

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

May 4, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 9:00 a.m.
2. Pledge of Allegiance – Lilis Nogler led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 ADAGE provided an information sheet about their proposed bio-energy facility.
 - 4.1.2 Scott Grout provided information regarding the Skokomish River Fishery's impact on Lower Hood Canal.
 - 4.1.3 The Washington State Liquor Control Board sent notice of a new liquor license application for The Tides in Hoodspport and notice that Belfair Pizza Factory has discontinued sales and service of liquor.
 - 4.1.4 The Washington State Department of Natural Resources sent their projection of income from State Forest Lands.
 - 4.1.5 Sarah Vap and Todd Fredson expressed concerns regarding the proposed ADAGE bio-energy facility.
 - 4.2 Staff Recognition – Public Health Department. Vicki Kirkpatrick recognized Shelly Bellisle and Heidi Iyall for their outstanding work. Cmmr. Gallagher presented the Green Star awards.
 - 4.3 News Release – Thurston/Mason Chemical Dependency Action Committee Opening. Cmmr. Gallagher read the news release announcing that Mason County is seeking applicants to fill one vacancy on the Thurston/Mason Chemical Dependency Action Committee.
5. Open Forum for Citizen Input –
 - 5.1 Anne Flynn had questions regarding the ADAGE proposal. She would like to know at what point the supply of wood waste is quantified. There appears to be a lot of slash piles but it will be used up eventually. She also needs to understand what percentage of risk ADAGE is at in this operation and what percentage of money is composed of taxpayer dollars. There are several government proposals to enhance economic development in a green way. Because ADAGE is not a local business, the bulk of their profits won't remain in the state. The citizens won't have the benefit of the rolling of dollars typically received from local businesses. Her other question is how much longer will there be salable energy and who will the market be. These are her main areas of concern related to this project. She hopes the Board can answer these questions.
 - 5.2 Sandra Herndon testified that she is not a member of the fringe element. When this project first came to light she had no preconceptions that it was a bad project. She has done a lot of reading and she doesn't believe the citizens should rely on ADAGE as their primary source of information. She believes the County Commissioners should gather independent, objective, scientific information to help make decisions best for the county. She has sent an email with a list of issues to the Board and ADAGE. ADAGE's answers raised as many questions as it attempted to answer. She would like the Board to let the citizens know how they have answered these questions and to get educated from independent scientific sources. She believes the Commissioners have a moral responsibility as leaders. It is not enough to say that there is no permit yet. Even if all of the other agencies grant permits, it does not make it a good decision for Mason County.

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- 5.3 Brenda Hirschi stated that on April 6th the Board voted to approve the settlement of the contract with the Jail and Corrections staff. She asked what the 2010 budget impact would be at that time and she got a vague answer from Monty Cobb. He stated that it would be between a 1% and 6 ½% increase and each percentage would be a \$15,000 increase in salaries. He surmised that it would be about a \$65,000 increase after the salary survey was completed. Yesterday the Auditor briefed the Board that it would cost the County an additional \$95,000 in 2010 and in 2011 it will be over \$200,000. This is just for 42 employees. The County still must settle with the other unions. The Commissioners sent a memo to the Sheriff's office asking them to absorb the benefit and salary increases. If the Sheriff is forced to absorb the additional cost then the citizens need to know what the impact will be to law enforcement operations. She is incredulous that the Board would sign a document without knowing what the budget impact was. She is concerned that the Board isn't paying attention to the details that will hit the taxpayers' wallets. Today she sees there is a new contract that will be looked at. The question is what is that budgetary impact. She will be asking that question from now on as the union contracts come in for settlement.

Ms. Hirschi also spoke regarding ADAGE. She has simple questions that she needs answers to. She would like to know why bringing ADAGE to Mason County is a good decision and what the risks are. She has informed questions about the net economic good to the county. She would like the Board to provide answers to these questions. Everyone needs to figure out what the impact to the county will be in all aspects.

Mr. Cobb addressed Ms. Hirschi. He stated that he is not Human Resources and he does not do Human Resources. He is assisting in the absence of a Human Resources person. There is also outside council working on this. He is acting as a liaison to try to save the County money. The discussion at the April 6th meeting was what was anticipated based on calculations done by the Sheriff's accountant. Each 1% increase would carry about a \$15,000 cost. His recollection was about \$85,000 for the first year. He did not discuss the impact on 2011. It was very clear that the agreement included a salary survey, which was not done at the time. He takes umbrage to the suggestion that he mislead the Board on the impact of the settlement on the first year.

Ms. Hirschi responded that her main point is that the contract was signed by the Board without knowing the real budgetary impact.

- 5.4 June Sims Weilipp spoke regarding ADAGE. Her complaint is that there are youth programs near the project. It is medically bad. With the wind there is no way it can be kept out of Mason County. Everyone agrees that it is the worst thing that could happen to the area. The children shouldn't be raised with smoke over their playfields. She moved to the area in 1986 because it was beautiful and clean and this would make her consider moving out of Mason County.

6. Adoption of Agenda - **Cmmr. Ring Erickson/Sheldon moved and seconded to adopt the agenda and to move the public hearing under item 9.4 to the first hearing. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – April 12, 2010 briefing meeting minutes and April 27, 2010 regular meeting minutes.

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Cmmr. Ring Erickson/Sheldon moved and seconded to approve the April 12, 2010 briefing meeting minutes and April 27, 2010 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.

8. Approval of Consent Agenda:

- 8.1 Approval of the State Revolving Loan (SRF) No. L 08000017 agreement and repayment schedule with the Department of Ecology. This is for a \$3.03 million loan to design the Belfair Waste Water Reclamation Facility. The term is 30 years at 3.1% interest
- 8.2 Approval of the agreement with Paul and Frankie Roberson to serve as the Truman Glick County Park Host for 2010. The Park Host lives on-site in their personal recreation vehicle (RV) and the County provides an RV space, power, water, and septic services.
- 8.3 Approval to adopt a resolution authorizing the Chair to sign Amendment #1 to the contract with Engineering Services Associates (ESA) to provide additional technical assistance and comprehensive mapping services for the construction of side sewers for the Belfair wastewater conveyance system. The amendment cost is \$193,420 bringing the total contract amount to \$296,285. **Resolution No. 30-10 (Exhibit A)**
- 8.4 Approval to accept the bid received from U.S. Oil Trading, LLC of Tacoma, to provide Mason County with Emulsified Asphalt for 2010. Mason County does not guarantee a minimum purchase of these materials.
- 8.5 Approval of the Veterans Assistance Fund applications for: William Hayden – Housing \$600.00; David Stucke – Food \$200.00; Charles Weaver – Housing \$300.00 for a total of \$1,100.00 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.6 Approval of the Interlocal Agreement between the Mason Conservation District and Mason County for Geographic Information System Development Services not to exceed \$8,000.
- 8.7 Approval of a resolution setting a hearing date on Tuesday, June 8, 2010 at 1:00 p.m. with the Hearing Examiner to consider the petition for vacation of a portion of Deer Creek Road, Road Vacation File No. 371. **Resolution No. 31-10 (Exhibit B)**
- 8.8 Approval of a resolution setting a hearing date on Tuesday, June 1, 2010 at 9:30 a.m. for a public hearing before the Board of County Commissioners to consider public comment on the vacation of a portion of Burgundy Road, Road Vacation No. 372. **Resolution No. 32-10 (Exhibit C)**
- 8.9 Approval to renew the Memorandum of Understanding between Mason County Department of Emergency Management (DEM) and the Lewis-Mason-Thurston Area Agency on Aging to continue to share their client data to ensure public safety during disaster events.
- 8.10 Approval of Warrants

Claims Clearing Fund	Warrant #s 171966-172500	\$ 1,420,969.46
Salary Clearing Fund	Warrant #s 3500-3593	\$ 531,710.17
Direct Deposit Fund	Deposit #s 20250-20992	\$ 1,101,345.11
- 8.11 Approval of the Memorandum of Understanding for the AFSCME bargaining unit for a three-year extension of the current collective bargaining agreement with added provisions regarding employees recalled from layoff and annual contract negotiations for wages and health care insurance.

Item 8.11

Cmmr. Gallagher noted that his wife is a member of AFSCME so he will not vote on item 8.11.

Cmmr. Sheldon added that he hasn't heard enough from the other elected officials with AFSCME employees regarding this item. There was an issue a couple of weeks ago where the Board voted to cease providing a buyout of accumulated leave for non-union employees. That issue should be addressed in the union contracts as well.

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Cmmr. Ring Erickson agreed with Commissioner Sheldon. She also thought items 2 and 3 need further discussion.

Cmmr. Sheldon/Ring Erickson moved and seconded to table item 8.11 for one week. Motion carried. RE-aye; S-aye; G-abstain.

Ms. Hirschi asked for further clarification on item 8.6

Item 8.6

Ms. Hirschi asked if the Conservation District would be reimbursing the County at full cost.

Charlie Butros explained that it is a fully reimbursable service agreement for help with mapping. They will be billed the full amount of the County's expenses.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve Consent items 8.1 through 8.10. Motion carried unanimously. RE-aye; S-aye; G-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time.

9.4 Public hearing to consider revisions to Mason County Code, Title 9, Section 9.36 (Noise Control), Subsection 9.36.100 (Other Exemptions) to remove the word "existing" from exemption 9.36.100(8).

Barbara Adkins, Department of Community Development, stated that this public hearing is for revisions to Title 9 of the Mason County Code. Title 9 addresses noise control. In December 2009 the Board received a letter from the Mason County Economic Development Council asking them to consider removing one word from a portion of the exemptions section under Title 9, 9.36.100 (8). It currently reads: sounds originating from motor vehicle racing events at existing authorized facilities. The letter asked that the word 'existing' be removed. The letter stated that the current code language limits future growth in motor sports investments and other economic development opportunities. It also stated that the noise ordinance does not provide language allowing for new motor vehicle race events or facilities. The State mandates that any revisions to this section of the code go through a review process by the Department of Ecology. The Department of Ecology received a copy of the proposed revisions on March 31st. They have a 90 day review period that will expire on June 29th. The revisions also went to the Sheriff's office. Title 9 is not enforced by the Department of Community Development. Deputy Byrd has reviewed the amendment and has no issues with it. She is asking the Board to consider the revision and, if adopted, it will become effective July 1st.

Questions for Staff

Cmmr. Ring Erickson asked when the original ordinance was adopted.

Mr. Adkins replied that it was adopted in 1989.

Cmmr. Sheldon asked if this change speaks to a specific application.

Ms. Adkins replied that it is a general change that applies to the entire county and it applies to all noise generating craft.

Mr. Cobb clarified that it would not apply to boats.

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An audience member asked why this issue needs to be decided now. She would like more time because people weren't aware this was going to be discussed today. She is concerned that removing one word will have a lot of impact.

Ms. Adkins clarified that motorized facilities such as this would also need to go through a special use permit process. There is another stage of review where noise would be addressed.

Cmmr. Ring Erickson noted that this item has been under discussion for at least a year and there has been proper notice.

Clawd Blake stated that there is no information on the website for this item. He thought that Commissioner Gallagher shouldn't vote on the item because he is a racecar person.

Public Testimony

Rick Nelson testified that he has lived in Mason County since the 70's. He is a member of a car club and they are in full support of Ridge Motor Sports and hope to see it go through.

Tom Casey stated that he is the president of the Shelton Drag Strip Association. He supports this amendment to the noise ordinance and recognizes it as a housecleaning item. Without this amendment, motor sport parks couldn't be considered anywhere in the county in the future. He would like the door opened so the Board can consider proposals for motor sport parks. At a site specific proposal they can talk about what the noise levels should be and do analysis. He also complimented the staff on their work.

Peggy Zamzow commented that she is a supporter of removing the word 'existing' from the noise ordinance. She also has signatures of 100 people who think this could be a good thing for the county.

Jack Ward stated that he is all for changing the word 'existing'. There are muffler rules that will keep things from being loud.

Wendy Matthews stated that in light of the history of the application that was postponed because of a moratorium, it is fair to acknowledge the fact that most people are here for that specific reason. During the Planning Commission meeting where the decision was postponed to consider a rezone of the area, noise was raised as one of the main concerns. Title 9 states that Board is responsible for minimizing the exposure of citizens to the adverse affects of excessive noise and for controlling the level of noise in a manner that promotes use, value and enjoyment of property. The definition of noise includes the intensity, duration and character of sound of any and all sources. There is a designation of noise abatement that designates what kind of areas are surrounding the area where noise might be produced. The word the Board is trying to remove is in the exemptions section. If it is removed all that is left is sounds originating from motor vehicle racing events at authorized facilities. The entire code speaks to what is appropriate, what is lawful and is dependent on what it is around. By removing the word 'existing' a racetrack cannot be prevented from any location because of the sound it produces. In the Board's review to authorize a facility they won't be able to limit the sounds coming from that facility. There will be no grounds to address racetrack noise at all. This puts the Board in a serious bind. She urged the Board to look at a website that shows a racetrack on 500 acres with no residents nearby to determine what kind of environment is appropriate. The methods of development that the County is pursuing are backwards. When someone wants to purpose a controversial land use the Board dismantles parts of the code that protects adjacent landowners.

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There are 20 acre residential lots 500 feet from the proposed race track. There is also a neighborhood 1 mile away. Mufflers won't make any difference.

Janice Vocke noted that she originally wanted to speak about ADAGE but she would also like to address this issue. She misses a lot of things that used to be in Mason County when she first moved here 25 years ago. It is sad that people have to take their families to other counties to go to these types of events. Mason County was special community for these types of events. The things in the cities are too loud and the local events weren't nearly as loud. She would like to see the racetracks back on a limited basis.

Greg Burgess testified that he has been a resident of Shelton all of his life. He is a director for the American Sprint Car Series, Northwest Region. The Northwest Region is based in five states. He has 19 events covering three states in the northwest this year, four of which are national events. He has visited many small towns in the northwest that have raceways. The last one was Cottage Grove, Oregon. They had a similar discussion a few years ago and voted to approve the raceway and to limit it with mufflers. He thinks leaving the word in the code is limiting the County's options to bring in money. If the word is removed the Board can at least vote on proposals as they come in. He has been attending races in Elma every Saturday night for the last 15 years and the largest fan base there comes from Mason County. Two of his national events are in Elma and he would love to do them in Shelton. The business owners and residents should have the option to get those tax dollars. 2 to 3 years ago there was study done about what the county what would be good at. The results of the study were that the county would be a great extreme sports community. This falls right in with that.

Lee Fejellanger stated that he lives in Bothell, however he is a property owner in Mason County and visits frequently. He is in favor of removing the word existing from the code. In his opinion, the County should always be concerned with economic activity. The children and grandchildren need jobs too. Life is about change. A location currently being used for one activity might end. The word needs to be removed so the Board can look fairly at new options and opportunities to allow economic growth.

Sam Barer commented that he is an automotive journalist who lives in Olympia, but he has family who live on Mason Lake. He has 27 pages of comments from people who are in support of this proposal to go forward. They want help with the growth of the economy. His father was a racetrack announcer in the 50's. He is classic example of someone who lived in Seattle who came to Shelton every three weeks to see the races. He always had to share a hotel room because the rooms were sold out every race weekend. He always looked very fondly at coming out to Shelton but he has rarely come to Shelton since then. There is nothing to draw the racecar community anymore. This is great family entertainment. Taking out 'existing' is a housecleaning item. There were existing racetracks years ago in the neighborhood where there is a racetrack being proposed now. Racetracks are much safer now. This just the first step, everyone will have time to talk about it further. This is good for economic development and social development.

Cmmr. Ring Erickson called for a point of order. She stated that comments should be addressed to the Board and applause is not appropriate. There are different views and she doesn't want anyone to be intimidated.

Cmmr. Sheldon agreed and reminded everyone that the hearing isn't about a specific proposal. It is about a one-word change in an ordinance.

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Dan Griffey testified in support of a code change to allow discussion of a racetrack. In these tough economic times the businesses could see benefit from this privately funded enterprise. This is a necessary economic change.

Dina Griffey commented that she is a Realtor and she is in support of removing the word 'existing'. It is time to start growing the community.

Terri Jeffrys spoke on behalf of the Shelton Mason County Chamber of Commerce. They are in full support of a revision to Title 9. On a tourism level it is important to diversify and broaden recreational activities available in the county. Tourism development is a significant piece of the current economic development element of the county and in that element it says the County will promote further development of recreational facilities. Removing the word 'existing' from the code would forward the promise of the County to promote building of new recreational facilities.

Lori Buhl, Chair of the Economic Development Council, thanked the Board for considering revisiting the noise ordinance. An ordinance in effect since 1989 begs for review. She reiterated that the EDC has not taken a position of support of any project. They are just here to support the word change to the ordinance. She noted that it is important for everyone to understand this will not change the process. Permitting processes will remain in place. Any regulatory requirements are not changing. The EDC is in favor of economic development, jobs, attracting business and a new motor sport facility investment is a way to do that.

Rod Powell stated he was one of the founders of the Ridge Motor Sports Group. He understands this hearing is not about that project in particular. He just wanted to convey that the removal of the word 'existing' gives the investors a clear signal to move forward with the project. It is a multi-million dollar investment that will be made with private funds. Absent the removal of the word, it is also a clear signal that perhaps this isn't the best time or place. He encouraged the Board to strike the word 'existing' because there is no existing track. There are many more steps involved in the development of the facility should it come to pass. The special use permit would address any noise issues.

Jack Miles, Port of Shelton, supported having drag racing in Mason County. It is important to modify this ordinance to pave the road for a future racetrack. There were two years of drag racing at the Port and the first year the only complaint was regarding helicopter rides. The second year he received three noise complaints. He went to someone's house to listen and he wasn't convinced that the noise that loud. He was able to hold a conversation for an hour and he could hear every word even though he is deaf in one ear. He encouraged the Board to modify the ordinance.

Diane Biscay stated she would like the word 'existing' excluded. It is time for a change and more income needs to be brought to the community. She commented that 44 years ago she went to the Shelton Drag Race on a blind date and met her husband.

Christy Buck commented that the Mason County Association of Realtors supports the removal of the word 'existing' from the ordinance.

Rick Foster, President of the International Race Drivers Club, stated that he understands that there will be a robust process for economic impact and noise control in spite of the change to the ordinance. They are interested in being good citizens to the community. They have full time sound person who monitors sound.

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Mark Baker stated he would like to see the word 'existing' exempted. If motor sports facilities are developed he will frequent the area.

Cmmr. Sheldon commented that Sam brought him back to a long time ago when he went to sport car races at the Port of Shelton. This is a 21 year old ordinance. It doesn't speak to any specific application or proposal. It updates the ordinance and allows new proposals to be evaluated. He believes it would be wise for the Board to be able consider new proposals. It is a time of serious recession and the County needs economic development and jobs. Elected officials have the duty to consider new proposals.

Cmmr. Ring Erickson noted that as County Commissioner, at any given time there is a chance to make some of the people happy and some of the people mad. She is somewhat familiar with the issue because as a law enforcement officer, she had to work mandatory overtime at the Seattle International Raceways. This is not about any one proposal. It is about a countywide policy to being willing to review proposals that are required to go through a strict and heavily regulated process. This is a much broader piece in regards to economic development.

Cmmr. Gallagher stated that this is an economic issue. Any track that would meet the requirements could be anywhere in Mason County. He is a licensed dragster operator, but he hasn't raced in 22 years. This is about removing one word from an ordinance, not any specific proposal.

Cmmr. Sheldon agreed that Commissioner Gallagher doesn't have a conflict of interest. He is an elected official and has no financial interest in a track or proposed facility. If this were a proposal for a new golf course he wouldn't have to recuse himself if he played golf.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve the revision to Mason County Code, Title 9, Section 9.36 (Noise Control) Subsection 9.36.100 (Other Exemptions) to remove the word "existing" from exemption 9.36.100 (8) to become effective July 1, 2010. Motion carried unanimously. RE-aye; S-aye; G-aye.

Cmmr. Gallagher called a recess at 10:29 a.m. The meeting reconvened at 10:41 a.m.

9.2 Public hearing to consider a Private Line Utility Occupancy Permit between Mason County and Robert Wakely for two sewer lines and one water line for 13280 West Shelton Matlock Road.

Rick Hirschberg, Public Works, stated this application is from a homeowner on Shelton-Matlock Road. Mr. Wakely has a house on Lake Nahwatzel. He needs to get a water line and a couple of sewer line under the road to his septic drain field and well. He has looked at the project and there will be no disturbance to the surface of the road. The line will be pushed underneath the road. It meets all of the requirements for installation.

There were no questions for staff or public testimony.

Cmmr. Ring Erickson/Shelton moved and seconded to approve and execute the Private Line Utility Occupancy between Mason County and Robert Wakely for two sewer lines and one water line for 13280 West Shelton Matlock Road. Motion carried unanimously. RE-aye; S-aye; G-aye.

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- 9.3 Public hearing to consider declaring 28 parcels of real property to be surplus to the needs of Mason County and approving their sale by means of a sealed bid process and other means as authorized by law.

Rick Brush, Public Works Property Manager, stated that since mid 2007 he has been performing a number of tasks as Property Manager with the assistance of Cathe Bennett, in addition to their primary responsibility of right of way management. They had a primary goal of scanning inventory of County owned property that is not in use by the County, and placing it on the market for sale. They have also handled other real estate matters, such as assisting other departments with appraisals, acquisitions and disposals. In their review of County owned property they have identified a total of 202 parcels, 109 of which are in use by the County. These properties came into County ownership by various means, including purchases for specific purposes and tax lien foreclosures. Of the 93 properties not in use by the County, 43 appear to be potentially marketable and 50 probably unmarketable. To date, there has been a detailed reviewed of properties in approximately half of the county for the purpose of an initial offering for sale. These properties are on the list to be approved. These 28 properties are primarily from the list of marketable properties, with the addition of a couple of properties that citizens have asked to be place on the market for sale. The plan is to offer properties for sale initially through a sealed bid process and, as necessary, offer them through other authorized means. This could include placement on the open market, or listing with a local broker.

The proposed offering prices are either assessed values, appraised values or other values as recommended by the Assessor's Chief Appraiser. In addition to authorizing the sale, the resolution specifies that the proceeds from the sale will go towards settling delinquent taxes and expenses of tax foreclosures, to reimburse the Road Fund for property management expenses that it has absorbed and then to the Reserve Fund for Accrued Leave. Right-of-way and property management work for Public Works are funded by the Road Fund. They have been charging expenses to the Road Fund for property management for other departments and funds outside of Public Works as an interim measure. There has traditionally been no funding for property management from any other budget. To date, they have accumulated \$28,735 in expenses that are proposed to be reimbursed by sales of these surplus properties.

Questions for Staff

Cmmr. Sheldon noted there are four properties that are over \$100,000. There is a waterfront piece with an asking price of \$530,000. He understands there will be a set bid, but asked if anything special will be done with those four properties.

Mr. Brush responded that the proposed prices are asking prices. They are not requesting a minimum bid, which might exclude other acceptable offers. Buyers may uncover defects in a property that would be considered before a final bid is accepted. During the sealed bid process properties will be offered for 90 days. Any offers that are made will be brought to the Board for approval. Beyond the sealed bid process they would determine what to do with the remained of the list. He would propose that any properties that don't sell be left on the market. He will be coming to the Board in the future with another list. Over a period of time every piece of marketable property will be on the market and exposed for sale as long as it takes. There are a large number of unmarketable properties, which are primarily tax foreclosure properties. He proposes to negotiate with surrounding owners on those properties, who are the only probable potential purchasers.

Cmmr. Ring Erickson commented that she appreciates the work on this. This list sat on another staff member's desk for years and nothing happened. Since it has been taken over it has generated a lot of conversation.

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Ms. Hirschi asked about how much would go into the Accrued Leave Fund.

Mr. Brush explained that the number would need to be computed. All of the taxes and penalties would need to be subtracted and then the \$28,000 would need to be subtracted. There is well over a million dollars worth of property on the list. If it all sold for the asking prices there should be about a million dollars to put in the fund. That would be a lofty expectation, but over time it might approach that.

Cmmr. Sheldon noted that all of the properties are in County ownership so they are not paying property taxes now. One of the big advantages to getting the properties sold is to get them back on the tax roles, even if they are sold at less than market price.

Ms. Hirschi asked how long these properties have been owned by the County.

Mr. Brush stated that in some cases there are properties that have been in the County's inventory since the early 1900's. These are properties with some defect. Early in the history there wasn't a big demand for irregular properties.

Cmmr. Sheldon noted that the Department of Transportation has a tremendous amount of property. It is amazing how many properties they have available for sale. Over the years it builds up. It is tedious work and he compliments the staff on this.

Public Testimony

Ed Johnston stated that there is a parcel that his sister has property next to. She would be interested in bidding on it. He is concerned about the assessed value that the County placed on the parcel. The property in question is number 20 on the list. The property is land locked with no access. The two ways in would be through sister's property or through a parcel owned by Manke Lumber Company. There is no power or water to the property and no easements or access to provide either. The lot is unbuildable based on County Ordinance. There is a 300 foot set back from a slope that is part of the parcel. There is also a property line set back for building. The assessed value is very high and he concerned because a bidder that doesn't do due diligence could bid against his sister. People would have to trespass to inspect the property. He contacted the Assessor's office on March 31st and they agreed that the property needed to be reassessed. Hasn't heard anything to date from that office. He doesn't know if the County has to report these defects when advertising the property for sale. He requests that the Commissioners look into the situation and talk to the Assessor's office before the bids are published.

Cmmr. Sheldon noted that there is no minimum bid just an asking price. The assessed value just gives a relationship to other properties.

Mr. Cobb clarified that in the sealed bid process there is language to advise bidders to do due diligence before making a bid. If the property were to go to a realtor any defects would be disclosed.

Mr. Brush stated that Mr. Johnson does raise some valid questions. There may be a disagreement in the Assessor's office on the asking price of the property. He would propose holding the hearing over for a week until the Assessor can reevaluate the property.

Cmmr. Sheldon suggested closing the public hearing and tabling any action for one week to give Mr. Brush an opportunity to talk to the Assessor.

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Cmmr. Ring Erickson commented that this process has gone on for a long time. It is not about giving a specific benefit to any one family who may be adjacent to a property. It is about getting the properties back on the tax roles.

Cmmr. Sheldon asked if Mr. Brush would still have the discretion to change the assessed values after discussion with the Assessor if the Board approves the resolution.

Mr. Cobb stated that the language in the resolution would need to be changed to allow Mr. Brush that flexibility. He suggested adding the phrase "The Property Manager could adjust these prices upon receiving new information from the Assessor's office."

Cmmr. Sheldon/Ring Erickson moved and seconded to adopt the resolution with the Deputy Prosecutor's suggested modifications, declaring twenty-eight parcels of real property to be surplus to the needs of Mason County and approving their sale by means of a sealed bid process and other means authorized by law. Motion carried unanimously. RE-aye; S-aye; G-aye. Resolution No. 33-10 (Exhibit D)

- 9.3 Public budget hearing to consider a \$46,205 supplemental appropriation to the 2010 budget to reinstate the Long Range Planning position to be fully grant funded.

Barbara Adkins, Department of Community Development, stated that this figure represents salary and benefits for a Long Range Planner from today until the end of year. The department is in the position to receive grant funding, which would cover the amount entirely. There are two separate grants. One grant was awarded to Public Works by the Department of Ecology for stormwater activities. A portion of that money has been assigned to Community Development to fulfill certain tasks. The second grant was also from the Department of Ecology that was awarded to the Department of Community Development to update the Shoreline Master Program. That grant is in the amount of \$650,000 to be utilized by the department over the next 2 ½ years to update the Shoreline Master Program, which is a State mandate. The supplemental appropriation represents a 60-40% split of those grant sources. 60% of the position would be funded by the Stormwater grant and 40% would be the Shoreline Master Program update. Last year the position of the Long Range Planner was vacated and then eliminated to reduce the department's expenditures. The department is now in the position of having more work than people. They don't have anyone on staff to fulfill these obligations. They are asking to bring back the position until the end of the year.

Questions for Staff

Ms. Hirschi asked what would happen after the year is up.

Ms. Adkins replied that there is not enough money associated with just the Shoreline Master Program grant to fund a full time person. They are combining it with the Stormwater grant to fund someone full time for the year. As the work progresses they will have a better idea of whether they can carry on into the next year. They could potentially keep the person into the first half of next year.

There was no public testimony.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve the supplemental appropriation to the 2010 budget reinstating the Long Range Planning position as fully grant funded. Motion carried unanimously. RE-aye; S-aye; G-aye.

Cmmr. Ring Erickson excused herself from the meeting at 11:18 a.m. to attend a medical appointment.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
May 4, 2010 - PAGE 12

10. Other Business (Department Heads and Elected Officials) – There was no other business.
11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.
12. Adjournment – The meeting adjourned at 11:26 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

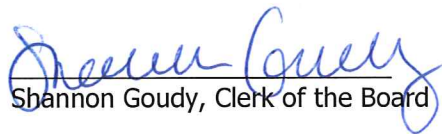


Ross Gallagher, Chair



Lynda Ring Erickson, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board



Tim Sheldon, Commissioner

RESOLUTION NO. 30-10

A RESOLUTION Authorizing the chair of the Mason County Board of Commissioners to sign a contract amendment with *Engineering Services Associates, Inc.* to provide additional technical assistance and comprehensive mapping services for the construction of side sewers during the development of the Belfair Wastewater Reclamation Project.

WHEREAS, one of the most important aspects of the development of new sewer service in Belfair will be the connection of individual properties to the conveyance system;

AND WHEREAS, some property owners lack the technical skills to make the conversion from their on-site systems to the sewer collection lines we are developing;

AND WHEREAS, the County wishes to provide guidance to ensure proper engineering and plumbing installation standards are met during the construction of side sewers.

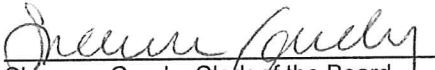
AND WHEREAS, additional work is required to provide sewer service to all properties within 500 feet of the initial conveyance system.

AND WHEREAS, the work was not included within the initial scope of work for the consulting engineering company.

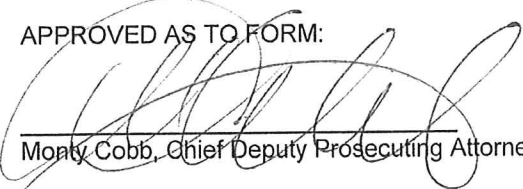
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of MASON COUNTY, that we authorize the chair to sign amendment #1 of the contract with *Engineering Services Associates, Inc.* to provide technical assistance and comprehensive mapping services for the construction of side sewers during the development of the Belfair Wastewater Reclamation Project.

ADOPTED: May 4, 2010.

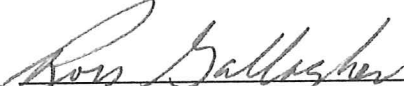
ATTEST:



Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:


Monty Cobb, Chief Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Ross Gallagher, Chair


Lynda Ring Erickson, Commissioner


Tim Sheldon, Commissioner

RESOLUTION NO. 31-10

VACATION FILE NO. 371
NOTICE OF INTENT TO VACATE
SETTING TIME AND PLACE FOR HEARING ON SAID VACATION
RCW 36.87
IN THE MATTER OF THE PETITION OF MARYLOU FLATAKER

WHEREAS, NOTICE IS HEREBY GIVEN that the Mason County Public Works Department received a petition for the vacation of the following right-of-way:

All right of way known as the Deer Creek Road, County Road No. 52630, being a strip of land 30 feet in width, lying in the North ¼ of the NE ¼ of the NE ¼ of the NW ¼ of Section 36, Township 21 North, Range 3 West, W.M., as said Deer Creek Road as shown in Book of Surveys, Volume 18, page 91, recorded December 29, 1993 under Auditor's File No. 579290, and all that portion north of Section 36, Township 21 North, Range 3 West, W.M., records of Mason County, Washington.

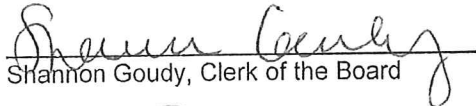
WHEREAS, the Board of Mason County Commissioners did set a date for public hearing before the Hearings Examiner on the matter and directed Public Works to prepare notice thereof for posting and publication;

NOW THEREFORE BE IT RESOLVED, that said hearing has been set for **Tuesday, June 8, 2010 at 1:00 p.m.** in the Commission Chambers, Mason County Courthouse Building I, 411 North Fifth Street, Shelton, Washington at which time and place any taxpayer may appear to hear the County Engineer's report, and to be heard either for or against the granting of the petition.

DATED this 4th day of May, 2010.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

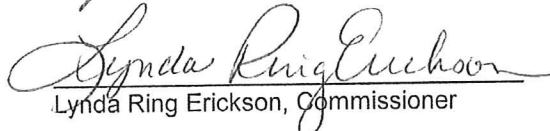
ATTEST:


Shannon Goudy, Clerk of the Board


Ross Gallagher, Chair

APPROVED AS TO FORM:


Deputy Prosecuting Attorney


Lynda Ring Erickson, Commissioner

Assessor
Auditor
Engineer


Tim Sheldon, Commissioner

Petitioners –Marylou Flataker, 500 E. Deer Creek Rd,
Shelton, WA 98584, Guy & Dawna Sage, 491 E. Deer
Creek Rd, Shelton, WA 98584
Post no later than 5/19/10 (20 days prior to hearing at
each terminus of the county road or portion thereof
proposed to be vacated or abandoned.)
Vacation File No. 370
JOURNAL – Publish 2t: 5/27/10 & 6/03/10
(Bill Public Works)

RESOLUTION NO. 32-10

VACATION FILE NO. 372
NOTICE OF INTENT TO VACATE
SETTING TIME AND PLACE FOR HEARING ON SAID VACATION
RCW 36.87
IN THE MATTER OF THE VACATION OF A PORTION OF BURGUNDY ROAD

WHEREAS, NOTICE IS HEREBY GIVEN that the Mason County Public Works Department determined that the last 520 feet of Burgundy Road is not needed for the County road system and recommends that it be vacated; and

WHEREAS, the Board of Mason County Commissioners did set a date for public hearing on the matter before the Board and directed Public Works to prepare notice thereof for posting and publication.


NOW THEREFORE, BE IT RESOLVED that said hearing has been set for **Tuesday, June 1, 2010 at 9:30 a.m.** in the Commission Chambers, Mason County Courthouse Building I, 411 North Fifth Street, Shelton, Washington, at which time and place any taxpayer may appear to hear the County Engineer's report, and be heard either for or against the vacation of said portion of Burgundy Road.

DATED this 4th day of May, 2010.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

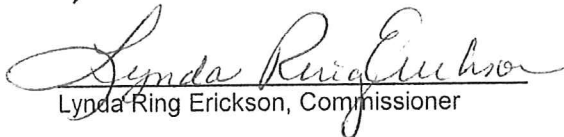
ATTEST:


Shannon Goudy, Clerk of the Board


Ross Gallagher, Chair

APPROVED AS TO FORM:

Deputy Prosecuting Attorney


Lynda Ring Erickson, Commissioner

Assessor
Auditor
County Engineer


Tim Sheldon, Commissioner

Post no later than 4/11/10 (20 days prior to hearing at each terminus of the county road or portion thereof proposed to be vacated or abandoned.)
Vacation File No. 370
JOURNAL - Publish 2t: 5/20/10 & 5/27/10
(Bill Public Works)

RESOLUTION NO. 33-10

DECLARATION OF SURPLUS PROPERTY AND APPROVAL OF SALE

WHEREAS, Mason County owns the real property listed and described in Exhibit A, attached hereto; and

WHEREAS, certain parcels of the property are tax title property with delinquent property tax, penalties, interest and expenses owing; and

WHEREAS, other parcels were acquired for various purposes; and

WHEREAS, the Board of County Commissioners, upon the recommendation of the Property Manager and Property Management Committee has determined that the property is surplus to the needs of the County; and

WHEREAS, Mason County issued public notice regarding the declaration of this property as surplus and its intent to sell it for three consecutive weeks in a newspaper of general circulation within Mason County; and

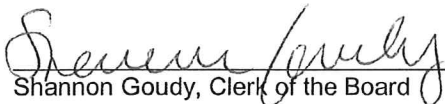
WHEREAS, the Mason County Board of Commissioners, on Tuesday, May 4, 2010, held a public hearing during which members of the public were able to testify before the Mason County Board of Commissioners regarding the property, the proposed declaration of surplus and sale.

NOW, THEREFORE, BE IT RESOLVED by the Mason County Board of Commissioners that the real property described in Exhibit A, attached hereto, is declared surplus property and the Property Manager is authorized to offer all of said property for sale, first by a public, sealed-bid process and, as necessary, by any of the several means authorized by Mason County Code 3.40. Offering prices are to be those listed in Exhibit A, which prices were established by appraisal, tax assessment or as otherwise recommended by the Assessor's Office. The Property Manager may adjust these prices upon receiving new information from the Assessor's Office. The final selling prices are to be approved by the Board of County Commissioners; and

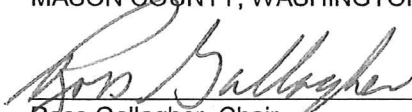
BE IT FURTHER RESOLVED, that the proceeds of the sale of said property are to be dedicated first to any delinquent property tax obligations and related penalties, expenses and assessments; and next to reimbursement of the Road Fund for expenses of the Property Manager; and finally to the Reserve for Accrued Leave Fund.

DATED this 4th day of May, 2010.

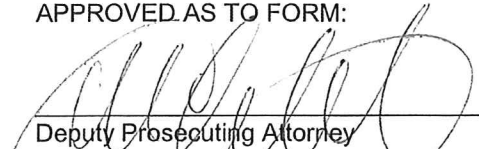
ATTEST:


Shannon Goudy, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Ross Gallagher, Chair

APPROVED AS TO FORM:


Deputy Prosecuting Attorney


Tim Sheldon, Commissioner

Assessor
Auditor
Treasurer
Property Manager

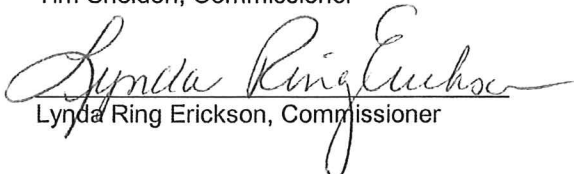

Lynda Ring Erickson, Commissioner

Exhibit A

Sale Parcel #	Tax Parcel #	Address/Location	Assessed Value	Asking Price	Comments	Approx. Area
1	12107 14 00110	250 E. Lombard Rd	56,375	40,000	Tax Title, Health Dept lien	2.50 acres
2	22018 33 60020	4600 Block Agate Rd	15,000	6,800	Deeded to County, purpose unknown	0.80 acres
3	32024 53 01001	11 E. Agate Beach Dr	15,000	15,000	Tax Title	0.27 acres
4	32024 53 01003	41 E. Agate Beach Dr	15,000	15,000	Tax Title	0.27 acres
5	32024 53 01002	21 E. Agate Beach Dr	15,000	15,000	Tax Title	0.27 acres
6	32024 53 01004	51 E. Agate Beach Dr	15,000	15,000	Tax Title	0.27 acres
7	32024 53 01005	71 E. Agate Beach Dr.	15,000	15,000	Tax Title	0.27 acres
8	32016 53 00900	E Payton Pl	23,000	34,000	Deeded to County, purpose unknown	4.0 acres
9	32021 53 02036	161 E. Midway Ln	33,700	3,370	Tax Title	0.17 acres
10	31909 24 00000	Lynch Rd	5,005	5,400	Deeded to County, uneconomic remnant	0.77 acres
11	32020 54 03002	Hill St	32,500	20,000	Tax Title	0.14 acres
12	32030 51 07010	Lake Blvd	100,000	100,000	Deeded to County, former shop location	0.58 acres
13	32030 51 10001	Lake Blvd	100,000	100,000	Deeded to County, former shop location	0.55 acres
14	32030 51 08026	Off Lake Blvd	10,000	10,000	Tax Title	0.14 acres
15	42024 15 01000	1835 W. Franklin St	50,000	22,000	Tax Title	0.17 acres
16	42017-13-00020	Shelton Matlock Rd	1,130	5,500	Deeded to County, uneconomic remnant	.24 acres
17	32127 53 00174	E Mason Lake Rd	5,000	5,000	Deeded to County, uneconomic remnant	0.18 acres
18	32127 53 00176	E Mason Lake Rd	12,500	12,500	Deeded to County, uneconomic remnant	0.24 acres
19	22107-50-00072	E Mason Lake Rd S	485,940	530,000	Waterfront, Appraised: \$530,000	1.01 acres
20	42212-51-23016	N. Old Mill Hill Rd	20,000	25,000	Tax Title	0.81 acres
21	32331-22-00320	N. Terrace Loop	15,000	15,000	Tax Title	0.15 acres
22	32216-50-01006	51 NE Forestry Dr	2,500	2,500	Tax Title	0.33 acres
23	32214-50-05901	72 N. Fern Ct	16,000	16,000	Tax Title, declared surplus Resolution 58-04	0.37 acres
24	32214-52-05035	NE Tahuya Blvd	20,000	20,000	Tax Title	0.23 acres
25	12206-52-00006	90 E. Judy Lane	2,500	2,500	Tax Title	0.80 acres
26	12220-50-46001	Wheelwright St	5,000	5,000	Tax Title	0.11 acres
27	32033 33 60010	Cole Rd	80,000	88,000	Deeded to County, purpose unknown	2.60 acres
28	42012 50 00001 42012 50 00002	11840 SR-101	291,585	250,000	Deeded to County by Timberland Regional Library	0.45 acres

ORDINANCE NUMBER 34-10

**AMENDMENT TO TITLE 9, SECTION 9.36 (NOISE CONTROL)
OF THE MASON COUNTY CODE**

ORDINANCE amending Title 9, Section 9.36 of the Mason County Code to remove the word "existing" from Subsection 9.36.100(8).

WHEREAS, Mason County received a request from the Mason County Economic Development Council for consideration of a revision to Title 9, Section 9.36 removing the word "existing" from Subsection 9.36.100(8); and

WHEREAS, the proposed revisions are intended to provide future growth opportunities in Mason County for motor vehicle racing events and facilities; and

WHEREAS, pursuant to RCW 70.107.060(3) proposed revisions were submitted to the Governor's Office of Regulatory Assistance for a ninety (90) review period by the Department of Ecology to be completed on June 29, 2010.

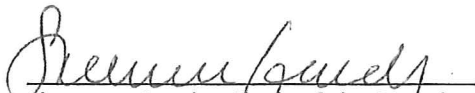
NOW THEREFORE, BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS amendments Title 9, Section 9.36 of the Mason County Code to remove the word "existing" from Subsection 9.36.100(8) as described by ATTACHMENT A effective July 1, 2010.

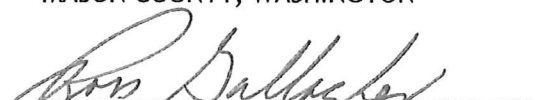
DATED this 4th day of May 2010.

Board of Commissioners
Mason County, Washington

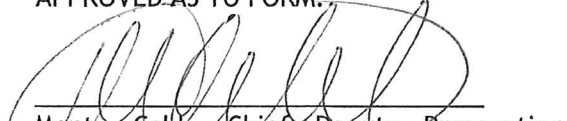
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Shannon Goudy, Clerk of the Board


Ross Gallagher, Chair

APPROVED AS TO FORM:


Monty Cobb, Chief Deputy Prosecuting
Attorney


Lynda Ring Erickson, Commissioner


Tim Sheldon, Commissioner

ATTACHMENT "A"

**Chapter 9.36
NOISE CONTROL**

9.36.100 Other exemptions.

The following shall be exempt from the maximum permissible noise levels set forth in Section 9.36.060:

- (1) Sounds created by the normal operation of motor vehicles while upon public highways. Such motor vehicles are nevertheless subject to the provisions of Sections 9.36.130 through 9.36.150, pertaining to motor vehicle noise standards;
- (2) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
- (3) Sounds created by surface carriers engaged in interstate commerce by railroad;
- (4) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons;
- (5) Sounds created by fire alarms used as such;
- (6) Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the intent of the device or is not economically feasible;
- (7) Sounds created by emergency equipment and work or training necessary in the interests of law enforcement or for health, safety, or welfare of the community;
- (8) Sounds originating from motor vehicle racing events at ~~existing~~, authorized facilities;
- (9) Sounds originating from officially sanctioned parades and other public events;
- (10) Sounds emitted from petroleum refinery boilers during start-up of said boilers; provided, that the start-up operation is performed during the daytime hours whenever possible;
- (11) Sounds created by watercraft; provided, that such watercraft shall comply with Mason County Ord. 83-88 (Motorboats) and Sections 9.36.160 through 9.36.180;
- (12) Subject to Ord. 438 Subsection 2, 1975 (Fire Arms), sounds created by the discharge of firearms in the course of hunting at all times;
- (13) Sounds caused by natural phenomena and unamplified human voices;
- (14) Sounds caused by motor vehicles over ten thousand pounds GVW, licensed or unlicensed, when operated off public highways;
- (15) Sounds caused by pigs, cattle, horses, sheep, goats, and poultry whether by commercial or noncommercial activities.