

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MAY 9, 2006

1. Call to Order – The regular meeting was called to order at 9:00 a.m. by the Chairperson.
2. Pledge of Allegiance – The chairperson led the flag salute.
3. Roll Call - Present: Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Jayni L. Kamin.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 The Washington State Liquor Control Board sent Notice of Liquor License Application for Eagle Creek Saloon in Lilliwaup and Happy Hollow Grocery in Belfair.
 - 4.1.2 Washington State Puget Sound Action Team reiterated their commitment to help in the protection and improvement of Hood Canal's marine waters.
 - 4.1.3 Donald H. Clark is seeking appointment to the Mason County Board of Equalization
 - 4.1.4 Washington State Department of Natural Resources sent their 2006 projection of state forest land revenues that benefit Mason County.
 - 4.2 Proclamation – Betty Wing, Central Operations Director, read aloud the proclamation for May 14 – 20 2006 as National Emergency Medical Services Week.
 - 4.3 2006 Spring Spray Program/Vegetation Control – Charlie Butros, Public Works Director, announced they are beginning on or about May 15, 2006 with the Spring Spray Program/Vegetation Control and continuing until they are done. If individuals choose not to have the spray applied, they may enroll in the “Owner Will Maintain” program.
 - 4.4 News Release – Parks & Recreation Advisory Committee Positions – John Keates, Director of Parks & Recreation, announced the county is seeking individuals for the new committee. Applications will be accepted until May 26, 2006.
5. Open Forum for Citizen Input
 - 5.1 Jeff Carey, citizen, referred back to the last week’s meeting on the sewer. He stated that there is a concern about how they go forward in making sure they do not run into a problem with identifying costs ahead of time.

The Board commented they would continue to work with him to try and get the right information.
6. Adoption of Agenda – **Cmmr. Sheldon/Kamin moved and seconded to approve the agenda as presented. Motion carried unanimously. K-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Kamin/Sheldon moved and seconded to approve the regular meeting minutes of April 11, 2006. Motion carried unanimously. K-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
 - 8.1 Approval of the contract with Image in Action Design to create a six-panel tourism brochure for Mason County. The cost is not to exceed \$400 and is budgeted in the Tourism Budget.
 - 8.2 Concurrence of the appointment of Bob Hall to the Timberland Regional Library Board representing Pacific County.
 - 8.3 Approval to enter into a contract with WildBlue Communications for high-speed satellite Internet access for the Mason County Convention Center/Fairgrounds and the Parks Department. The monthly fee will be \$69.95 per location, per month, and will be charged to the Mason County credit card on a monthly basis.
 - 8.4 Approval to set a public hearing on Tuesday, May 23, 2006 at 6:30 p.m. to consider revising the monthly utility rate and capital facility charge for the North Bay/Case Inlet Sewer System.

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- 8.5 Approval of a rental agreement for two copiers under the Washington State Contract No. 05899. This is a 60-month agreement between Mason County Probation Services and Konica Minolta to replace two existing copiers. These are budgeted in the Probation budget.
- ~~8.6 Approval to set a public hearing on Tuesday, May 23, 2006 at 6:30 p.m. to take public comment on revising the Mason County Convention Center/Fairgrounds fee schedule. - Removed~~
- 8.7 Approval of Veterans Assistance Fund applications for: Douglas A. Drinkall - utilities \$297.17; Earl Boswell (Gloria) - burial \$600; Greg A. Johnson Jr. - housing \$600; and Walter Glosup housing \$375 for a total of \$1,872.17
- 8.8 Approval of Warrants:
- | | | |
|----------------------|---------------------------|----------------|
| Claims Clearing Fund | Warrant #'s 105190-105458 | \$856,215.64 |
| Salary Clearing Fund | Warrant #'s 156885-157398 | \$2,274,506.60 |
- 8.9 Approval of resolution authorizing a change to Personnel Policy 7.1 Vacation Leave. **Resolution No. 37-06 (Exhibit A)**
- 8.10 Approval to purchase six Motorola Digital mobile radio systems for police vehicles on a sole source basis from the Western States Contracting Alliance Public Safety Communication Equipment contract. Approximate cost of \$30,000.00 plus tax.
- 8.11 Approval to a listing of surplus vehicles that have been replaced and computer equipment that is obsolete or failed, and authorize the ER&R Manager to dispose of them at the Washington State Surplus Sale.

It was requested that Item 8.3 be removed for further discussion.

Cmmr. Kamin/Sheldon moved and seconded to approve the consent agenda items 8.1 – 8.11, except Item 8.3. Motion carried unanimously. K-aye; RE-aye; S-aye.

Jeff Carey questioned if there is any fiber optics in the area.

The board responded they did not think there is.

Dave Loser, Equipment Rental & Revolving Fund Manager, responded the fiber does not go out to the fairgrounds. It does go up and down the main road. It is about a mile to get it to the fair. They crossed the road to get fiber to the WSU Cooperative Extension and it cost approximately \$2,500.

Cmmr. Kamin/Sheldon moved and seconded to approve Item 8.3. Motion carried unanimously. K-aye; RE-aye; S-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time
- 9.1 Public hearing to take comment on Road Vacation No. 337 for a portion of Kaufman, Fife and Wade Streets, along with portions of the alleyway between Blocks 32 and 33, and the alleyway between Blocks 34 and 35 in the Plat of Town of Allyn as requested by Ronald A. Griffey. (vacation by operation of law)
- Rick Brush, Public Works, noted that the three items are petitions for vacation of streets in some of the oldest plats in the county. Each of the plats involved is subject to the laws of 1889 and 1890 which provided that streets not open for public travel within five years of acceptance of plat were automatically vacated by operation of law. There is no evidence that the streets were ever opened for public travel within that statutory five-year period. Therefore each of the areas being petitioned were vacated by operation of law.

The reason for these petitions is to clear title and make a public record of the vacation. The Public Works Director recommends approval of the petitions.

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Jeff Carey, Allyn Community Association (ACA), commented that a year ago they provided the County (land use deputy prosecutor) a map with zoning that identified the setbacks throughout the plat of Allyn. He questioned about the setbacks and if they would stay the same from the lot line.

Mr. Brush commented they are discussing the issue of setbacks and vacated street areas with the permit center. The County staff will pay closer attention to issues of how these street rights-of-way may be used in the future and what rights remain in these street rights-of-way held by other property owners in the plats. Private easements for travel will still remain in these vacated street rights-of-way. There is an issue as to where buildings are placed relative to the boundaries of the rights-of-way.

Mr. Carey commented the ACA/Subarea Planning Committee would like to be involved further with discussions regarding the setback issues in Allyn.

The Board commented that the County is working on a plan for access to that area.

Charlie Butros, Public Works Director, noted they have had several discussions with the Allyn Community Association and members of the Planning Department to develop a capital facilities plan for Allyn. That Capital Facilities Plan will include planning for roads and utilities in the Plat of Allyn that is intended to assist the ACA in their future planning. They have had discussions with the ACA members to assist in the layout of roads. They have tentatively identified some roads to proceed with right-of-way designations and potential future roadways in those areas.

The Board questioned how long it will be before they have this plan complete.

Mr. Butros noted the hope is to have a good portion of work done in the next two months. Steve Goins in the Planning Department is leading that effort. They have provided the majority of information for roads. They are still working on stormwater at this point.

Mr. Carey was concerned there still seems to be the right for people in the plat to egress and ingress across the old rights-of-way.

The Board responded they will be able to respond to this issue. The County is motivated to address this issue. There are decisions which need to be made to make sure that ingress and egress are correct.

Cmmr. Kamin/Sheldon moved and seconded that the road vacation be approved and petitioned, subject to existing easements for ingress and egress or any other purpose, if any, and in accordance with RCW 36.87.170, retaining an easement in favor of Mason County for any utilities present in the vacated road right-of-way. Motion carried unanimously. K-aye; RE-aye; S-aye.

- 9.2 Public hearing to take comment on Road Vacation No. 344 for a portion of Spruce Street in the Plan of Grays Harbor and Union City, Railroad Addition as requested by Doug & Brenda Comsia. (vacation by operation of law).

Rick Brush, Public Works, noted this item is also subject to the laws of 1889-1890 already vacated by operation of law and the County Engineer recommends approval.

Mr. Comsia explained his property line sits 28' back from the edge of road. If they go 25' beyond that to start the front of the house they will sit 5' over the septic tank already present. They are looking to build on their property line and the neighbors are fine with that.

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Cmmr. Sheldon/Kamin moved and seconded to approve as petitioned, subject to existing easements for ingress and egress or any other purpose, if any and, in accordance with RCW 36.87.170, retaining an easement in favor of Mason County for any utilities present in the vacated road right-of-way. Motion carried unanimously. K-aye; RE-aye; S-aye.

- 9.3 Public Hearing to take comment on Road Vacation No. 343 for a portion of Hannegan Street and Hailer Avenue in the Plat of Union City as requested by Donald & Elaine Lincoln. (vacation by operation of law)

Rick Brush, Public Works, stated this is another vacation by operation of law that has already occurred. It is recommended for approval by the County Engineer.

Larry Aldridge stated he would like to maintain use of the streets for emergency use, such as fire or medical.

Conrad Johnson noted he lives in the same neighborhood as the proposed vacation. He opposes vacating the street portions because of fire safety and medical emergencies. He also was concerned about ingress and egress for weather related blockages.

Rick Brush, Public Works, commented that the petitioned rights-of-way are not public streets in the county road system. They were improved by private means and continue to be maintained that way. The issue of ingress and egress will have to be between the private property owners involved. There are findings in litigation over this issue in other plats and other places in the state, which have determined that private easement rights will be retained in these rights-of-way. These rights-of-way have already been vacated by operation of law. They don't exist as public rights-of-way. It did not address the need for other property owners in plats to use the automatically vacated rights-of-way. Courts have had to deal with that issue in years since 1889-1890. This becomes a public issue at some point. If the property owners get together and try to form a road improvement district, or petition the County under state law to re-establish the roads, they can propose that the County with public funds improve the roads to county standards or they can undertake a portion of that burden.

Don Lincoln, petitioner, stated they have a driveway that is put in by the previous owner. They had some questions as to whether the road was a public right-of-way. They researched the records and the road was unsurveyed and unmarked at that time. The covenants require for lots 1 and 2 and 29 & 30 a 15' greenbelt before they get to a 30' driveway. They had the property surveyed last year and found that half of it was on their property and half was on their greenbelt. Since they purchased their property they have maintained the road as a private road. The previous owner maintained it as a private road. It does not restrict access to any property. Whoever needs emergency access will have it, but it is a private road.

Cmmr. Sheldon/Kamin moved and seconded that the road vacation be approved as petitioned, subject to existing easements for ingress and egress or any other purpose, if any, and in accordance with RCW 36.87.170 retaining an easement in favor of Mason County for any utilities present in the vacated road right-of-way. Motion carried unanimously. K-aye; RE-aye; S-aye.

10. Other Business (Department Heads and Elected Officials) - None
11. Board's Reports and Calendar – The Board reported on highlights from the past week and announced calendar items for the upcoming week.

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12. Adjournment – The meeting adjourned at 9:57 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Lynda Ring Erickson, Chair

ATTEST:

Tim Sheldon, Commissioner

Rebecca S. Rogers, Clerk of the Board

Jayni L. Kamin, Commissioner