

## MINUTES

### BOARD OF COUNTY COMMISSIONERS MEETING

April 28, 2003

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 28, 2003, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Sandra Daniels, Clerk of the Board and Jim Baker, Prosecuting Attorney.

**MINUTES OF PREVIOUS MEETING:** The minutes of the Commissioners' Meeting of April 21, 2003 were approved as presented.

#### **BIDS**

**2003 Pavement Striping:** There was a bid opening for the construction of the following project: Grays Harbor County 2003 Pavement Striping, S-02080-00. The work to be performed under this contract consists of the installation of approximately 140 miles of skip center stripe; 70 miles of skip center stripe with no pass stripe; 125 miles of double yellow center stripe; and 430 miles of edge stripe and 2,000 raised pavement markers, all in accordance with the State of Washington Standard Specifications for Road and Bridge Construction, Edition of 2002 English Version. A set of plans and specifications for the project were available from the County Road Engineer's Office in Montesano, Washington, upon payment of twenty-five dollars (\$25.00) per set. Informational copies of maps, plans, and specifications were on file for inspection in the office of the County Road Engineer, Montesano, Washington. The Clerk of the Board opened and read the following bids received with bid bond attached:

Apply-A-Line, Pacific Washington	\$209,750
Stripe Rite, Auburn, Washington	\$158,595
Action Services Corp., Bremerton, Washington	\$177,874
Specialized Pavement Marking, Lake Oswago, Oregon	\$182,950

Chairman Morrisette referred the bids to the Department of Public Services for review and recommendation.

#### **HEARINGS**

**Vacation of Right-of-Way:** There was a public hearing to consider that Grays Harbor County has initiated a right of way vacation pursuant to R.C.W. 36.87.010 regarding the following road: Vacating all Right of Way North of Main Street and South of Parcel #201220130100 between (1) the Easterly 90' of Block 5 and Lot 8 of Block 4 (2) between Lot 1 Block 4 and Lot 8 Block 3 and (3) between Lot 1 Block 3 and Lot 9, Lot 1

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and alley in Block 2 all in the Plat of Pacific Beach Townsite Volume 3 page 43 records of Grays Harbor County situated in Section 20 Township 20N Range 12 W.W.M. Any person desiring to express their views or request additional information could contact John R. Kirkwood, Administrative Engineer, Department of Public Works, 100 W. Broadway, Suite 31, Montesano, Washington. Chairman Morrisette asked for a staff report. Paul Easter, Director of Public Services, provided a staff report. Mr. Easter reported that the Department of Public Services was originally contacted by Jim Hatton, Commissioner of Fire District #8, about purchasing County right-of-way where their old fire station sits. Jim Baker, Senior Deputy Prosecuting Attorney was consulted. His opinion is that the County can only vacate this right-of-way. Then the Fire District and abutting property owners can negotiate a private settlement between them. The Department of Public Services recommended 1<sup>st</sup> Street be vacated. While researching 1<sup>st</sup> Street, they noticed that 2<sup>nd</sup> and 3<sup>rd</sup> Street were county roads, with no beneficial use to the public. They received one phone call in opposition to 2<sup>nd</sup> and 3<sup>rd</sup> Street being vacated, from Tom Rasmussen, a property owner in Pacific Beach. Mr. Easter reported that the department has received two pages of signatures petitioning that the County not vacate 2<sup>nd</sup> and 3<sup>rd</sup> Street. He requested that the item be continued for further review. Chairman Morrisette asked for public comment. James Hamilton, resident of Pacific Beach asked the reason for not vacating 2<sup>nd</sup> and 3<sup>rd</sup> Street. He expressed concern with drainage issues. Mr. Easter explained that the citizens indicated opposition to vacating 2<sup>nd</sup> and 3<sup>rd</sup> Street in Pacific Beach between Main Street and the Railroad right-of-way. They indicated these short sections of street represent the only additional public access, parking, and general public usage areas along the whole length of Main Street in Pacific Beach. The two streets are used for public purposes on a daily basis. Additionally, they provide a kind of “Town Square” which is often used for community events such as street dances, parades, etc. Additionally, the local Pacific Beach and Moclips community is in the process of developing a “Main Street Community Revitalization Program”, in conjunction with the Washington State Department of Rural Development and Tourism. When completed, the program will include a Comprehensive Plan and Design for Main Street in Pacific Beach, and the citizens believe the 2<sup>nd</sup> and 3<sup>rd</sup> Street public right-of-ways will play an important role in that design. Mr. Easter explained that the County might need some of the easement for right-of-way for utility easements. Darrel Gambel, resident of Pacific Beach, spoke in favor of the vacation of right-of-way and indicated that the County and community would benefit by putting the right-of-way back on the tax rolls. He discussed the drainage problem and the impact from development. There was no further public comment and the hearing was closed. A motion was made, seconded and passed to continue a decision for further review.

## **PRESENTATION**

**Donna McGuin, McCleary, Support for Workshop for the Elderly:** The Clerk of the Board announced that Ms. McGuin notified the office and requested that the item be postponed.

## **DEPARTMENT OF PUBLIC SERVICES**

**Request Approval, Revision to Resolution/Sewer Assessment, ULID #8:** On January 27, 2003, the Board approved Resolution 03-09, which provided for a segregation of the special assessment for ULID #8 for Tract A and Lot 187 of the Plat of Pacific Center, near Pacific Beach. After the Board approved the resolution, the Assessor's office assigned a different parcel number for the new Tract A. The Department of Public Services revised the resolution and requested approval of this new resolution to recognize the corrected parcel number. All other information remains the same. A motion was made, seconded and passed to approve **Resolution No. 03-39 – A Resolution Amending Resolution 03-09 Segregating A Certain Special Assessment Of U.L.I.D. #8**

**Request Approval, Award Bid Juvenile Roofing Contract:** Bids for the replacement of the Juvenile Detention Center roof were received by the Board on April 7, 2003. The Department of Public has completed their review of the received bids and wish to reject the low bidder as not responsible. The low bidder, Western Washington Construction, is the contractor who did the Fairgrounds Pavilion Roof, and it is still leaking. It is their opinion that they should not award based upon this past performance. They referred this matter to the Prosecutor's Office and they concur. The Department of Public Services recommended the Board find the low bidder, Western Washington Construction, to be not responsible and that the bid for the Juvenile Detention Center Roof Replacement be awarded to the number 2 low bidder, Lupo Construction of Aberdeen, in the amount of \$87,637.94 for the composition roof alternative and requested authorization to proceed with preparation of construction contracts. A motion was made, seconded and passed to award the bid for the Juvenile Detention Center Roof Replacement to Lupo Construction of Aberdeen, in the amount of \$87,637.94.

**Request Approval, Resolution Of Intent to Vacate:** A motion was made, seconded and passed to approve **Resolution No. 03-41 – Resolution of Intent to Vacate On Bayview Road #15573**. This resolution sets a hearing date of May 19, 2003 at 2:00 p.m. as the date and time to consider vacating all right-of-way on Bayview Road #15573 from the Section line common to Sections 9 and 16 (milepost 1.080) and going South to the Northerly line of Pirates Way County Road #15520 (milepost 1.245) situated in Section 16, Township 16N, Range 11 W.W.M.

**Request Approval, RAP Project Agreement for 2003-2005 Program:** A motion was made, seconded and passed to approve the RAP Project Agreements for the following two road improvement projects approved for state funding:

1. Kirkpatrick Road M.P. 8.1 to M.P. 9.5  
Additional funding for the project completed  
October 2002.
2. Wynooche Wishkah Road M.P. 0.7 to M.P. 1.5 (Thirteen Corners)  
New project.

The Department of Public Services recommended these Project Agreements for constructing road improvements be executed.

**Request Approval, Accept Completion of Contract, Guidepost Installation Project:**

The Contractor, Coral Construction Company, has completed the Guidepost Installation Project, C-01045-10, Federal Aid No. POMVIP-2014(57). The total amount of the contract is \$87,840.00, which is 1.18% below the original bid. The Department of Public Services recommended acceptance of the contract by the Board of Commissioners, which would allow release of the retainage as per Section 60.28, Revised Code of Washington. A copy of the Comparison of Quantities Sheet was provided. A motion was made, seconded and passed to accept the contract as described and allow release of the retainage as per Section 60.28, Revised Code of Washington.

**Request Approval, Personal Services Contract, Consulting Engineers, Olympic**

**View Drive Project:** KPFF Consulting Engineers has submitted a proposal to provide construction engineering support for the Olympic View Drive Construction Project, No. C-96350-01, Fed Aid. No. TCSP-TCSP(004), Construction Engineering Support. The cost for this work is not to exceed \$10,000.00, which is 100% federally funded under the above referenced project. The Department of Public Services recommended approval of the contract with KPFF Consulting Engineers. A motion was made, seconded and passed to execute the contract with KPFF Consulting Engineers as described.

**Request Approval, Personal Services Contract, Phinney Fish Consulting,**

**Countywide Railroad Crossing Program:** Phinney Fish Consulting Services has submitted a proposal to provide biological technical assistance and complete the WSDOT Environmental Classification Checklist for the 2002 TEA-21 Railroad Crossing Program, County Wide Project, Biological Technical Assistance. The estimated cost for this work is \$4,000.00, which is 100% federally funded under the above referenced program. The Department of Public Services recommended execution of the contract with Phinney Fish Consulting Services. A motion was made, seconded and passed to approve the Personal

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Services Contract with Phinney Fish Consulting Services as described.

**Request Approval, Personal Services Contract, Phinney Fish Consulting, Third Street Railroad Crossing Program:** Phinney Fish Consulting Services has submitted a proposal to provide biological technical assistance and complete the WSDOT Environmental Classification Checklist for the 2002 TEA-21 Railroad Crossing Program, Third Street (O'Donnell Avenue West), Biological Technical Assistance. The estimated cost for this work is \$6,000.00, which is 100% federally funded under the above referenced program. The Department of Public Services recommended execution of the contract with Phinney Fish Consulting Services. A motion was made, seconded and passed to approve the Personal Services Contract with Phinney Fish Consulting Services as described.

**Request Approval, Personal Services Contract, Phinney Fish Consulting, Boundary Road Realignment Project:** Phinney Fish Consulting Services has submitted a proposal to provide biological technical assistance and complete the WSDOT Biological Assessment and Environmental Classification Checklist for the Boundary Road Realignment Project, Fed Aid No. STPH-VV(001), Project No. C-73650-07. The estimated cost for this work is \$10,000.00, which is 90% federally funded under the Hazard Elimination program. The Department of Public Services recommended execution of the contract with Phinney Fish Consulting Services. A motion was made, seconded and passed to approve the Personal Services Contract with Phinney Fish Consulting Services as described.

**Request Approval, Personal Services Contract, Phinney Fish Consulting, Elma McCleary Road Hazard Elimination Project:** Phinney Fish Consulting Services has submitted a proposal to provide biological technical assistance and complete the WSDOT Biological Assessment and Environmental Classification Checklist for the Elma McCleary Road Hazard Elimination Project, Fed Aid No. STPH-T142(007), Project No. C-97400-17. The estimated cost for this work is \$10,000.00, which is 90% federally funded under the Hazard Elimination program. The Department of Public Services recommended execution of the contract with Phinney Fish Consulting Services. A motion was made, seconded and passed to approve the Personal Services Contract with Phinney Fish Consulting Services as described.

**Request Approval, Set Date, Open Bids, 2003-2004 Beach Approach Sand Removal Project:** May 19, 2003 at 2:00 p.m. is the date and time set for bid opening for the 2003-2004 County Beach Approach Sand Removal Project. A listing and a map of the roads was provided.

**Request Approval, Set Date, Application for Variance, Case 2003-0569:** Thomas Weber has submitted an application for a variance from the County Subdivision Road Standards, Ord. #190, for a conditionally approved 2-lot Short Subdivision. The applicant is requesting a variance from the required private roadway Standard B 28-foot gravel surfacing top course and any provision of private roadway standard B inconsistent with allowing the existent roadway (Koala Lane) to be accepted as adequate. The variance would allow the applicant to utilize an existent 60-foot two-way right-of-way, with 20-foot graveled driving surfaces. The roadway is known as Koala Lane. The subject variance, subdivision and roadway are located in Pacific Beach, Washington, at or just south of Pacific Beach, Washington, within the northwest quarter of Section 29, Township 20N., Range 12W.W.M., Grays Harbor County, Washington. The property is further described as Assessor's parcel #74970000200. A motion was made, seconded and passed to set May 12, 2003 at 2:00 p.m. as the date and time for a public hearing to consider the application for Case #2003-0569.

**Request Approval, Set Date, Application for Variance, Case 2003-0570:** Thomas Weber has submitted an application for a variance from the County Subdivision Road Standards, Ord. #190, for a conditionally approved 4-lot Short Subdivision. The applicant is requesting a variance from the required private roadway Standard B 28-foot gravel surfacing top course and any provision of private roadway standard B inconsistent with allowing the existent roadway (Koala Lane) to be accepted as adequate. The variance would allow the applicant to utilize an existent 60-foot two-way right-of-way, and the existent 60-foot one-way right-of-way, both with 20-foot graveled driving surfaces. The roadway is known as Koala Lane. The associated subdivision and roadway are located in Pacific Beach, Washington, within the northwest quarter of Section 29, Township 20N., Range 12W.W.M., Grays Harbor County, Washington. The property is further described as Assessor's parcel #749700001000. A motion was made, seconded and passed to set May 12, 2003 at 2:00 p.m. as the date and time for a public hearing to consider the application for Case #2003-0570.

**Request Approval, 2002 Traffic Accident Report:** Paul Easter presented the 2002 Traffic Accident Report. He stated there were 155 reported accidents on County Roads in 2002. He explained the accident summary comparison shows how accidents have declined from decade to decade including injuries and fatalities. The decline is due in part to many successful traffic safety improvements the department has constructed over the years, also improved maintenance, better accuracy in reporting accident locations, and tougher legislation. The Department of Public Services annually identifies high accident locations and then focuses on how to improve the safety at these locations. There are currently 702 roads with 552 miles that the County maintains. To improve the overall quality and safety of county roads the department annually paint stripe approximately

1,000 miles of centerline and edgeline, install approximately 3,000-5,000 raised pavement markers, do an annual night sign inventory and evaluation checking if signs have proper reflectivity, sight distance, etc. There were 55 injury accidents and 2 fatalities in 2002. Wishkah Road had the most accidents with 16. The total estimated cost of all accidents on county roads was \$4,724,500.

## **DEPARTMENTS**

### **MANAGEMENT SERVICES**

**Request Approval, Budget Transfer, Tourism Fund:** A motion was made, seconded and passed to approve **Resolution No. 03-40 – Transferring Items In The Grays Harbor County Tourism Fund #112-000-100**. The resolution allows a budget transfer for the Tourism Fund to transfer \$7,642 from the ending fund balance to Professional Services for advertising with AAA that was purchased by the Langley Group in 2002 but not billed until this year. The advertisement was completed and Grays Harbor County is paying AAA direct. Rose Elway, Budget Director reviewed the request and funds are available for this transfer. It was recommended the resolution be executed.

**Request Approval, Set Date, Supplemental Appropriation Hearing:** A motion was made, seconded and passed to set May 19, 2003 at 2:00 p.m. as the date and time for a supplemental budget hearing for \$20,620 in the General Fund Public Health and Social Services Department. This is a one time only grant from the March of Dimes to help improve access of childbirth education in Grays Harbor County. Funding will be used in Professional Services.

**Request Approval, Business Associate Agreement:** A motion was made, seconded and passed to approve two copies of a Business Associate Agreement between Grays Harbor County and Manley Administrative Services. Grays Harbor County contracts with Manley Services for a self-funded employee health and welfare benefits plan for county employees. This agreement is a result of the new HIPAA requirements dealing with employee privacy rules for the confidentiality of personal healthcare information.

### **HEALTH & SOCIAL SERVICES**

**Request Approval, March of Dimes Grant Agreement:** A motion was made, seconded and passed to approve the March of Dimes grant Agreement and W-9 Form. The funding of \$20,620 will help in efforts to improve access to childbirth education in Grays Harbor County. The Department of Public Health and Social Services will be partnering with Grays Harbor College on this project.

## **FAIR**

**Request Approval, Authorization to Sign Tourism Marketing Professional Services Agreement:** A motion was made, seconded and passed to continue this item for additional information.

**Request Approval, Authorization to Sign Entertainment Contract:** A motion was made, seconded and passed to approve an entertainment contract between the Grays Harbor County Fair and TBA Entertainment for new upcoming country star “Jessica Andrews”. Grays Harbor County Fair is excited to bring Jessica Andrews to the Les Schwab stage for a free concert on Wednesday, August 6 at 7:00 p.m. Nineteen-year-old Jessica achieved a major chart breakthrough with 2001’s “Who Am I”. The big voiced Tennessee native has emerged as one of country music’s brightest stars. She also won the Academy of Country Music’s Top New Female Vocalist award. Jessica’s latest hit “There’s More to Me than You” is quickly climbing the charts. Total contract price of \$10,000 will be shared by KAYO Radio who is co-sponsoring.

## **AUDITOR**

**Request Approval, Resolution Establishing Fund, Public Health & Social Services Department:** The Department of Public Health and Social Services reported there is a need to establish an investigation (petty cash) fund in their office and seventy five dollars should be sufficient to meet the needs of the department. A motion was made, seconded and passed to approve **Resolution No. 03-37 – Establishing An Investigation Fund In The Offices Of Public Health & Social Services.**

## **PROSECUTING ATTORNEY**

**Request Approval, Resolution Authorizing Lawsuit:** Jim Baker reported that Grays Harbor County intends to sue the state of Washington over medical, dental and retirement benefits for Superior Court judges. Mr. Baker explained that recently a Superior Court in Thurston County ruled that counties are not responsible for half of the benefits paid Superior Court judges. Under the state Constitution, counties pay half of the judges’ salaries, but the law says nothing about benefits. Historically, the state has paid 100 percent of benefits for Superior Court judges. In 1995 the state discontinued those full payments. Mr. Baker reported that since 1995 Grays Harbor County has paid more than \$118,000 in benefits and based on the Thurston County suit against the state they should not have had to pay. The proposed resolution authorizes the Prosecuting Attorney to file suit against the state to recoup the cost of benefits that should not have been paid for the Superior Court judges. Commissioner Beerbower explained that the decision to cut the benefit money was made in 1995 as a cost-saving measure at the state level. Most of the

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state's 39 counties were paying under protest. Last year, those 11 counties got together and sued the state and won. At this time the other counties are taking action to determine if they can get some of that money returned. Grays Harbor's suit is expected to be filed in Thurston County within the next couple of weeks and other counties may become a party to the suit once it's filed. A motion was made, seconded and passed to approve **Resolution No. 03-38 – Resolution Authorizing Prosecuting Attorney To Commence Legal Action Against State of Washington and Numerous Defendants.**

### **ANNOUNCEMENT**

None

### **PUBLIC COMMENT**

Chairman Morrisette asked for public comment. There was no public comment.

### **CORRESPONDENCE**

The Clerk of the Board announced the following correspondence received:

A letter was received from Jay P. Weber, Executive Director of Washington State County Road Administration Board. Enclosed was a Certificate of Good Practice that was approved by resolution of the County Road Administration Board at its meeting on April 17-18, 2003. It was suggested that the certificate be presented to the County Road Engineer at an appropriate time. A Certificate of Good Practice has been transmitted to the State Treasurer on behalf of Grays Harbor County pursuant to the authority contained in RCW 36.78.090 as indicated on the certificate. This action by the CRABoard will assure the continued distribution of the monthly state gas tax allotment from the Office of the State Treasurer. On behalf of the members and staff of the CRABoard, Mr. Weber expressed appreciation for the cooperation they have received from and through the county engineer's office during the past year. Chairman Morrisette requested that the item be continued to next week to allow for the certificate to be presented to Russ Esses.

### **APPOINTMENT**

None

### **STAFF MEETINGS**

The Board held staff meetings on Monday, April 28, 2003, starting at 9:00 A.M. These staff meetings are public meetings, held in the Commissioners' Conference Room. The

purpose is for information and discussion only. No decisions are made, nor any action taken at staff meetings. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with the Public Services Director and the Director of Forestry. Staff meetings will be held during the week.

### **RESOLUTIONS**

The following resolutions were approved and signed:

- #03-37                      Establishing An Investigation Fund In The Offices Of Public Health & Social Services**
- #03-38                      Resolution Authorizing Prosecuting Attorney To Commence Legal Action Against State of Washington & Numerous Defendants**
- #03-39                      A Resolution Amending Resolution 03-09 Segregating A Certain Special Assessment of U.L.I.D. #8**
- #03-40                      Transferring Items In The Grays Harbor County Tourism Fund #112-000-100**
- #03-41                      Resolution Of Intent To Vacate On Bayview Road #15573**

### **ORDINANCES**

None

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The meeting recessed at 2:40 p.m. and will reconvene at 6:00 p.m. for a Rezone Hearing. Chairman Morrisette announced that he has recused himself and Commissioner Beerbower will chair the 6:00 p.m. meeting.

BOARD OF COMMISSIONERS  
for Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2003

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BOB BEERBOWER, Commissioner, District 1

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DENNIS MORRISSETTE, Chairman

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ALBERT A. CARTER, Commissioner, District 3

ATTEST:

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Sandra Daniels  
Clerk of the Board