

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

FEBRUARY 17, 2004

1. Call to Order - The meeting was called to order at 9:02 a.m. by Chairperson Wesley E. Johnson.
2. Pledge of Allegiance - The flag salute was led by Chairperson Wesley Johnson.
3. Roll Call: Herb Baze, Cmmr. Dist. 1; Wesley E. Johnson, Cmmr. Dist 2; Jayni L. Kamin, Cmmr. Dist. 3
4. Approval of Minutes – regular meeting minutes of 12/23/03 as corrected, the regular meeting minutes of February 3 and 10, 2004 and the briefing minutes of 12/23/03 and 12/29/03.

Cmmr. Baze/Kamin moved and seconded to approved regular meeting minutes of December 23, 2003 as corrected and regular meeting minutes of February 3, 2004 as corrected and regular meeting minutes of February 10, 2004. Motion carried unanimously. K-aye; B-aye; J-aye

Cmmr. Baze/Kamin moved and seconded to approve briefing minutes of December 23, 2003 as corrected December 29, 2003 as corrected Motion carried unanimously. K-aye; B-aye; J-aye

5. Board's Calendar for week of February 17 – 24, 2004
6. Correspondence and Organizational Business
 - 6.1 Correspondence
 - 6.1.1 TIP-CAP advisory board application from Mel Williamson.
 - 6.1.2 Washington State Department of Health has notified of the Final Order reclassifying the commercial shellfish growing area in Hood Canal #9 to approved, effective February 9, 2004. (Copy to Health Services)
 - 6.1.3 Susan K. Remmele requesting evaluation of a culvert placement at Lakeshore Drive N. (Copy forwarded to Public Works)
7. Open Forum for Citizen Input - None
8. Adoption of Agenda - **Cmmr. Kamin/Baze moved and seconded to adopt the agenda as presented. Motion carried unanimously. B-aye; J-aye; K-aye.**
9. Approval of Consent Agenda:
 - 9.1 Approval of Veterans Assistance Fund applications for: Virgil (Mrs. Margaret) D. Hanson - food \$200.00; Rodney L. Form - housing \$400.00; Charles P. Sharpe - utilities \$162.03; Lars E. (Mrs. Mary) Christensen - utilities \$193.78 for a total of \$955.81.
 - 9.2 Approval of Warrants

Claims Clearing Fund	67419-67560	\$387,214.32
Salary Clearing Fund	136502-137048	\$1,311,094.63
 - 9.3 Appointment of Sharon Gove; Karen H. Shephard; and David AC Shephard to the Lewis-Mason-Thurston Area Agency on Aging Advisory Board.
 - 9.4 Approval of the 2003 Oath of Inventory for Mason County Machinery and Equipment and deliver the Oath of Inventory to the Mason County Auditor as required by RCW 36.32.210.
 - 9.5 Approval of the 2003-2005 biennium Consolidated Juvenile Services Contract in the amount of \$214,247.
 - 9.6 Approval of the Juvenile Incentive Block Grant contract No. 0363-38211 in the amount of \$13,605.
 - 9.7 Approval of the Aggression Replacement Clinical Consultation Contract in the amount of \$2,700.
 - 9.8 Approval of the Mason County Health Information Portability and Accountability Act (HIPPA) for the Mason County Juvenile Detention Center and Healthcare Delivery Systems.

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- 9.9 Approval for Public Works to secure telephone and/or written quotes to purchase three 6,250 gallon above ground storage tanks for road de-icer for a total cost of \$12,300 plus tax.
- 9.10 Approval for Public Works to re-advertise for Letters of Interest for Construction Project Inspector Services for calendar year 2004.
- 9.11 Approval to set two public hearings to review requests to rezone properties in the Rural Area of Mason County. The first hearing date is to be Tuesday, March 2, 2004 at 9:30 a.m. to consider the rezone requests for M. Davison and Peste Trust; Merrill and Ring; Ken VanBuskirk and Potlatch Partners. The second hearing is to be Tuesday, March 9, 2004 at 9:30 a.m. to consider the rezone requests for John & Margaret Huson; Manke Lumber; Douglas Fir Christmas Tree and Hofert Family Trust.
- 9.12 Approval of a Public Works Trust Fund Loan in the amount of \$92,162 for the development of the engineering report for the Rustlewood Sewer Plant Upgrade Project. The loan has 0% interest and is to be paid in six annual installments.
- 9.13 Approval of the Consolidated Contract Amendment #8 adding \$4,200 to the Preventive Health Block Grant section of the contract. This amount is budgeted and is utilized in the immunization program.

Cmmr. Kamin/Baze moved and seconded to approve the consent agenda as read. Motion carried unanimously. K-aye; B-aye; J-aye.

10. 9:30 a.m. Public Hearings and Items Set for a Certain Time

- 10.1 Public Hearing to consider four rezone requests in the Rural Area of Mason County. The requests are from Michael Huson, Donald Huson, Paradise View Heights LLC, and Clifford Rice. Staff: Allan Borden

Cmmr. Johnson stated that each request would be heard separately and in the order listed.

Mr. Allan Borden Planner presented rezone request 02-09 for Michael Huson parcel number 32227-22-90001. Currently the parcel is zoned as Rural Residential 5 (RR5) and the request is to rezone to RR 2.5. Mr. Borden stated the staff recommends that the request to rezone meets all of the criteria and should be approved. The Planning Advisory Commission (PAC) supported the staff's recommendation and adopted a motion to recommend approval of request for the subject parcel to rezone from RR5 to RR 2.5. The request meets criteria one, (as there is no significant impact to public health, safety, and welfare from RR 2.5 zone) criteria two (as it fits with surrounding sized parcels as the most consistent designation), three and seven (which would not contribute to sprawling low-density development or cause further land divisions).

There was no public comment.

Cmmr. Baze/Kamin moved and seconded to adopt the recommendation of the Planning Advisory Commission on Rezone Request No. 02-09 Michael Huson and approve the request to Rezone parcel number 32227-22-90001 from Rural Residential 5 to Rural Residential 2.5 zone and have the Chair sign the Findings of Fact for this decision. Motion carried unanimously. K-aye; B-aye; J-aye.

Mr. Allan Borden Planner presented three rezone requests 03-03 for Donald Huson parcel number "A" 32325-41-00000, parcel "B" 32325-44-00000 parcel "C" 32335-33-00000. The parcels are being referred to as A, B and C. Currently the three parcels are zoned RR 20 and the request is to rezone to RR 10. Mr. Borden stated he would present parcels "A & B" together and then present parcel "C". Mr. Borden stated the staff's recommendation is to deny the rezone request for all three of them. The PAC reviewed the staff's recommendation and based upon the evaluation of the rezone criteria, adopted two motions. The PAC supported the staff recommendation to deny the request for parcels "A" and "B" to rezone from RR 20 to RR 10.

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Cmmr. Johnson questioned Mr. Borden if the parcels to the North, South and the West are zoned RR 20.

Mr. Borden replied parcel "A" has RR 20 on the North and the West and parcel "B" has RR 20 on the West and Long Term Commercial Forest on the South.

Cmmr. Johnson asked if the parcels "A" and "B" each have RR5 on the East Side of the property.

Mr. Borden stated that was correct. Mr. Borden stated that "A" and "B" fail to meet criteria two because the parcels are surrounded by adjacent parcels greater than 20 acres in size along 75% of their borders. The PAC agreed with the staff's recommendation to deny the rezone request for lots "A & B" because the request fails to meet criteria two. The parcels are surrounded by adjacent parcels greater than twenty acres in size along 75% of their borders and the adjacent parcels are zoned RR 20 or Long Term Commercial Forest.

Mr. Borden stated the staff's recommendation was to deny rezone request for parcel "C". Mr. Borden stated the PAC reviewed the staff's recommendation, but recommended approval of request for parcel "C". Mr. Borden suggested the rezone request for parcel "C" should depend on the rezone of the adjoining land immediately to the south of parcel "C". The adjoining land is in the process of rezoning by Manke Lumber Co. Their rezone request number is 02-13. Staff is under consideration for rezone request number 02-13 to rezone from RR10 to RR5 by Manke Lumber Co. a corrective rezone and, if it were approved, that would be a change of conditions which would justify the Huson parcel "C" change.

Mr. Borden requested that action on Don Huson Parcel "C" be deferred until the decision on rezone request number 02-13. The public hearing on rezone request number 02-13 is expected to take place on March 9, 2004, at 9:30 AM.

The public comment portion of the hearing was opened.

Mr. Don Huson parcel owner of rezone request number 03-03. Mr. Huson stated parcel "C" was approved by the PAC and there should be no reason to deny the request for parcel "C". Mr. Huson stated he had gone to the Assessor's office and verified there was sixty-foot right-of-way on each side of the parcel going to the highway.

Cmmr. Baze informed Mr. Huson that Mr. Borden was saying the PAC had the information that the property to the North was under consideration to be rezoned. The reason the staff is asking for a deferral is because if they had to make a decision now it would be denied, but with the new information presented on the adjoining property rezone request it may change their decision to approve the request.

Cmmr. Johnson asked Mr. Huson if the easement was from Tee Lake Road to Parcel "C".

Mr. Huson stated that was correct it is located on the East Side of the parcel. He stated there is a road into the parcel, but it is not complete.

Cmmr. Kamin asked Mr. Huson if he had access into parcels "A & B".

Mr. Huson stated there is access into each of his parcels. He stated he was unfamiliar with the rezone request application and all the information that needed to be included for a favorable decision wasn't on the application. He stated after he gets an approval for parcel "C" he would resubmit an application for parcels "A&B" with more information on the application.

The public comment portion of the hearing was closed

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Cmmr Johnson asked Mr. Darren Nienaber, Prosecuting Attorney, if the Commissioners postpone the decision on Mr. Huson's rezone request for parcel "C" based on the outcome of the corrective rezone request hearing being held on March 9th what options would be available for the decision on Mr. Huson's parcel.

Mr. Nienaber stated the Board could make a motion on March 9th that more time or information would be needed for further consideration based on the decision of the land just to the South.

Cmmr. Baze/Kamin moved and seconded to continue the hearing for Rezone Request No. 03-03 parcel "C" Donald Huson to March 9, 2004. Motion carried unanimously. K-aye; B-aye; J-aye.

RECESS

The Board recessed at 10:14 a.m. until 10:18 a.m.

Mr. Bob Fink Planning Manager stated that he had just received a fax from Paradise View Heights LLC for rezone request number 02-10. The fax was from Settle & Johnson requesting on behalf of their clients, Paradise View Heights LLC, to withdraw the re-zone hearing before the County Commissioners, recognizing that they would need to reapply and pay new fees.

There was no public comment for the withdrawn hearing.

Cmmr. Kamin/Baze moved and seconded to accept the request to withdraw the hearing for Rezone Request No. 02-10 from Paradise View Heights LLC. Motion carried unanimously. K-aye; B-aye; J-aye.

Mr. Allan Borden Planner presented rezone request number 02-02 for Clifford Rice parcel number 32011-34-00000. Currently the parcel is zoned as Agricultural Resource Lands (ARL) and the request is to rezone to RR5. Mr. Borden stated there were two streams and wetlands on the property, there is access to the property on Agate Loop Road and Daniel's Road. Mr. Borden stated the staff's recommendation on this request is to deny the rezone. Mr. Borden stated the PAC adopted a motion to support the staff recommendation and deny the rezone request. The rezone request fails to meet most of the criteria: Criteria one (to protect public health, safety and welfare,) criteria two (ARL is the most consistent designation), criteria three (avoid uses incompatible to resource-based uses) and criteria six (retention of open space, critical areas and protecting water quality). Mr. Borden requested the Board to deny the request, due to lack of justification to make the change from ARL to RR5. If the rezone request was approved, there is a potential in the future for sprawling, low-density residential development in the vicinity of agricultural lands and stream critical areas, which interferes with the goals of the Growth Management Act.

Cmmr. Johnson asked Mr. Borden if Mr. Rice became aware through the application what he wanted to do could be done to a certain extent without any rezone at all.

Mr. Borden stated that Mr. Rice was now aware of the options he had within the zoning of his property.

Cmmr. Kamin asked Mr. Borden if the property had steep slopes.

Mr. Borden stated that the property was not considered steep but was definitely sloped.

Cmmr. Kamin asked if Mr. Rice wanted to do a cluster subdivision within the property, are the critical areas that would have to be reserved are the creeks, streams and buffer areas.

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Mr. Borden stated that before Mr. Rice could present plans for a sub-division the reserved areas would need to be mapped out.

There was no public comment for the hearing.

Cmmr. Kamin/Baze moved and seconded to adopt the recommendation of the Planning Advisory Commission on Rezone Request No. 02-02 Clifford Rice by denying the request to Rezone parcel number 32011-34-00000 from Agricultural Resource Lands to Rural Residential 5 zone; and move that the Chair sign the Findings of Fact for these decisions. Motion carried unanimously. K-aye; B-aye; J-aye

11. Other Business (Department Heads and Elected Officials)

11.1 Approval of the bid award for the 2004 Manufacturing and Stockpiling Mineral Aggregate Contract to Miles Sand & Gravel, Inc. at the bid amount of \$100,608.10. Staff: Mr. Jerry Hauth Public Works Director stated that over the past couple of years the specifics have been modified to require a better product. Modifications have also been made to the process for accepting the bids for contract. In previous years the volume of material was measured on site. The new process is by the truck tonnage tickets. Mr. Hauth pointed out that there was a substantial difference in the Engineers estimate and the low bid. He stated the difference was attributed to the change in process and learning what the product need is. Mr. Hauth stated that last year more product was purchased than was needed. The left over product is being added to the new product brought in this year. Mr. Hauth stated there was close to one hundred thousand-dollar savings with the lowest bidder. Mr. Hauth recommended the Board award the contract to Miles Sand & Gravel, Inc.

Cmmr. Johnson noted the highest bidder was very close to the bid announcement.

Mr. Hauth stated that this year there were three bidders for the product and in the past there have only been one or two bidders.

Cmmr. Baze requested Mr. Hauth to explain what the specifications are for the crushed gravel requirements.

Mr. Hauth stated that he uses the Department of Transportation (DOT) standards specification table for the gravel. The sample is taken by grabbing an amount then shaking it through a sieve, then dry it and determine if it meets the specifications. Mr. Hauth stated that by using this method over the years most of the product was gravel commonly known as "pea gravel". Because the sampling method would show the specifications were met on the one area tested it would constitute as being acceptable by the specification table. The new requirement is that all aggregate have two fracture faces on it which has forced the manufacture to start with larger rocks and crush them down to meet the specifications. Essentially this requires the company to take the large rocks right from the banks and crush them. This provides better aggregate that binds up better and with the new emulsion the crew is using and it sticks better to the existing road. Mr. Hauth also mentioned that with the new aggregate product it will make driving on the road a smoother ride for vehicles.

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Cmmr. Johnson stated that he is sure the public will be very pleased to experience a smoother ride on the roads when they are repaired.

Mr. Hauth stated Mason County is unique because there is a lot of gravel here that meets the DOT specifications.

Cmmr. Baze/Kamin moved and seconded to award the contract of the 2004 Manufacturing and Stockpiling Mineral Aggregate Contract to Miles Sand & Gravel, Inc. at their bid amount of \$100,608.10. Motion carried unanimously. B-aye; K-aye; J-aye.

11.2 Approval of bid award for Asphalt Concrete Class B and Class G, MC250 (cold mix) and/or CSS 1 for the calendar year 2004. The recommendation is to accept all bids received however Mason County does not guarantee a minimum purchase of these materials. Staff: Dave Loser, ER&R Fund Manager, stated that in the past all the bids were accepted and the company that is selected to be used for each job is determined by the location of the job site in the county. Mr. Loser recommends that all the bids be accepted and that Mason County does not guarantee a minimum purchase of the material.

Cmmr. Baze questioned if availability was a factor for the company used for each job site.

Mr. Loser stated that availability is a consideration but he hadn't ever experienced the material not being available.

Cmmr. Johnson questioned Mr. Loser if he choose the supplier according to the lowest cost for specific items.

Mr. Loser stated that the road crew chooses the supplier by where the job site is and then the freight and product cost.

Cmmr. Johnson questioned if the bid prices from the companies included the freight charges.

Mr. Loser stated it did not include the freight charges.

Cmmr. Kamin/Baze moved and seconded to accept all bids received for the Asphalt Concrete Class B and Class G, MC250 (cold mix) and/or CSS 1 for the calendar year 2004 and to accept all bids received however Mason County does not guarantee a minimum purchase of these materials. Motion carried unanimously. B-aye; K-aye; J-aye.

11.3 Approval of a bid award for bio-solids removal and disposal from Mason County owned wastewater treatment facilities to Joe's Septic Tank service in the amount of \$0.145 per gallon as recommended by the Department of Utilities & Waste Management. Staff: Tom Moore Utilities and Waste Project Manager stated that two bids for services were submitted. Mr. Moore recommended the Board award the bid to Joe's Septic Tank as the lowest bidder. He stated that there were calls of

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interest from companies outside the area but the size of trucks they would need to bring in could not be accommodated at the Harstene Pointe site. Mr. Moore stated Joe's Septic Tank had worked in the past for Mason County.

Cmmr. Johnson asked Mr. Moore if the companies that submit bids provide a performance history of themselves.

Mr. Moore stated the companies are required to provide documentation of their disposal sites. In the past all of the contractors had been licensed septic tank callers. The fact that they had a license provided a certain level of confidence that the services would be provided appropriately. Mr. Moore stated there is a new requirement in the contract. The new requirement is that all of the dump slips will be turned in when their bill is submitted for payment. In light of the last company that was illegally dumping the department is now educated on what the slips should look like.

Cmmr. Johnson asked if billing is turned in daily or weekly.

Mr. Moore stated that the dump documentation would be turned in when the bill is submitted for payment. This would be monthly for Joe's Septic. The slips are now generated by the scale and are now computerized.

Cmmr. Kamin questioned if Bio Recycling is the only place the product is dumped at.

Mr. Moore stated that at this time yes. Currently Mason County generates bio-solids in concentration of less than 3%, which is practically liquid. He is investigating the probability to bring it up to 10 or 12%, which would require then to be taken to a different site. The site he has been looking at doesn't have room for Mason County currently however they are losing a big account, which may allow us to use the site. Mr. Moore is evaluating the cost effectiveness of changing this process. The other issue is that Mason County doesn't have the volume to make it cost effective right now but it may be in the near future. The volume is very close for the need to change the process over. So in the near future it may be cost effective.

Cmmr. Johnson stated he didn't mean to imply that either of the applicants had questionable past performance in their history. He stated that Joe's Septic has provided services to the County for many years and there have never been any questionable services in his history.

Mr. Moore stated that AAA was kind enough to step in, in honor of the existing contract with the prior company and had served extremely well. He also stated prior to the last contract Joe's Septic was the service company and had done a very fine job under his contract.

Cmmr. Baze/Kamin moved and seconded to award the bid for bio-solids removal and disposal from Mason County owned wastewater treatment facilities to Joe's Septic Tank service in the amount of \$0.145 per gallon as recommended by the Department of Utilities & Waste Management. Motion carried unanimously. B-aye; K-aye; J-aye.

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RECESS

The Board recessed at 9:32 a.m. until 9:35 a.m.

12. Administration

13. Adjournment - The meeting adjourned at 10:32 a.m. due to no further business.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

ATTEST:

Jayni L. Kamin, Commissioner

Rebecca S. Rogers, Clerk of the Board

Herb Baze, Commissioner