

## MINUTES

### BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

July 28, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, July 28, 2008, at 2:00 p.m. Commissioners Al Carter and Bob Beerbower were present. Jim Baker, Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board were also present. Commissioner Wilson was excused.

#### **CALL TO ORDER AND FLAG SALUTE**

Commissioner Carter called the meeting to order with the pledge of allegiance.

#### **MINUTES**

- 1) **Regular Meeting July 21, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of July 21, 2008.

#### **PROCLAMATIONS & PRESENTATIONS:**

None

#### **BIDS**

None

#### **HEARINGS**

1. **Minimum Road Standards Variance Case 2008-0897 – Applicant Brian Beaver:** There was a public hearing to consider a request by Brian Beaver, represented by Chris Merritt of Olympic Engineering, for a variance for reduction in the required commercial or the multiple access standard road approach. This request is associated with the proposed subdivision of an approximate 40-acre site, located in the Middle Satsop area of unincorporated Grays Harbor County, into eight building lots. The applicant is requesting a reduction in the minimum turning radius of 35-feet. The applicant proposes a 30-foot radius at the south return. The north return will meet the 35-foot standard. The applicant will improve all the other aspects of the private lane in conformance with the Private Roadways Section B requirements set for in Grays Harbor County Code 12.02 (Grays Harbor County Minimum Road Standards). Notice of this hearing was advertised in the *Montesano Vidette* July 17, 2008. Chairman Carter asked for a staff report. Russ Esses, County Road Engineer, reported that staff has reviewed the request and recommends that the Board deny the request due to the fact that the proposed

variance does not provide a large enough turning radius to meet the minimum road standards for a multiple access. Chairman Carter asked for public comment.

Chris Merritt of Olympic Engineering, on behalf of the applicant, Brian Beaver, explained that the applicant feels the proposed access does meet minimum standards for road safety. Mr. Merritt stated that the proposed turning radius of 30-feet allows typical delivery trucks and school buses adequate room to make turns onto Middle Satsop Road. A 35-foot minimum turning radius would result in the hillside being graded, which may significantly impact existing homes.

Commissioner Beerbower noted that changes to existing properties do not provide a substantial reason for the County to allow the request. Mr. Merritt explained that the imposed minimum turning radius of 35-feet would result in an amount of grading that would result in the hillside being unsafe. The proposed 30-foot radius would still accommodate school buses and emergency services vehicles, which require a 28-foot turning radius.

Ron Armstrong, Hoquiam, inquired as to how many parcels are on the road. Chairman Carter answered, indicating that there are 8 building lots on the road. Mr. Armstrong commented in regards to state standards that differ from County road standards.

Commissioner Beerbower inquired as to the length and turning radius needed for school buses. Russ Esses explained that the average length of a bus is 35 to 40 feet with a turning radius of 28-feet. Mr. Esses commented in regards to Mr. Armstrong's reference to state standards, and the likelihood that the County is requiring stricter standards, noting that the standards the County is enforcing have been used for 30 plus years and include standards for 3 or more lots requiring a 35-foot turning radius; a paved apron; plus or minus 2% slope for the first 30 feet so as to prevent drivers from sliding out onto the road. Mr. Esses commented that local road character may require additional work and expense to meet these minimum standards.

Chairman Carter inquired as to whether a retaining wall would be needed to protect the slope. Mr. Esses commented that a retaining wall could be an option, or to relocate the road access to adjacent property, which would then require easements.

Ron Armstrong made additional comments in regards to the large amount of difference in the State versus County standards. Chris Merritt commented that the variance process exists for purposes such as their request, and again noted that emergency service vehicles would likely be the only large vehicles utilizing the access, which requires a smaller turning radius than the requested variance.

Ken Flodstrom, McCleary, inquired as to whether or not County road standards are enforced. Chairman Carter deferred this question to Russ Esses. Mr. Esses stated that

the County attempts to enforce the standards, but not everyone complies. Chairman Carter asked for additional public comment. There was no further comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to continue this hearing to August 11, 2008, to provide adequate time for further discussion and study on this request.**

2. **Supplement Budget Amendment – Election Reserve Fund:** There was a public hearing to consider Supplemental Budget as follows: Supplemental Budget – Election Reserve Fund #116-000-000, in the amount of \$16,000. Notice of this hearing was advertised in *The Montesano Vidette* on July 17 and 24, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, explained that this is a request for a supplemental budget in the Election Reserve Fund for \$16,000 received for the sixth phase of the Help America Vote Act (HAVA). These funds will be used for training election officials and for the purchase of computer equipment. Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve Resolution No. 2008-69– Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Election Reserve Fund #116-000-000.**

## **COMMISSIONERS**

1. **Resolution Adding a Representative Member to the Grays Harbor County Tourism Advisory Board:** A motion was made, seconded and passed to authorize **Resolution No. 2008-75, Amending Resolutions 94/16 and 94/38, Adding a Representative Member to the Grays Harbor County Tourism Advisory Board.**

## **DEPARTMENTS**

### **MANAGEMENT SERVICES**

1. **Request Approval, Resolution Authorizing Transfer – Trial Court Improvement Fund:** A motion was made, seconded and passed to authorize **Resolution No. 2008-70, Transferring Items in the Grays Harbor County Trial Court Improvement Fund #104-000-000.** This Resolution transfers \$3,000 in the Trial Court Improvement Fund due for an adjustment in the compensation level for mandatory mediation services in District Court. It has been determined that funds are available in the Trial Court Improvement ending fund balance to allow this transfer.

2. **Request Approval, Resolution Authorizing Transfer – Special Projects Fund – Wildcat Creek Aquifer & Misc. Projects:** A motion was made, seconded and passed

to authorize **Resolution No. 2008-71, Transferring Items in the Grays Harbor County Miscellaneous Fund Special Projects #101-000-000**. It was requested a \$10,000 transfer be made within the Special Projects fund to cover additional costs to the Wildcat Creek Aquifer project and to provide funding for various school lunch programs throughout the County. It has been determined that funds are available to transfer from East Elma Sewer project.

**3. Request Approval, Resolution Authorizing Transfer – Special Projects Fund – CDBG Projects:** A motion was made, seconded and passed to authorize **Resolution No. 2008-72, Transferring Items in the Grays Harbor County Miscellaneous Fund Special Projects #101-000-000**. It was requested a \$23,500 transfer be made within Special Projects. Grays Harbor County has received two grants from the Washington State Department of Community Trade & Economic Development Community Development Block Grant program. The first grant is a \$750,000 grant to construct a new childcare center on the Grays Harbor College campus. \$6,000 is projected to be spent this year with the remaining amount to be put in the 2009 budget. The County has also received a \$17,500 grant for CDBG Planning Only, to develop a five-year housing plan for people who are homeless or who have incomes at low and moderate income levels. It has been determined that funds are available to transfer from the Elma Sewer Project to cover the current year expenditures.

**4. Request Approval, Resolution Authorizing Transfer – Paths & Trails Fund – Middle Satsop Road:** A motion was made, seconded and passed to authorize **Resolution No. 2008-73, Transferring Items in the Grays Harbor County Paths & Trails Fund #105-000-000**. It was requested a transfer be made within the Paths & Trails Fund for \$30,000, to transfer funds from ending cash balance to the road department for expenditures to pave the shoulder of the Middle Satsop Road. It has been determined that funds are available within the fund to cover this transfer.

## **PUBLIC HEALTH & SOCIAL SERVICES**

**1. Request Approval, Contract Amendment – CTED Community Mobilization Program:** A motion was made, seconded and passed to approve an amendment to the County's contract with the Department of Community Trade & Economic Development, which provides funding to the Community Mobilization Program from July 1, 2008 through to June 30, 2009. The amendment provides \$52,162 in funding.

**2. Request Approval, Contract Amendment – Behavioral Health Resources:** A motion was made, seconded and passed to approve contract amendment No. 3 to the County's contract with Behavioral Health Resources. This amendment passes along the legislatively required worker wage increase to Behavioral Health Resources and reduces the amount allowed for the required "double staffing" allowance in accordance with reduced funding provided by the Mental Health Division. The worker wage increase

totals \$29,889 for the three-month contract duration. The double staffing reduction totals \$606.

**3. Request Approval, Interlocal Agreement with Cowlitz County Regional Service Network:** A motion was made, seconded and passed to approve an Interlocal Agreement which establishes services to be provided by Cowlitz County Regional Service Network. Services include information systems support needed to maintain Grays Harbor Regional Services Network and to meet requirements for information to be provided to the Department of Social & Health Services. The amount of the agreement will be \$45,420 for one year, with a provision for additional funds for overtime, if required.

### **PUBLIC SERVICES**

**1. Request Approval, Resolution Acknowledging Vacation – Applicant Steven Wood:** A motion was made, seconded and passed to approve **Resolution No. 2008-74, Acknowledging the Vacation of Right-of-Way Described as the East Half of Broadway Lane South, Adjacent to Parcel #799501601000.** The Public Services Department received a petition from Steven Wood to acknowledge vacation of right-of-way adjacent to property he owns in the Plat of Peterson 1<sup>st</sup> Addition. The Department has found no record of this right-of-way having ever been opened within the applicable time period and has no objection to this right of way having been automatically vacated by operation of law.

**2. Request Approval, Industrial Water Line Agreement – City of Aberdeen & Evergreen Pulp:** A motion was made, seconded and passed to approve an Industrial Waterline Water Agreement to provide for the sale of industrial water from the City of Aberdeen to Evergreen Pulp, Cosmopolis. This agreement was developed by the City and has been reviewed by the Grays Harbor County Prosecutor's Office. It was approved on July 23, 2008, by the Aberdeen City Council.

**3. Request Approval, Limited Use Permit – E911 Radio Frequency Agreement:** A motion was made, seconded and passed to authorize the Director of Public Services to execute the Limited Use Permit, Radio Frequency Agreement with E911. As the Permittee of this Agreement, Grays Harbor County Department of Public Works is granted limited right to communicate car to car with local public safety officers while conducting joint field activities, and to HARBOR dispatch in emergencies involving imminent life safety.

**4. Request Approval, Contract Documents – CDBG Environmental Review for Union Gospel Mission Rehabilitation Projects:** A motion was made, seconded and passed to authorize the Chairman to sign the appropriate contract documents to comply with the Environmental Review requirements of CTED for the CDBG Union Gospel

Mission Rehabilitation Projects. The contract documents include: Environmental Assessment Attachment 6-F, Concurrent Notice Attachment 6-J, and Request for Release of Funds and Certification once the comment period for NEPA/SEPA process ends.

**5. Request Approval, Interagency Agreement – Montesano School District – Emergency Bus Mobilization:** A motion was made, seconded and passed to approve an Interagency Agreement with the Montesano School District for Emergency Bus Mobilization. This agreement may be activated in an emergency or disaster for evacuation of citizens.

### **SHERIFF**

**1. Request Approval, Set Hearing Date – Ordinance Amending County Code to Revise Sheriff’s Fees Charged for Mileage:** August 11, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider an ordinance amending Grays Harbor County Code Section 2.06.010 and Ordinance 323 to change the Sheriff’s mileage fees for service or attempted service to an amount equal to the current mileage rate for reimbursement of County employee travel as set by resolution of the Board of Commissioners, and making a grammatical text correction.

### **ANNOUNCEMENTS**

None

### **CORRESPONDENCE**

1. A letter from Doug Sutherland, Commissioner of Public Lands, regarding the “Projection of Income from State Forest Lands”. Accompanying this letter is a memo from Grays Harbor County Treasurer, Ron Strabbing, summarizing the Department of Natural Resources Projections for the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2008. These letters are available for review and were placed on file.
2. Lawsuit, L-574-08, filed by Bombardier Aerospace Corporation. This Lawsuit was forwarded to the Prosecuting Attorney’s Office for review.
3. An email, dated 7-28-08, from Stanley Trohimovich titled, “Re: The Constitutional Tolling Principle and your denials of due processes of law. Correction!” At the sender’s request, this correspondence was announced and placed on file.
4. A letter, dated 7-23-08, from Washington State Auditor, Brian Sonntag, congratulating Grays Harbor County on its 10<sup>th</sup> consecutive audit without a finding. He stated that this exceptional accomplishment clearly demonstrates the

County's commitment to sound financial operation and fiscal integrity. This letter was read in its entirety, distributed to all County departments and placed on file.

### **PUBLIC COMMENT**

Chairman Carter asked for public comment. He announced that comments and statements would be accepted and would be limited to five minutes. Questions should be submitted in writing.

Ken Flodstrom, McCleary, made comment regarding three road access applications on Old McCleary Road that he stated the County engineering department confirmed did not meet County road standards.

Brian Shea, Planning & Building Director, responded that the road access applications would be reviewed for compliance and that Mr. Flodstrom would be included in correspondence related to the applications on Old McCleary Road. Mr. Shea reported that some road access applications will be required to "rough in" the access prior to a building permit being issued.

Stan Blunt, Aberdeen, made comments regarding Governor Gregoire's visit to Grays Harbor, the new mill in Cosmopolis, and Behavioral Health Resources.

Cheryl Campbell, Kent, WA, made comments regarding her road access permit on East Wishkah Road in Aberdeen.

Ron Armstrong, Hoquiam, made comments regarding his recent lawsuit against the County and the road access issue on the property owned by Cheryl Campbell.

### **STAFF MEETINGS**

The Board held staff meetings on Monday, July 28, 2008, starting at 9:00 a.m. These staff meetings are advertised public meetings held in the Commissioners' Conference Room. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Joan Brewster, Public Health & Social Services Director, regarding agenda items and department updates; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects; Brian Shea, Planning & Building Director, regarding department updates; Kevin Varness, regarding Facility/Utility Project Updates; Lee Napier, regarding agenda items; Anne Sullivan, Emergency Services/Risk Management, regarding agenda items; Jeff Nelson, Environmental Health, regarding department updates. Notes of these meetings are available upon request.

The Board approved the following:

**RESOLUTIONS**

- No. 2008-69**                      **Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Election Reserve Fund #116-000-000**
- No. 2008-70**                      **Transferring Items in the Grays Harbor County Trial Court Improvement Fund # 104-000-000**
- No. 2008-71**                      **Transferring Items in the Grays Harbor County Miscellaneous Fund Special Projects # 101-000-000**
- No. 2008-72**                      **Transferring Items in the Grays Harbor County Miscellaneous Fund Special Projects # 101-000-000**
- No. 2008-73**                      **Transferring Items in the Grays Harbor County Path and Trails Fund # 105-000-000**
- No. 2008-74**                      **Resolution Acknowledging Vacation by Operation of Law, East Half of Broadway Lane South adjacent to parcel # 799501601000**
- No. 2008-75**                      **A Resolution of the Grays Harbor County Board of Commissioners Amending Resolutions 94/16 and 94/38, Adding a Representative Member to the Grays Harbor County Tourism Advisory Board**

**ORDINANCES**

None

**INTERGOVERNMENTAL AGREEMENTS**

- **PHSS – Cowlitz County RSN**
- **Public Services - Industrial Water Line Agreement – City of Aberdeen & Evergreen Pulp**

- **Public Services Emergency Management – Montesano School District  
Emergency Bus Mobilization**

The meeting adjourned at 3:05 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2008

---

ALBERT A. CARTER, Chairman  
Commissioner, District 3

---

BOB BEERBOWER, Commissioner, District 1

---

*Excused*  
MIKE WILSON, Commissioner, District 2

ATTEST:

---

Donna Caton  
Clerk of the Board