

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

January 5, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 9:02 a.m.
2. Pledge of Allegiance – Cmmr. Gallagher led the flag salute.

Cmmr. Ring Erickson called for a moment of silence in honor of the fallen Pierce County Deputy.

3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.

4. Correspondence and Organizational Business

- 4.1 Correspondence

- 4.1.1 The Economic Development Council of Mason County requested a revision to Mason County's Noise Ordinance.
 - 4.1.2 Mason County Fire District No. 6 designated Jim Nutt as their representative to the EMS Council and Todd Ward as their alternant.
 - 4.1.3 Ken VanBuskirk commented on an apparent conflict of interest on the Mason County Lodging Tax Advisory Committee.
 - 4.1.4 Michael Olsen and Llyn DeDanaan are seeking appointment to the Historic Preservation Commission.
 - 4.1.5 Bill Dewey is seeking appointment to the Stormwater Implementation Task Force.
 - 4.1.6 Daisye Orr is seeking appointment to the Transportation Improvement Program Citizens Adviosry Program.

5. Open Forum for Citizen Input –

- 5.1 Brenda Hirschi commented regarding the Lodging Tax Fund. She has discovered that in this County there are systems and procedures in place that she questions whether they are in the best interest of the public. The heads of the North Mason Chamber of Commerce, the Joint Tourism Board and the Shelton-Mason Chamber of Commerce would receive 90% of the Lodging Tax Advisory Committee recommendations for reimbursements in 2010. These Executive Directors are members of the six-member advisory committee, even while they received a portion of their 2009 salaries from the fund. The head of the North Mason Chamber of Commerce approved reimbursement of his own salary in 2009 and the County accepted this as valid documentation for payment. When she reviewed the applications for the individuals appointed to this advisory committee she found that one had no application on file and the other applications were incomplete. She tried to discern the criterion the Lodging Tax Advisory Committee used to evaluate requests for Lodging Tax grants. She didn't find bylaws or clearly stated criteria for evaluation. The minutes of the most recent meeting were not available. What was used to accept or reject a request was "heads in beds". Compared to what other local municipalities use for evaluation, this is overly simplistic. The Committee's recent recommendations show support for the Chambers and Joint Tourism Board in the amount of \$179,000, but the small requests were rejected. Someone needs to explain the fairness of the Committee's proposed distribution.

Given these findings, she has some recommendations for the Board. First, even the appearance of a conflict of interest should be avoided for all advisory committees. The County needs to have a completed advisory board application on file stating whether or not there is a potential for conflict of interest. Kitsap County has a policy on conflict of interest for their Lodging Tax Advisory Committee. If you receive money from the fund in Kitsap County, you cannot sit on the committee during the year you receive the grant. Federal Way and other municipalities have best practices and written procedures to

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enhance and increase tourism. In 2010 the smaller requests should get a closer look. The makeup of the committee also needs to be looked at. State law requires an equal number of revenue generators versus revenue spenders. The group for 2010 has two generators, three spenders and one at-large member, with no elected official chairing the committee. State law also requires that the appointing authority review the membership of the committee annually. She isn't accusing any individuals of wrongdoing, but the processes and systems in place do give an appearance of a conflict of interest. Increasing tourism is good for the county's economy and local businesses, but there needs to be a level playing field.

Cmmr. Sheldon asked if Ms. Hirschi attended any Lodging Tax meetings or met with the Executive Directors.

Ms. Hirschi stated she had not, but she has read the records. This is only the beginning of the questions she has.

- 5.2 Annette McGee stated she is appalled that there aren't any minutes for the Lodging Tax Committee. The State law says who chairs the committee. She would also like to know the follow up on the plan for the fairgrounds.

Cmmr. Gallagher responded that the Port and the County are still negotiating.

6. Adoption of Agenda - **Cmmr. Ring Erickson/Sheldon moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – December 7 and December 8, 2009 special meeting minutes; December 8, 2009 regular meeting minutes and December 21, 2009 briefing meeting minutes.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve the December 7 and December 8, 2009 special meeting minutes; December 8, 2009 regular meeting minutes and December 21, 2009 briefing meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.

8. Approval of Consent Agenda:
- 8.1 Approval of Amendment 1 to Interagency Agreement IAA10178 between the Mason County Juvenile Court and the State of Washington Administrative Office of the Courts (AOC) to reflect a reduction in the funding from \$154,823 to \$149,392 for the 2009 – 2011 biennium.
 - 8.2 Approval of the Veterans Assistance Fund applications for Nicholas M. Moody – Housing \$600.00 for a total amount of \$600.00 as recommended by the Veterans Assistance Fund Screening Committee.
 - 8.3 Approval to accept all bids received to provide Mason County with Asphalt Concrete Class B and Class G, MC250, cold mix, and/or CSS 1, undiluted tack coat, for the calendar year 2010. Mason County does not guarantee a minimum purchase of these materials.
 - 8.4 Approval to appoint Drew Noble, Glen Hudson, George Rickle, Daniel Michener, Ken Vanbuskirk, Gale McGarth, Mel Williamson, and Daisye Orr to the Transportation Improvement Program Citizens Advisory Panel (TIP-CAP).
 - 8.5 Approval of the resolution authorizing a road closure on Satsop Cloquallum Road (County Road No. 20000), located at approximate Milepost 1.44 for a culvert replacement project. The road will be closed four days to all through traffic closing at 7:30 a.m. on January 19 and reopening at 5:00 p.m. Friday, January 22, 2010. **Resolution 01-10 (Exhibit A)**

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8.6 Approval of Warrants		
Claims Clearing Fund	Warrant #s 166832-168271	\$4,243,622.69
Salary Clearing Fund	Warrant #s 3148-3233	\$ 557,618.53
Direct Deposit Fund	Deposit #s 17689-18426	\$1,143,167.50

Brenda Hirschi asked that item 8.4 be removed for further discussion.

Sandy Tarzwell asked that item 8.3 be removed for further discussion.

Item 8.3

Ms. Tarzwell asked which companies submitted bids and if there are any potential conflicts of interest.

Dave Loser replied that four bids were received from Prime Asphalt, Grant Construction, Lakeside Industries and Ace Paving. He isn't aware of any conflicts of interest. Two of the companies have been used in the past.

Ms. McGee asked where the two new companies are located.

Mr. Loser stated that Prime Asphalt is a Poulsbo company with a plant in Belfair and Granite Construction is an Everett company with a plant in Tumwater.

Item 8.4

Ms. Hirschi asked if the applications have been reviewed for conflicts of interest.

Cmmr. Gallagher answered that most of the applications stated there were no conflicts of interest and three didn't write an answer.

Ms. Hirschi asked if this item would be set aside.

Cmmr. Sheldon commented the conflict of interest question is somewhat ambiguous. If it isn't answered it could mean there are no conflicts of interest. He does know the people that left the question blank. He is going to assume these people are well meaning volunteers. It doesn't say to answer the question yes or no. There may need to be some work on the form. He wants to congratulate the people who step up to spend time on volunteering for this committee. For example, Mel Williamson is involved in this committee because his wife died in a traffic accident. He is not going to go down the road of questioning every volunteer.

Cmmr. Ring Erickson agreed. She knows many of these people personally and they have talked about their personal experiences with road safety. She has attended these meetings a few times over the years. These are people who are genuinely interested in the community. Rewording the form might put Ms. Hirschi more at ease, but she believes these are people who should serve on this committee.

Ms. McGee commented that Mel Williamson's wife is very much alive so Commissioner Sheldon must be thinking of someone else.

Brenda Hirschi stated she isn't accusing anyone of wrongdoing. She is just questioning the process.

Cmmr. Sheldon agreed that the form could be improved.

Cmmr. Ring Erickson noted that it looks like a smaller number of people applied to be on the committee this year.

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Bob Thuring stated that this is the size of the group that he has worked with over the last year.

Mr. Butros added that the membership has ranged between 8-13 people. Generally, the Board has appointed everyone that applied.

Cmmr. Ring Erickson asked if others could be appointed later in the year.

Mr. Butros responded that the first meeting is in January so they ask that the members are appointed early in the year.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve Consent items 8.1 through 8.6. Motion carried unanimously. RE-aye; S-aye; G-aye.

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

9.1 Public hearing to consider renewing a utility franchise with Inland Telephone Company.

Rick Hirschberg, Public Works, stated Inland Telephone is a company located in Roslyn, WA. In 1984 they were granted a franchise agreement by the County to install and maintain telephone lines in a small area around Dewatto Bay. One of the provisions of that franchise agreement was that after the initial 25 year term, they had the option to request an extension for another 25 years. They have made that request. All of the other conditions of the original franchise remain unchanged. The only change is extending the agreement for another 25 years.

There were no questions for staff.

There was no public testimony.

Cmmr. Sheldon/Ring Erickson moved and seconded to execute the Utility Franchise Renewal Agreement between Mason County and Inland Telephone Company for another twenty five years. Motion carried unanimously. RE-aye; S-aye; G-aye.

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

10.1 Approval of the resolution to authorize the county to acquire, by negotiation or condemnation, the real properties necessary for the Mason County Belfair Wastewater Treatment System.

Emmett Dobey, Director of Utilities and Waste Management, stated this is a resolution regarding the acquisition of three parcels to complete the Belfair Wastewater Reclamation project. Dan Lossing is here to answer questions.

Cmmr. Ring Erickson asked if this is approved, will attempts to negotiate a settlement continue.

Mr. Lossing answered yes.

Cmmr. Sheldon asked if this is just a very small parcel.

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Mr. Lossing replied that there are five parcels with three different groups of owners. It is mostly just easements. The total square footage is small.

Cmmr. Ring Erickson asked if these would be easements for underground pipes.

Mr. Lossing responded that part will be pipes and there will also be a pump station on one of the three parcels

Cmmr. Ring Erickson asked if the owner will continue to access to the parcel.

Mr. Lossing stated yes, subject to the terms of the easements and conveyance documents.

Cmmr. Sheldon asked if there is anything out of the ordinary with these acquisitions.

Mr. Lossing answered no, except for the need to evaluate the impact to one owner's business.

Mr. Dobey added they have been in negotiations for over a year.

Cmmr. Ring Erickson asked if the properties are critical for the project.

Mr. Lossing replied that they are. The process and timing is also critical. Access to the properties needs to be acquired by March 1st.

Jack Johnson stated that he represents Clifton Heights Properties LLC. He is one of the three property owners. What he has been offered for the property is \$26,300. He counter offered \$38,640. He worked out a number that everyone would accept. The property he owns is total of 65 acres and this would have a big impact on the property. If a franchise permit were to be sold, such as what would be done with WA DOT it would be different. In an easement once the facilities have been installed the property owner has to live with whatever they have been left with. As private property owners, they are trying to plan the improvements the County is making in their property at their own expense. He showed the Board the property on a map. The property that the pump station would sit on is within a plat. The pump station would take away lot 17. When the lots are developed there would be no value left to lot 17. There would be lots they couldn't even break even on unless they were sold for \$60,000. His offer to the County is \$38,640 and in his opinion his offer is fair. There shouldn't be an easement for the pump station area, it should be owned. The proposal is for a permanent easement area of 112,386 square feet and a temporary easement area of 92,090 square feet, so it involves a lot of property. The property was also appraised as vacant land, not a preliminary approved plat. This has a large impact on the future development of the property. He doesn't want overhead power wire through the property or he will have to pay to put the power lines below ground when it's developed. There are also concerns about replanting and pipe cover. He has already incurred expense up front to develop the property. He has a lot of concerns that need to be dealt with and he feels that with the impact to his property, the amount of money he is asking for is fair.

Cmmr. Gallagher asked if it is an advantage to have the pump station on the edge of the lots.

Mr. Johnson replied that there are advantages and disadvantages, but it will come at a big cost. The lots on each side of the pump station will be depreciated. He is in favor of the project, but the lot is worth at least \$40,000.

Cmmr. Gallagher asked the size of the lot.

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Mr. Johnson stated it is .57 acres.

Cmmr. Gallagher asked if all of this information has been presented in negotiations.

Mr. Johnson answered that the information has been presented and they have been timely.

Cmmr. Ring Erickson noted she hasn't heard anything to suggest the property owners have been anything but appropriate and professional.

Mr. Johnson stated he realizes there is urgency, but the proposal has to make sense to all of the property owners.

Cmmr. Sheldon commented that he realizes there are partners and business considerations, but when a government enters into a negotiation like this it is under the threat of condemnation for the public good. He has been the subject of two condemnation efforts. It isn't a pleasant experience. There is only a \$12,000 difference in negotiations. This will go through a process long established in law and it will work out. When the property is paid for the owners won't have to pay Real Estate Excise Tax, which is a benefit. All of the developers in the Belfair area will benefit when this project is finished.

Cmmr. Ring Erickson stated she appreciates Mr. Johnson's comments. She hopes there is a good resolution soon. This is a decision that someone will care about in 100 years. This project needs to come in on time and on budget.

Cmmr. Gallagher added that this is a valuable project for the community that is mandated by the Growth Management Act.

Cmmr. Sheldon/Ring Erickson moved and seconded to adopt the resolution to authorize the County to acquire, by negotiation or condemnation, the real properties necessary for the Mason County Belfair Wastewater Treatment System. Motion carried unanimously. RE-aye; S-aye; G-aye. Resolution 02-10 (Exhibit B)

- 10.2 Bob Thuring announced that Public Works is moving forward to modify the traffic patterns and load restrictions on Weaver Creek and Hunter Creek Bridges. By establishing specific lane modifications they can accept legal loads. This should be completed by the end of January.

Cmmr. Gallagher asked if there would be more traffic with this change.

Mr. Thuring responded there wouldn't be a significant increase in volume.

Cmmr. Gallagher asked if there would be more inspections on the bridges.

Mr. Thuring answered that there would be standard inspections. There may be one special inspection.

Cmmr. Sheldon thanked Public Works for working hard on this. He asked if the Vance Creek Bridge has been looked at.

Mr. Thuring replied that the Operations and Maintenance Manager is assessing the situation.

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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 10:09 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Ross Gallagher, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Shannon Goudy, Clerk of the Board

Tim Sheldon, Commissioner