

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

DECEMBER 6, 2011

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – Commissioner Sheldon led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Steve Bloomfield.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 2012 budgets and levy certifications were received from the City of Shelton, the Shelton Metropolitan Park District, Educational Service District 113, the Port of Grapeview, the Port of Hoodspoint, the Port of Shelton, the Timberland Regional Library Board, Mason County Public Hospital District 2 and Mason County Fire District Nos. 1, 2, 3, 8, 11, 12, 15 and 17.
    - 4.1.2 Kristy Buck is seeking appointment to the Planning Advisory Commission.
    - 4.1.3 Ken VanBuskirk, Gale McGrath, Mel Williamson, Drew Noble and George Rickle are seeking appointment to the Transportation Improvement Citizen's Advisory Panel.
    - 4.1.4 John Byerly expressed concerns regarding log jams near the Union River Bridge.
    - 4.1.5 An additional petition to remove Lake Cushman from the Skokomish Flood Zone was received.
  - 4.2 News Release regarding Civil Service Vacancy was read by Chair Ring Erickson.
  - 4.3 News Release regarding Parks & Trails Department Plan Update Task Force was read by John Keates, Director of Parks, Trails and Facilities.
  - 4.4 Dave Loser announced that a post for quotes award is to Owen Equipment of Kent, WA for a new 2100 Vactor blower. The cost is \$31,145.84.
5. Open Forum for Citizen Input –
  - 5.1 Bob Harris asked if the Commissioners would consider postponing the hearing scheduled for late this month for the final Belfair Sewer Ordinance.
  - 5.2 Mary Jean Hrbacek asked for proposed expenditures for ER&R. She is concerned about the Sheriff vehicles. She had provided a list of vehicles and mileage about a month ago.
  - 5.3 Bob Roberts, Mason County Fire Chief, announced volunteer recruits will graduate the Fire Academy at Shelton High School. Also, he reminded everyone to be cautious this holiday season.
  - 5.4 Connelly Watson discussed a proposal for a reception center by the prison and updated everyone that it has been tabled.
6. Adoption of Agenda - **Cmmr. Sheldon/Bloomfield moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; B-aye.**
7. Approval of Minutes – November 7 and 9 briefing meeting minutes; November 7 Budget Workshop minutes; November 8 Skokomish Flood Control Zone District meeting minutes; November 22 regular meeting minutes.  
  
**Cmmr. Bloomfield/Sheldon moved and seconded to approve the November 7 and 9 briefing meeting minutes; November 7 Budget Workshop minutes; November 8 Skokomish Flood Control Zone District meeting minutes; November 22 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; B-aye.**
8. Approval of Action Agenda:

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- 8.1 Approval for the Chair to sign the Grant Award and Special Conditions documents for the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$17,301. This will be used to purchase four portable computers for Patrol Deputies and three Spillman Operating licenses.
- 8.2 Approval of \$25,000 WA Department of Social and Health Services contract with Mason 4-H to continue the Youth N Action Program with Youth Empowerment Strategies. Implementation of this contract will not incur additional use of County resources.
- 8.3 Approval to award the bid for the Belfair Sanitary Sewer Lateral Improvements County Hook Up Program, Group 1 and authorize the Utilities Director to sign the contract. This is for individual connections to the Belfair Sewer System. The bid award is to Zephyr's Incorporated as the apparent low bidder in the amount of \$93,411.50.
- 8.4 Approval to award a contract to EnviroSound Consulting in an amount not to exceed \$2,900 to perform a Phase I environmental site assessment for the Coulter Creek Park Project acquisition. Grants from the Recreation and Conservation Office (RCO) will reimburse the County for the assessment costs.
- 8.5 Approval of the Collection Service Agreement with Professional Credit Service to pursue collections for outstanding water and sewer bills and authorize the Utilities Director to sign the agreement.
- 8.6 Approval to advertise for Letter of Interest for 2012 for Construction Project Inspector Services, Contract/Fee Appraisers, Geotechnical Lab and Construction Materials Testing Services, Utility and Cable Franchise/Permit Services and Timber Management Services.
- 8.7 Approval for the Equipment Rental & Revolving Fund Manager to call for bids to furnish Mason County with culvert supplies for Public Works. Date and time of opening to be December 28, 2011 at 9:00 am.
- 8.8 Approval to cancel the December 27, 2011 Board of Health meeting.
- 8.9 Approval of Amendment #13 of Contract between Sound Resolutions and Mason County. This extends the consulting agreement to June 30, 2012.
- 8.10 Approval to authorize the Chair to sign the amendment to the grant agreement between Mason County and Habitat for Humanity of Mason County. This extends the agreement to December 31, 2012 for the Schilling Park Project.
- 8.11 Approval of Veterans Assistance Fund applications for: Tara L. Cox - Utilities \$136.09; Terry McFarlane (Kathleen) - Food \$100.00; John J. Makoviney - Housing \$600.00; Randolph B. Bittner - Utilities \$154.87; Susan C Wells - Housing \$583.59; Scott E. Kaylor - Food \$47.41; and Katina L. Kramer - Utilities \$417.38 for a total of \$2,039.34.
- 8.12 Approval of Warrants

Claims Clearing Fund	Warrant #s 195748-196199	\$1,378,480.29
Salary Clearing Fund	Warrant #s 5314-5343	\$ 229,958.88
Direct Deposit Fund	Deposit #s 34164-34519	\$ 590,272.86
- 8.13 Approval of the settlement with Brad Carey for a public records claim in the amount of \$10,000. This will be paid from the Cumulative Reserve Fund.
- 8.14 Approval to request a report from the Board of Equalization (BOE) on their response to the Department of Revenue's audit report showing the corrections that have been made.

Item 8.6

Tom Davis wanted to know if this approval was a particular construction project or was it inspector services for all projects.

Charlie Butros, Public Works Director, stated that they are consultants that are interested in specifically providing services for those particular types of jobs.



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Item 8.3

Bob Harris questioned group 1 and wanted to know how many groups there were going to be and how many hook-ups. He asked if a pump was required and if the County was providing it. He also wanted to know if there was a time schedule when this must be completed.

Emmett Dobey, Utilities and Waste Director, responded that group 1 includes eleven connections and group two includes fifteen connections. There is a total of fifty-six people that have signed up and a waiting list of the same. He is still working on the policy issue regarding the pump requirement.

Tom Moore, Utilities and Waste Deputy Director, stated the pump was not provided.

Mr. Dobey responded that the time schedule to be completed is March 15th, 2012 and December 31st, 2011 is the deadline to apply for this participation to the hook-up program.

Item 8.13

Annette McGee asked for item 8.13 to be explained.

Tim Whitehead, Deputy Prosecuting Attorney, stated Brad Carey filed a public records lawsuit in October 2011 alleging that he filed a public records request with the Public Health department with no response. There was no evidence that there was a response back. Therefore, there was a settlement negotiated with Mr. Carey and the County in the amount of \$10,000 for a dismissal of the lawsuit. The County is going to continue public records training and other steps to avoid this happening in the future.

**Cmmr. Sheldon/Bloomfield moved and seconded to approve Action items 8.1 through 8.14. Motion carried unanimously. RE-aye; S-aye; B-aye.**

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

- 9.1 Allan Borden, Community Development Planner, discussed a public hearing for the request by Wallace & Vivian Peterson, and Steve Clayton to amend the Belfair Urban Growth Area outer boundary and re-designate three parcels in the Residential 4 zone (total of 3.66 ac.) to Rural Area; then zone these parcels as the Rural Residential 5 zone.

Allan Borden handed out copies of staff reports. He brought the fourth rezone request for 2011. The property is located along the east side of Davis Farm Road, currently in the Belfair Urban Growth Area. The applicants would like to change the UGA boundary at this location. Part of the request is to change the zoning map in the Belfair Urban Growth Area and rezone from Urban Growth Area to Rural Area. If that is approved as requested, then zone that Rural Area Land as Rural Residential 5. The property is nearby to the Union River itself adjacent Old Belfair Highway. The County has identified the vicinity as being a highly susceptible critical aqua-for-recharge area. Mr. Borden listed the criteria on the rezone. The County has eight criteria that was reviewed and the staff found that the first seven criteria were met by this request. The eighth criteria had to do with a mapping error, which actually wasn't made. When the Urban Growth Area was adopted in 2004, these properties were among those properties identified. The Planning Advisory Commission met on October 17th, 2011 and reviewed the request. The Planning Advisory Commission had several questions such as sewer connections, are the streams and wetland close enough to be effected by development and would a possible sewer extension be proposed along Davis Farm Road to the properties south and west to the subject properties. The Planning Advisory Commission found there were several unique characteristics of the properties. They are small in size, the access is limited and utility connections would require permits through the critical resource ordinance. There have been no current plans to extend the sewer line farther down Davis Farm Road. The Planning Advisory Commission also came to the conclusion that all seven criteria were met and voted 5-0 with 6 Commission members present. The Chair did not vote and recommended approval of the re-designation

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from Urban Growth Area to Rural Area and then the proposed Rural Residential 5 zone request. One point he wanted to make present, if the Commissioners did agree that the rezone request met the criteria, in the motion consider a change from Urban Growth Area to Rural Area and subsequent proposed Rural Residential 5.

Cmmr. Sheldon wanted clarification of the owners.

Mr. Borden stated the Peterson's own two of the three properties; one has a home and the other property is vacant. The third property is owned by Mr. Clayton.

Cmmr. Sheldon commented that years ago, the McCray property was removed from the Urban Growth Area. He wanted to know if this was similar to that action that the Commission took.

Mr. Borden responded that he thought it was very similar. Whether the property stays in Urban Growth Area or more residential, it will have to meet the resource Critical Area Ordinance standards. Mr. Borden also mentioned that you can only one resident on each one of the three properties under the Rural Residential 5.

Connelly Watson asked when going from zone 4 to zone 5, if it would impact storm water run-off in any manner.

Mr. Borden responded if it residential 4 in UGA has the possibility of being developed at 4 residential units per acre. As far as storm water, you could get extensive-intensive storm water strategy as it's currently zoned.

Cmmr. Ring Erickson noted that the impact could be greater depending on what kind of house you build.

An audience member wanted to know if this area remains in the UGA, is it in the prospect of extending the sewer.

Mr. Borden commented that is not in the immediate future under the current strategy. He could only be subjective and say it is not likely to happen. In order to extend the sewer, there would have to be a demand or the County is spending tax payers money with no result. He suggested talking to the Utilities and Waste Management department.

An audience member questioned if being in the Urban Growth Area regulations includes industrial development.

Cmmr. Ring Erickson noted that the area that is being discussed is residential zone, not industrial.

The hearing was closed.

Comments

Steve Clayton showed two maps and discussed the three parcels and roads on the maps. There is no road maintenance agreement. Each property has one house on it and that is all there will ever be because it is outside the Urban Area. The properties, in addition to having the wetland creek, have a pond that is in the middle of the agricultural area that drains between his property and the Peterson's property in the winter time. It is really not good property at the densities of the Urban area. They don't have direct access for public utilities, they actually pick up their mail by the fire station along the main highway, there is no natural gas and they are currently in phase two of the sewer plan.



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Cmmr. Sheldon noticed that Roy Foster was listed on the old map and wanted to know how far back this map went.

Mr. Clayton responded that he owned his property for seventeen years and Roy Foster preceded him.

Ken Vanbuskirk stated that he serves on the Planning Advisory Commission and excused himself for this matter. As Mr. Clayton mentioned, Mr. Vanbuskirk and his wife are the adjoining property owners to the north and members of the Davis Family Farm. He felt that the proposed zoning designation much better fits the characteristics of the area. It will help not only protect his farm, but the Union River from Urban development and encroachment.

Hearing was closed.

Cmmr. Sheldon stated that this matter is in his district and he thought it was a reasonable request. He didn't feel it was unprecedented to remove areas from the Urban Growth Area as the comprehensive planning is finely tuned. Also, to move to a less intensive land use is in the interest of the public given the wetlands, river and other adjacent zoning. He recommends to close public testimony on this request and table it to render their decision at a public hearing on December 13<sup>th</sup>, 2011 at 9:30 a.m. This would take everyone to next step of amending our comprehensive plan and feels this is very appropriate.

**Cmmr. Sheldon/Bloomfield moved and seconded to close public testimony on this request and table the request to render a decision at a public hearing on December 13th, 2011 at 9:30 a.m. Motion carried unanimously. RE-aye; S-aye; B-aye.**

10. Other Business (Department Heads and Elected Officials) –

- 10.1 Cmmr. Ring Erickson stated that budget was passed yesterday, December 5th and the Board wants to clarify what had been passed. There were no reductions but actual increases. However, there was a change in the amount of the Traffic Road Diversion amount that is contained in the Public Works Road Fund. This money can be used for the Sheriff's Office for policing and traffic enforcement.

**Cmmr. Sheldon/Bloomfield moved and seconded to clarify that the 2012 expenditure budget was adopted at a total of \$24,866,460 with the Traffic Policing Road Diversion \$875,000 and direct the budget documents reflect these amounts. The total budget with ending fund balance of \$30,689,687. Motion carried unanimously. RE-aye; S-aye; B-aye.**

Public Comment

Ms. McGee questioned how the Board could legally amend the budget without an advertised hearing.

Cmmr. Sheldon responded that the Board passed a budget yesterday and there was a need for clarification on an item that was discussed. The Commissioners met with the Mason County Prosecutor this morning and the Commissioners decided that they should pass a motion at this morning's meeting to clarify what the Commissioner's actions were yesterday. It was not controversial, it was just clarifying what they intended to adopt yesterday.

Ms. McGee stated that she thought it was controversial.

Cmmr. Sheldon said the item itself can be raised additionally in a supplemental issue, but the Commissioner's wanted to clarify the action that was taken yesterday so there is no ambiguity.

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Mr. Whitehead stated that if there was ambiguity as to the motion yesterday then clarification is appropriate. He hadn't heard or listened to what the motion was yesterday. If there wasn't any ambiguity as to what it was, then maybe an amendment with a hearing or formal approaches are appropriate. He hadn't heard if it was ambiguous or not yesterday.

Ms. McGee wanted to know if the decision was made at a public meeting.

Cmmr. Ring Erickson explained that the Commissioner's discussed this morning at a briefing, was public, that there was some misunderstanding. The Commissioners were there with the Prosecutor, so it was legal and it's on the record.

Ms. Hrbacek commented that she had the documents and budget recap that was done yesterday and her understanding was the total expenditures would be \$24,987,460. The difference between the revenue and expenditures was coming out of the ending fund balance which was discussed. The numbers that the Commissioner's are telling the group at this time were different from the numbers that were agreed to yesterday. She wanted to know if she was incorrect with her understanding of the Commissioner's motion today.

Cmmr. Ring Erickson noted that her understanding of what the Commissioners passed yesterday was the amount of \$24,987,460 which is several thousand dollars more. She stated that Commissioner Bloomfield referred to a previously signed Commission memo requesting the road diversion be reduced. She thought if anything, the lack of specificity to read the number in that memo, is what is being clarified.

Cmmr. Bloomfield stated that he should have read the dollar amount to make it clear, and he didn't. He felt that is where the ambiguity came up.

Ms. Hrbacek commented that \$121,000 was fairly significant and what was provided to the general public and what they saw was a particular document that showed what the expenditures were. If it is being changed at this time, she thought it should go through a public hearing and the Commissioners would need to deliberate on this issue.

Cmmr. Sheldon responded that he disagreed that the Commissioners were changing the amount now. The motion was made by Commissioner Bloomfield and the motion was seconded by himself; it was a unanimous vote. His understanding was that the traffic diversion number that the Commissioners accepted was \$875,000. It just wasn't read. The inadequacy was the number wasn't said. The Commissioner's could start the budget process all over again, but he thought that would be a waste of public resources. All three Commissioners agreed on the \$875,000 number for traffic diversion. That was the action he believed they took yesterday.

Ms. McGee maintains that this should go through an open public hearing. Discussion was made after the budget was passed. She believes it is illegal to do it the way it is being done and they altered the budget without a public hearing after it was passed.

Cmmr. Ring Erickson stated that the Commissioners just clarified exactly what they had done yesterday. She had no discussion of it until this morning when the Commissioners went on the record at a briefing and discussed this matter with the Prosecutor and how best to handle it.

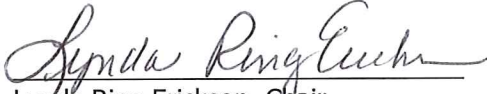
Cmmr. Bloomfield stated that he thought it was very clear to the three Commissioners what the intent was.

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On a different subject, Cmmr. Ring Erickson noted that she had received a couple of calls that suggested that the Sheriff was going to close his office in Belfair based on budget cuts. Cmmr. Ring Erickson stated that the Sheriff's operating budget was not cut and the office location is in a five year lease.

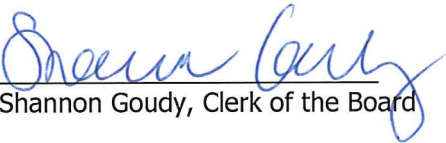
11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.
12. Adjournment – The meeting adjourned at 10:20 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Lynda Ring Erickson, Chair

  
Tim Sheldon, Commissioner

ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Steve Bloomfield, Commissioner