

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

OCTOBER 23, 2001

The meeting was called to order at 6:01 p.m. by Chairperson Herb Baze. Commissioners Wesley E. Johnson and Bob Holter were in attendance.

APPROVAL OF MINUTES

Cmmr. Johnson/Holter moved and seconded to approve the October 15 and October 16, 2001 briefing meeting minutes. Motion carried unanimously. B-aye; J-aye; H-aye.

CORRESPONDENCE

PUBLIC DOCUMENT REQUEST

John Komen has made a request under the Public Records Act. Copy referred to Public Works.

BALD EAGLE LISTING

Department of Fish and Wildlife will begin a 30-day public review of the final status report and listing recommendation for the Bald Eagle. A reclassification is proposed from a State Threatened species to a State Sensitive species.

TEE LAKE

Comments received from William and Terri Odegaard, Michael & Mark Duppenhaler. E-mails received from Carol & Charles Vincent and Tim Johnson.

CHARTER COMMUNICATIONS

Notification of an adjustment being made to customer's bill during the months of November and December only.

TRANSPORTATION IMPROVEMENT PROGRAM

Comments received from Janet Dawes regarding Old Olympic Highway.

SQUAXIN ISLAND TRIBE

The Bureau of Indian Affairs is considering an application for acquisition of land constituting a 59.9 acre tract of land by the United States to be held in trust for the use and benefit of the Squaxin Island Tribe.

MASON COUNTY FIRE DISTRICT NO. 2

A letter was received regarding the 2002 budget.

GMA UPDATE GRANT

Notification from the State of Washington, Office of Community Development, that Mason County qualified for a GMA Update Grant of \$78,750 to help ensure that the local comprehensive plan and/or development regulations are complying with the Growth Management Act.

BUSINESS

UNITED WAY PROCLAMATION

Ed Boutwell, Executive Director of Mason County United Way, presented the proclamation for the Board's approval to proclaim the month of November 2001 as United Way Month

Cmmr. Holter/Johnson moved and seconded to approve the proclamation as presented proclaiming the month of November 2001 as United Way Month. Motion carried unanimously. B-aye; J-aye; H-aye.

EMPLOYEE ID BADGE

Skip Wright, Human Resources, reported he has selected Bindery Systems, Inc for the employee ID badge hardware and software. The amount is \$4,590.

WRIA 16 INTERGOVERNMENTAL AGREEMENT

Request for the Board to sign the WRIA 16 Intergovernmental Agreement with Jefferson County Community Health & Human Services.

Cmmr. Holter/Johnson moved and seconded to sign the WRIA 16 Intergovernmental Agreement with Jefferson County Community Health & Human Services. Motion carried unanimously. B-aye; J-aye; H-aye.

LIQUOR LICENSE

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aye; J-aye; H-aye.

HEARING – Consider a \$15,771 supplemental appropriation to the Current Expense Fund

Ione Siegler, Budget & Finance, requested the Board approve a supplemental appropriation to Tourism & Recreation/Parks budget in the amount of \$15,771. This is from unbudgeted beginning fund balance in the Current Expense Fund and FEMA reimbursement for earthquake damage. These resources will be used to pay for the cost of repairing the Sandhill Park well, the reclassification of the Clerical IV position, and the unexpected costs of industrial insurance for caretakers and staff, utilities, and the ER&R rental for the new Kabota tractor.

Cmmr. Holter/Johnson moved and seconded to approve the Supplemental Appropriation to the 2001 Budget for the Current Expense fund in the amount of \$15,771. Motion carried unanimously. B-aye; J-aye; H-aye. (Exhibit A)

CONSOLIDATED CONTRACT AMENDMENT NO. 3

Health Services is requesting the Board authorize the Chair to sign the Consolidated Contract Amendment No. 3 to provide an additional \$16,250 to the Tobacco support community based program, an addition of \$3,768 to the Tobacco Youth Access program, and an additional \$3,664 to the Tobacco P&C/CDC program.

Cmmr. Johnson/Holter moved and seconded to authorize the Chair to sign the Consolidated Contract Amendment No. 3 [contract No. C08651(3)]. The amendment provides for an additional \$16,250 to the Tobacco support community based program, an addition of \$3,768 to the Tobacco Youth Access program, an addition of \$3,664 to the Tobacco P&C/CDC program. The funding is for the period of July-December 2001. The amendment increases the contract by \$23,682 with the revised total maximum consideration is not to exceed \$254,374. In addition the contract changes the deliverables in the Immunization program. Motion carried unanimously. B-aye; J-aye; H-aye.

EARLY INTERVENTION PROGRAM

Health Services is requesting the Board authorize the Chair to sign the EIP contract amendment #6 to DSHS Agreement #21648.

Cmmr. Holter/Johnson moved and seconded to approve and authorize the Chair to sign the EIP contract amendment #6 to DSHS Agreement #21648. This agreement extends the period of performance by an additional 9 months from October 1, 2001 to June 30, 2002 and provides a 2.1% VRI increase. The consideration is increased by \$10,905 for a maximum total of \$42,452. Motion carried unanimously. B-aye; J-aye; H-aye.

HARSTINE ISLAND BRIDGE EMERGENCY REPAIR

Jerry Hauth, Public Works Director, requested the Chair to execute Supplemental No. 2 to Local Agency Agreement LA-4999 for Harstine Island bridge emergency repair to repair earthquake damage.

Cmmr. Holter/Johnson moved and seconded to authorize the Chairperson to execute Supplement No. 2 to the State of Washington Department of Transportation Local Agency Agreement No. LA-4999, for Harstine Island Bridge Emergency Repairs due to earthquake damage February 28, 2001. Motion carried unanimously. B-aye; J-aye; H-aye.

INSTALLATION OF GATE – SKOKOMISH VALLEY ROAD

Mr. Hauth announced that Public Works has selected Karl's Manufacturing of Shelton as low bidder to install a gate on the Herbert Baze, Sr. property adjacent to the Skokomish Valley Road. The amount is \$475.

VETERANS' ASSISTANCE APPLICATION(S)

Utilities, Food, Housing, Mileage Reimbursement, Burial
Jack Nielsen, VFW 1694, \$76.42 PUD

Cmmr. Johnson/Holter moved and seconded to approve the Veterans' Assistance application for Jack Nielsen in the amount of \$76.42 for PUD. Motion carried unanimously. B-aye; J-aye; H-aye.

REVIEW TEE LAKE DECISION

Chairperson Herb Baze stated the Board will review the decision that was made on June 5, 2001 to deny the petition to ban internal combustion engines on Tee Lake. He stated Cmmr. Holter has reviewed the minutes, letters, documentation, and maps pertaining to this request and he will take part in tonight's decision.

Sheriff Steve Whybark stated his office did some random watch times at Tee Lake to find out what type of activity

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Telma Hauth, Tee Lake Road, stated she also watched the lake. She agreed there wasn't a lot of activity. She saw an incident on July 4 where one person wanted to water ski until the afternoon and at that time another neighbor decided to paddle boat so the skiing couldn't happen. She doesn't believe there are problems nor are any regulations necessary.

Terri Day-Odegaard, Tee Lake, pointed out that navigational buoys were stolen. She noted that according to the motorboat ordinance, powerboats are to give the right of way to paddleboats. She has a hard time believing that a paddleboat could operate in a reckless manner.

Robert Percival asked the Sheriff about who has the right of way if a motorboat is running in the regulatory area and a paddleboat pulls in front of the motorboat to stop the speed boat.

Sheriff Whybark stated that in the ordinance, there is a section that states if you place yourself at risk, you can be held accountable. Which means if you place yourself in front of a speedboat you can be cited for that, it is basically obstructing boating traffic. He pointed out it comes down to an interpretation of the ordinance and the situation. He stressed that over the summer, everybody did their best to not create a problem and he believes people are policing themselves.

Cmmr. Baze stated he and Cmmr. Johnson went on Tee Lake with Sgt. Peterson. He stated it is a small lake and is not conducive to speed boats and water skiing. He feels that anytime the Board has to regulate, they are losing ground but there are times when it has to happen.

Cmmr. Holter stated that in his experience of living on waterfront and in reading the information on this situation, his conclusion is that things are not the way they were in the past and when more people live on waterfront, the behavior has to change. He expressed concern that the County is putting themselves at risk by allowing activities to happen that could get someone hurt. He believes it would behoove the Board to take action to diminish the risk to the public.

In looking at the map, he has concluded it only allows about 50 to 75 feet to run a speedboat. He would like the Board to come to some type of a compromise.

Colin McGinnis, has property at Tee Lake, he believes there is a larger area on Tee Lake to water ski than what Cmmr. Holter stated. He believes property owners on the lake are good about monitoring themselves on the lake. He believes the paddleboat incident was blatant disrespect of others. He believes it is safe on the lake. He pointed out people bought property and watercraft to use on the lake and it would be an injustice to regulate the use.

Cmmr. Baze asked the Sheriff if there are other Mason County lakes that have regulated speed or other restrictions.

Sheriff Whybark stated Benson Lake, Lake Devereaux, Tiger and Panther Lakes have restrictions. He stated it is more difficult to enforce when every lake has a different kind of issue. He would prefer that the restrictions be more uniform. He stated a compromise might be the thing to do such as restricting times for motor boats and in the future, it could be attributed to other lakes. The other option is to have no motors or only small motors.

Cmmr. Johnson stated it is a small lake and ideally it is not a water skiing lake. There are more people living there and he stated that maybe it is time to take a second look at it. He suggested a study group be formed to come up with a recommendation.

Cmmr. Baze believes it has been studied enough. This is the third meeting and the issue needs to be resolved.

Cmmr. Holter stated that in the information he looked at, a compromise was proposed to limit the horsepower to 9.9 rather than to eliminate motors.

Dave Creed, Tee Lake, said he did talk to people about a compromise such as a time restriction. A horsepower limit would eliminate water skiing and jet skiing and a lot of them purposely bought their property to enjoy watercraft.

A citizen at Wooten Lake expressed concerns that if there are restrictions placed on Tee Lake, the people will move to Wooten Lake and cause problems there.

Robert Percival, Tee Lake Road, stated 9.9 horsepower motors will be a thing of the past because of the four-stroke motor and the pollution it creates. He stated that because of the lack of use of the lake, there is a circulation

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problem and it is causing a mud problem. He pointed out even pontoon boats need more horsepower than 9.9.

Cmmr. Holter believes the four stroke and a 9.9 horsepower will continue to be around. An alternative is to not allow internal combustion engines. A speed limit is difficult to enforce so he sees the only compromise is to limit the engine size.

Mr. McGinnis suggested a time restriction. That would allow everyone to use their property how they intended.

Cmmr. Holter has grave concerns about the public safety. This lake is very small and he doesn't believe it is a good idea to allow high powerboats.

Kathy McGinnis has lived on the lake for 45 years and would like it to remain as it is.

Cmmr. Johnson asked Sheriff Whybark what he would suggest for time restrictions.

Sheriff Whybark suggested 1 p.m. to 7 p.m. or noon to 6 p.m. to allow everyone to enjoy the lake. His impression is that there is no need for major changes.

The options available were discussed.

Cmmr. Holter/Johnson moved and seconded to restrict motorized watercraft usage to no more than 6 mph before 11 a.m and after 7 p.m on Tee Lake. Motion carried unanimously. B-aye; J-aye; H-aye.

HEARING - Consider Mason County Ordinance No. 81-01 which imposed a stay on the Hearing Examiner Ordinance (No. 129-00) until November 1, 2001.

Bob Fink, Planning Manager, presented the staff report. The Board adopted Ordinance No. 81-01 on August 14, 2001 which continued a stay of the hearing examiner ordinance No. 129-00 until November 1, 2001. He recommended the Board take no action and allow the interim ordinance to expire on November 1, 2001.

Cmmr. Johnson/Holter moved and seconded to close the hearing and take no action. Motion carried unanimously. B-aye; J-aye; H-aye.

HEARING CONT. (from 10/9 & 10/16) - Consider amendments to the Hearing Examiner Ordinance (No. 129-00). (public comment closed)

Bob Fink presented the staff report. A public hearing was held by the Board to consider proposed changes to the Mason County hearing examiner ordinance. Testimony was closed and the hearing extended until today to allow time to prepare implementation of the ordinance. The amendments, as presented, include some changes based on corrections and clarifications recommended by the Deputy Prosecutor, but it is substantively the same as the 7/31/01 draft.

The principal functions of the hearing examiner would be as follows:

To provide a quick and fair hearing in the case of alleged violations of codes, and to establish compliance requirements and assess penalties as appropriate.

To provide professional assistance to the county in the on-going improvement of county regulations.

Mr. Fink asked the Board to approve the proposed amendments and adopt the supporting findings of fact. The department feels that the county is positioned to implement the hearing examiner ordinance effective November 1, 2001.

Cmmr. Johnson referred to Section 15.11.010, Appeal of Administrative Interpretations and Decisions. He asked about the provision that enforcement actions reviewed by the Hearing Examiner are not appealable to the County Commissioners.

Mr. Fink responded that the Hearings Examiner actions will be limited principally to enforcement actions and those would be appealable to Superior Court. This is for enforcement issues only.

Cmmr. Baze asked if this is out of the ordinary.

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Darren Nienaber, Deputy Prosecuting Attorney, stated it is deciding matters of law.

Cmmr. Baze stated he is comfortable with the way the ordinance is written rather than having the Board trying to interpret the law.

Mr. Fink pointed out that after the hearings examiner is on board, they may want to fine tune the ordinance in the future.

Cmmr. Holter/Johnson moved and seconded to adopt amendments to Ordinance 129-00 by amending Title 15 as proposed, effective November 1, 2001 and to adopt the proposed findings for fact in support of this action for the Board to sign. Motion carried unanimously. B-aye; J-aye; H-aye. Ordinance No. 116-01 (Exhibit B)

ADJOURNED

The regular meeting adjourned at 7:40 P.M.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Herb Baze, Chairperson

ATTEST:

Bob Holter, Commissioner

Rebecca S. Rogers, Clerk of the Board

Wesley E. Johnson, Commissioner