderman Road and Secena Road: There was a public hearing to consider a right of way vacation initiated by the Department of Public Works for Niederman and Secena roads, pursuant to RCW 36.87.010. Notice of this hearing was advertised in the *Montesano Vidette* on May 10 and 17, 2007. Chairman

Carter asked for a staff report. Thomas Gray, Assistant County Surveyor, reported that on January 16, 1982 an easement was granted to the county from the Bureau of Indian Affairs for a 60-foot wide public road in portions of Section 3, Township 15 North, Range 3 West, W.M. Prior to that a right of way was granted to the County from Mr. Dan Secena, for a 40-foot wide public road in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 15 North, Range 3 West, W.M. Also on December 29, 1932, Arthur Wm. Brenna granted a 40-foot wide strip of land over, across and through Government Lot 3, Section 10, Township 15 North, Range 3 West, W.M. A search of County records did not reveal any documentation granting rights of way of any nature to the County for Secena Road. Mr. Gray reported that on April 5, 2007, David Burnett, the Chairman of the Confederated Tribes of the Chehalis Reservation, requested the County to vacate all road right of ways (reserving easements) on Niederman Road. Mr. Burnett ascertains that the County has no authority over Secena Road due to the lack of any documentation, and the statement that the County cannot claim any prescriptive rights on property located on sovereign land. While the prescriptive rights statement is presently not in question, the County elects to exercise its right of quitclaim any and all interest it may have in Secena Road through the process of this vacation. This action will settle any potential claim in the future should any unknown facts surface. Mr. Gray reported that by vacating Niederman and Secena Roads County maintenance costs will be eliminated. This action will economically protect the County from any potential liability in the future. Mr. Gray reported that the department recommended the Order of Vacation be approved.

Chairman Carter asked for public comment. Bruce Tuttle, resident of Oakville, reported that he is the property owner of lot 3 and he requested that the County retain the portion of the right-of-way from Secena Road to the end of Niederman Road. Mr. Tuttle expressed concern regarding a request he made to the tribe for an easement if the right-of-way vacation petition was granted. If the right-of-way vacation is approved it would be difficult to access lot 3 without an easement. Commissioner Beerbower asked questions and Mr. Tuttle explained that his residence is located on Anderson Road. He owns lot 7 which is accessed through Anderson Road and owns lot 3 with access through Niederman with a right-of-way. He reported that there is no house on Niederman but he does intend to sell lot 3.

Keith Cramer, Director of Real Estate Services, reported that he is present to terminate the right-of-way agreement with Grays Harbor County for a portion of Niederman road located within the existing boundaries of the Chehalis Reservation. The land under the road is held by the United States in trust for the Chehalis Tribe. The current right-of-way agreement was approved and recorded by the Bureau of Indian Affairs (BIA) in 1982 in the Northwest Regional office located in Portland, Oregon. The right-of-way agreement does not provide language for termination. However, through their meeting with the BIA they have been advised that if both parties agree to terminate this right-of-way agreement

the BIA will proceed with a cancellation agreement which will be recorded in the Northwest Regional office. Mr. Cramer reported that the tribe is purchasing back reservation lands and placing them back in trust. He stated that the ownership and management of the roads within the reservation should also be the responsibility of the tribe. Mr. Cramer noted that the road serves the tribal housing project and it makes good common sense that the Chehalis tribe takes responsibility for these roads. Mr. Cramer summarized and requested that the right-of-way agreement be terminated.

Chairman Carter asked questions and Mr. Gray responded that he believed that Mr. Tuttle accessed his property off of Anderson road and that the proposed vacation would not result in a land lock situation. If the westerly portion is a separate property then access would be an issue and Mr. Tuttle would need an easement from the tribe. It was noted that the portion of road concerning Mr. Tuttle is not owned by the tribe and is owned in trust by individual tribal members. Mr. Tuttle would be required to make application through the BIA and the tribe through those private members. Paul Easter, Director of the Department of Public Services, commented that new information has been provided and he recommended that a decision regarding this request be postponed.

Action: A motion was made, seconded and passed to continue this hearing to June 25, 2007.

COMMISSIONERS

1. Motion to cancel meeting for May 28, 2007 due to the Memorial Day

Holiday: A motion was made, seconded and passed to cancel the meeting for May 28, 2007 due to the Memorial Day holiday. The next scheduled meeting will be held on Monday, June 4, 2007 at 2:00 p.m.

2. Personnel Services Contract – James Arthur for Wildcat Aquifer

Moratorium: A motion was made, seconded and passed to approve a Personal Services Contract between the City of McCleary, James Arthur and Grays Harbor County. The scope of work includes the Wildcat Creek Aquifer Guidance Report.

3. Resolution – Travel Expense: A motion was made, seconded and passed to approve **Resolution No. 2007-54 – A Resolution of the Grays Harbor County Board of Commissioners Rescinding Resolution No. 97-36, and Reissuing Amended Regulations for Reimbursement of Employee Travel and other Necessary Expenses.** This resolution amends and reissues County regulations for reimbursement of employee travel expenses.

DEPARTMENTS

MANAGEMENT SERVICES

- 1. Request Approval, Dept. of Corrections Letter of Agreement – Straddleline ORV Park:** A motion was made, seconded and passed to approve two copies of a Letter of Agreement and Work Project between Cedar Creek Corrections Center (CCC) and Grays Harbor County ORV Park for a one year time frame May 1, 2007 to April 30, 2008. The contract provides adult inmate services to the park at the rate of \$1.85 per offender hour and \$.50 per mile per day. The County will pay overtime for anything over a 40 hour week at time and a half for offenders.
- 2. Request Approval, Contract with Cascade Karting for Events at Straddleline ORV Park:** A motion was made, seconded and passed to approve two copies of an ORV Park Operation Agreement for Cascade Karting for the dates of May 26, 27, June 10, 24, July 8, August 5 and September 16, 2007.

The Clerk of the Board announced the following item received after the agenda was prepared:

- 3. Request Approval, Tacoma Motorcycle Club – Straddleline ORV Park:** A motion was made, seconded and passed to approve two copies of an ORV Park Use Agreement for the Tacoma Motorcycle Club for the dates of June 2 and 3, 2007. They have provided their Certificate of Insurance for this event.

PUBLIC HEALTH AND SOCIAL SERVICES

- 1. Request Approval, Grant Application – Department of Social and Health Services:** A motion was made, seconded and passed to approve a grant application to be submitted to the State Department of Social and Health Services (DSHS) Division of Alcohol and Substance Abuse. The application is for \$68,562 for one year to provide chemical dependency assessment outreach and case management services to individuals in the County or City of Aberdeen jails. Currently this funding is being used at the County jail and the intent of the application is to continue this level of service and expand to the City of Aberdeen jail.
- 2. Request Approval, Amend Contract with Department of Social and Health Services:** A motion was made, seconded and passed to approve an amendment to the County's contract with the State Department of Social and Health Services for Substance Abuse Treatment and Prevention Services. The amendment adds \$4,000 for alcohol compliance checks and \$4,000 for Strengthening Families Program.

3. Request Approval, Two Agreements with Grays Harbor Community Network: A motion was made, seconded and passed to approve amendments to two Agreements between the County and the Grays Harbor Community Network. The Agreements are for the Department to provide a Youth Development Program and planning and are extended one additional month through June 30, 2007.

4. Request Approval, Agreement with Providence St. Peter Hospital – Chemical Dependency Treatment: A motion was made, seconded and passed to approve an Agreement to the County's contract with Providence St. Peter Hospital for Chemical Dependency treatment services. \$54,193 is added to fund staffing at the local Community Services Office. Funding is derived from the contract with the State DSHS Division of Alcohol and Substance Abuse.

PUBLIC SERVICES

1. Request Approval, Emergency Support Function 6 – Mass Care, Housing & Human Services Plan: A motion was made, seconded and passed to approve Emergency Support Function 6 – Mass Care, Housing and Human Services Plan. This plan is a part of the County's Comprehensive Emergency Management Plan (CEMP). It was developed and reviewed by jurisdictions and agencies within the County including but not limited to the Department of Public Health and Social Services, Environmental Health Division, American Red Cross and Salvation Army. It will be reviewed and updated as needed by these partners on a regular basis. After approval the plan will be posted to the Emergency Management website and a copy will be maintained by the Washington State Emergency Management Division.

2. Request Approval, Resolution Acknowledging Vacation or Right of Way – Petitioner Pamela Jo Cranford: The Department received a petition from Pamela Jo Cranford to acknowledge vacation of right of way adjacent to property she owns in Ocosta. The Department found no record of these rights of way having ever been opened within the applicable time period. They have no objection to the Board acknowledging these rights of way having been automatically vacated by operation of law. A motion was made, seconded and passed to approve **Resolution No. 2007-55 – Resolution Acknowledging Vacation by Operation of Law.**

3. Request Approval, 2007 Culvert Supply Contract: A motion was made, seconded and passed to approve four (4) sets of contracts for the 2007 Culvert Supply Contract. The project was awarded to Pacific Corrugated Pipe of Oregon, Inc., for the amount of \$100,576.04.

4. Request Approval, Amend Reimbursable Agreement with Federal Highway Administration – Gatton Creek Bridge Project: A motion was made, seconded and passed to approve two (2) copies of Amendment No. 2 to a Reimbursable Agreement between Grays Harbor County and Federal Highway Administration. The purpose of this Amendment is to provide federal funding required to complete the PS & E for replacing the Gatton Creek Culvert with a bridge.

5. Request Approval, Award Bid to Freedom Truck Centers Inc. for a Knuckle Crane: A motion was made, seconded and passed to award the bid on one or more Knuckle Crane/s. The Department recommended the bid of eighteen thousand two hundred thirty-one dollars and seventy-seven cents (\$18,231.77) each, from Freedom Truck Centers Inc., for the purchase of one knuckle crane.

6. Request Approval, Set Hearing Date for 2008-2013 Six Year Transportation Improvement Program: A motion was made, seconded and passed to set June 25, 2007 as the date and time to review and adopt the 2008-2013 Six Year Transportation Improvement Program.

TREASURER

1. Request Approval, Resolution Scheduling 2007 Tax Foreclosure Sale: A motion was made, seconded and passed to approve **Resolution No. 2007-56 – Resolution Setting the Time and Place for the Sale of Real Property Pursuant to the Real Estate Tax Foreclosure.** The 2007 tax foreclosure sale is planned for December 7, 2007.

ANNOUNCEMENTS

The Clerk of the Board announced that the May 28, 2007 meeting has been cancelled due to the Memorial Day holiday.

CORRESPONDENCE

The Clerk of the Board announced the following correspondence:

1. The April 2007 Monthly Summary Report was received from the Coroner's office. The report was placed on file.

PUBLIC COMMENT:

Chairman Carter asked for public comment. He announced that comments and statements only would be accepted and would be limited to five minutes. Questions should be submitted in writing.

Ron Armstrong, Hoquiam, Washington commented regarding the moratorium passed by ordinance.

There was no additional public comment.

EXECUTIVE SESSION

At 2:53 p.m. the Board recessed from their regular meeting to Executive Session to discuss litigation regarding the Campbell lawsuit. Chairman Carter announced that no decisions would be made and no action taken. At 3:15 p.m. the Board of County Commissioners reconvened from Executive Session. Chairman Carter announced that no decisions were made and no action taken.

STAFF MEETINGS

The Board held staff meetings on Monday, May 21, 2007, starting at 9:00 a.m. These staff meetings are advertised public meetings, held in the Commissioners' Conference Room. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Tom Fite, Straddleline ORV Park, Bill Trivison, Juvenile Court, Maryann Welch, Department of Public Health and Social Services and Paul Easter, Kevin Varness, Brian Shea, Russ Esses and Tom Gray of the Department of Public Services.

The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|---|
| No. 2007-54 | Resolution of the Grays Harbor County Board of Commissioners Rescinding Resolution No. 97-36 and Reissuing Amended Regulations for Reimbursement of Employee Travel and other Necessary Expenses |
| No. 2007-55 | Resolution Acknowledging Vacation by Operation of Law – Petition by Pamela Jo Cranford |

**No. 2007-56 Resolution Setting the Time and Place for the Sale of Real
Property Pursuant to the Real Estate Tax Foreclosure**

ORDINANCES

**No. 363 An Ordinance Amending Ordinance No. 357 to Allow
Application for Well and On-Site Sewage Disposal System
Permits on Previously-Established Lots**

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 3:15 p.m. to Monday, June 4, 2007 at 2:00 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2007

ALBERT A. CARTER, Chairman
Commissioner, District 3

BOB BEERBOWER, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board