

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

FEBRUARY 18, 2003

1. Call to Order - Chairperson Herb Baze called the meeting to order at 9:00 a.m.
2. Pledge of Allegiance - Chairperson Baze led the flag salute.
3. Roll Call - Attendance: Cmmr. Dist. 1, Herb Baze; Cmmr. Dist. 2, Wesley E. Johnson; Cmmr. Dist. 3, Jayni Kamin.
4. Approval of Minutes – **Cmmr. Johnson/Kamin moved and seconded to approve the briefing minutes of December 30, 2002, February 3, 2003 and the regular meeting minutes of January 14, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board's Calendar for week of February 18 - 25
6. Correspondence and Organizational Business - None

### 7. Open Forum for Citizen Input

Ken VanBuskirk explained he submitted a \$200 application in June 2002 to amend the Comprehensive Plan. Specifically, they would like to remove their property from the Belfair UGA. He has received conflicting information regarding the public process. He understood it was put on hold because a portion of the rezone criteria was found invalid. In the December 10, 2002 Commissioners' meeting it was stated the County is waiting to become valid before any rezones or variance requests are heard. He understood the Hearings Examiner was able to lift a six-year moratorium on the 40-acre Blair property, which is part of the Bypass expenditure so it could be subdivided and sold. They don't plan to divide or sell their property and they would like to conserve it rather than urbanize it.

8. Adoption of Agenda - Cmmr. Kamin asked to make a change to Item 9.1 to add two renewals: Trust Agreement for Northern California Teamsters Legal Group; Trust Agreement for Teamsters Appraisers Unit and a new Trust Agreement for the Western Conference of Teamsters Pension Trust Fund for Teamsters Juvenile Detention Unit.

**Cmmr. Johnson/Kamin moved and seconded to adopt the agenda as amended. Motion carried unanimously. B-aye; J-aye; K-aye.**

9. Approval of Consent Agenda - The board read aloud the following consent agenda items:
  - 9.1 Approval of renewal of Subscription Agreements with the Washington Teamsters Welfare Trust for group insurance for the Engineers Guild and five Teamsters bargaining units including General Services, Appraisers, Probation, Juvenile Detention and Personal Health.
  - 9.2 Approval of labor agreements with the Engineers Guild and five Teamsters bargaining units including General Services, Appraisers, Probation, Juvenile Detention and Personal Health and a supplemental agreement for an insurance only re-opener with Teamsters and Operating Engineers for the road crew.
  - 9.3 Approval of Veterans Assistance Application for Danya Tallett (Diaz) in the amount of \$400.00 for housing.
  - 9.4 Approval of Warrant Nos. for Claims Clearing Fund 49487-50393 \$2,209,518.76; Salary Clearing Fund 124926-125172, \$188,377.00; 125175-127131, \$3,827,005.85.
  - 9.5 Approval to sell right of way timber from Haven Way (CRP 1444) in preparation for road reconstruction activities. The timber will be sold at 11:00 a.m. on Friday, March 21, 2003 to the best and highest bidder.
  - 9.6 Approval of bid award for CRP 1471, Cloquallum Road (Rock Bluff) and CRP 1489, Elson Road that was bid as one construction project.
  - 9.7 Approval of reimbursable agreement with Squaxin Island Tribe for snow and/or ice removal from Squaxin Island Tribal Reservation Roads.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
FEBRUARY 18, 2002 - PAGE 2**

9.8 Approval for Director of Utilities & Waste Management to call for bids for the repair of the Hartstene Pointe Reservoir. Bid opening date will be Friday, March 14, 2003 at 9:00 a.m.; bid award to be Tuesday, March 18, 2003.

It was asked that Item 9.6 be removed from the Consent Agenda list for further discussion.

Cmmr. Johnson referred to Items 9.1 and 9.2 and gave recognition of the Human Resources Director who has worked on the labor agreements that are to be signed. He mentioned that included in the agreements is a medical clause in the amount of \$615 per month for each employee. This affects the budget and the ongoing costs of doing business at the County.

Gary Yando, Director of Utilities & Waste Management, referred to Item 9.8 and clarified that the bid award is set for March 18, 2003. Due to FEMA's requirement for reviewing the bid, the award may need to be extended. Approval has been received through FEMA for repair of the Hartstene Pointe Reservoir due to the earthquake on February 28, 2001.

**Cmmr. Baze/Kamin moved and seconded to adopt the consent agenda as amended Items 9.1 - 9.8, and remove 9.6 for further consideration. Motion carried unanimously. B-aye; J-aye; K-aye.**

Item 9.6 - Approval of bid award for CRP 1471, Cloquallum Road (Rock Bluff) and CRP 1489, Elson Road that was bid as one construction project.

Jerry Hauth, Public Works Director, stated it has been called to his attention that there may be an overlap in ownership in the low bidders. He requested a week to review the corporate structures of the companies and then get back to the Board for recommendation.

Ben Cushman, Attorney for Scarsella Brothers, stated they are the apparent second bidder, but actually the lowest responsible bidder on the project. The low bidder has submitted a bid that is not capable of lawful acceptance by the County. The road repair project initial engineer's estimate was over \$900,000. The two low bidders were both in the \$770,000 range. They are already talking about a saving to the County. The difference between the apparent low bid by Northwest Rock and Scarcella Brothers bid is less than \$2,000.

In Washington's competitive bidding law structure bidders must compete against each other on an even playing field. No bidder is to be allowed an opportunity to get an advantage over other bidders that let them have a savings or benefit in the bidding process that other bidders don't have equal access to. A bidder can have one of their entities put in a low bid and a second entity put in a more usual bid. If the second bid is the second low bid they can withdraw their low bid and maximize their profit from the second bid.

**Cmmr. Kamin/Johnson moved and seconded to postpone action on Item 9.6 until February 25, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.**

11. Other Business (Department Heads and Elected Officials)

11.1 Continued from February 11, 2002 - Approval of the Memorandum of Understanding with the Squaxin Island Tribe for the Community Contribution Fund. Agenda time will be at 9:15 a.m.

**Cmmr. Johnson/Kamin moved and seconded to delay a decision on the MOU until the Prosecutor's office can review the document. Motion carried unanimously. B-aye; J-aye; K-aye.**

11.2 Approval for the Director of Utilities & Waste Management to work with the Washington State Department of Ecology and the communities of Allyn, Victor and Belfair in regard to reviewing the concept of extending and connecting the proposed sewer collection system in Belfair to the water reclamation facility located in Allyn.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
FEBRUARY 18, 2002 - PAGE 3**

Gary Yando, Director of Utilities & Waste Management, explained that Mason County has been working since the early 1990's on the implementation of the recently completed water reclamation sewer collection system serving the Allyn area.

Cmmr. Johnson expressed he is happy if this is the direction the County can move for greater efficiency for the communities of Allyn, Belfair, and Victor.

Ken VanBuskirk expressed his support of this project. There has been quite a lot of money spent to date on the Belfair sewer system study. He felt this is a cost-effective way to connect the two systems together.

**Cmmr. Kamin/Johnson moved and seconded to direct the Director of Utilities & Waste Management to work with the Washington State Department of Ecology and the communities of Allyn, Victor, and Belfair to review the concept of extending the existing sewer collection system to serve the Belfair area. Motion carried unanimously. B-aye; J-aye; K-aye.**

10. 9:30 a.m. Public Hearings

10.1 Approval of Road Vacation File No. #322, portion of dedicated right of way, Herbig Drive, adjacent to Lot 7, Plat of Vista Knoll as requested by Mark Besola.

Mick Sprouffske, Public Works, read an engineer's report into the record:

The petitioner is asking the County to vacate a portion of the dedicated right-of-way. This is a private gravel road that was never brought into the county road system. The petitioner built a house and garage on this property and a small corner of the garage extends into a portion of the right-of-way (451 sq. ft.) This encroachment is on what is called a half-sack. It provides access to the main road for four adjacent properties. It would add an additional 10 ft. to Mr. Besola's property, Lot 7. An inspection by the Fire Marshall and Public Works indicates that the extension does not interfere with any operation of the roadway for emergency access. However, it is stipulated that no further construction be allowed in the vacated right-of-way as it would encroach into the required setback to the property line. There is no need to keep the right-of-way for county road purposes. It is recommended that the petition be approved, except any existing easements of records, existing utilities and the condition that no further construction be allowed within the described vacation, as per the Mason County Building Department and Fire Marshall.

Cmmr. Baze asked if this is a reasonable request and can it be accomplished.

Mr. Sprouffske responded, yes, they met with the Fire Marshall and the Building Department and Deputy Prosecuting Attorney.

It was noted the petitioned area is a small 10' strip adjacent to the property that is being considered (451 sq. ft.)

Robert Sherry commented that he owns lot number 6, which is adjacent to Mr. Besola's property (lot 7). The petition serves no common good except for that of the petitioner. The roadway is already narrow and emergency vehicles would be further restricted. Currently existing structures extend into the roadway. He disagrees the traffic flow will not be restricted. When the road is empty of vehicles it is not a problem. The current property owner must clear the existing violations and not the other residents in the area.

Mark Besola, petitioner, stated that he relied on the County concerning the best course of action. In response to the common good, he stated he felt it is more aesthetic to have things stored in a garage than covered with a tarp or in a shanty. He did not believe the structure extends into the roadway. It was supposed to be within the boundaries of the lot lines. The survey lines of the setback, the county approved the building of the house, which extends into the setbacks.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
FEBRUARY 18, 2002 - PAGE 4**

Neal Wharton stated he has property across the road from the petitioner. He commented that the structure was built without a permit after the house was built. The structure has created a problem with the flow of traffic and parking becomes necessary in the road, or right-of-way. Mr. Besola owns a majority of property in the area. He submitted six letters of protest from other area residents. This protest was brought before the County three years ago about the failure to have a permit. The County did not take action at that time. Other residents have built private parking so as not to interfere with the road right-of-way. By allowing more cars in the area, it could affect the sewer system. He pointed out that vehicles would be parked in the roadway. Since this is a private road and not maintained by the County, he objects to maintaining road at own expense. He questioned why he should maintain road for someone else to have more access than he should.

Steve Matson, owner of Lot 8, expressed his frustration over the Besola's construction project over the last five years. There were issues of material being dumped into the lake on his property. All the residents have use of the right-of-way and not just one resident. Currently, the right-of-way is being used for parking. He asked that the building codes be maintained without any variances.

Al Smith, owner of 14, voiced his opposition to the Besola's structure. He concurred that they would like to abide by the building code. He stressed there would have been room for parking if Mr. Besola had left off his garage.

Ken Kreve, owns Lot 18, and stated he has to abide by contracting laws. He built a guesthouse and had to redraw his plans several times to fit on his lot correctly. He too stated it seems unfair that if someone violates a code they should not benefit from this.

Mr. Sprouffske, Public Works, pointed out that the requested vacation is within the cul-de-sac and not on the travelling surface from house to house along Herbig Drive. He also noted if the petition is granted, then the property owner will have to compensate the county the market value.

The Board commented there are issues that need to be researched.

**Cmmr. Johnson/Kamin moved and seconded to continue the public hearing to March 18, 2003 at 9:30 a.m. Motion carried unanimously. B -aye; J -aye; K -aye.**

12. Administration - None

13. Adjournment - The meeting adjourned at 10:06 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

\_\_\_\_\_  
Herb Baze, Chairperson

ATTEST:

\_\_\_\_\_  
Wesley E. Johnson, Commissioner

\_\_\_\_\_  
Rebecca S. Rogers, Clerk of the Board

\_\_\_\_\_  
Jayni L. Kamin, Commissioner

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
FEBRUARY 18, 2002 - PAGE 5**