

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

February 7, 2011

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, February 7, 2011, at 2:00 p.m. Commissioners Terry Willis, Mike Wilson and Herb Welch were present. Donna McCallum, Clerk of the Board, and Jim Baker, Deputy Prosecuting Attorney, were also present.

CALL TO ORDER AND FLAG SALUTE

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

BIDS:

1. **Proposals for Straddleline ORV Park Operator:** It was advertised January 20 and 27, 2011, in the *Montesano Vidette*, that proposals would be accepted for the operation of the Straddleline ORV Park.

Bid specifications were available at the Grays Harbor County Commissioners Office at 100 W. Broadway Suite 1, Montesano, WA 98563. It was announced that the Grays Harbor County Commissioners reserve the right to reject any or all proposals or parts thereof without cause. The Clerk of the Board announced proposals received by the following groups:

1. Promoto Promotions - Vancouver, WA
2. Pacific Racing Association – Enumclaw, WA

The proposals will be reviewed by the Commissioners and the ORV Advisory Committee.

2. **2011 Emulsified Asphalt Supply Contract:** It was advertised January 13 and 20, 2011, in the *Montesano Vidette*, that bids would be accepted for the 2011 Emulsified Asphalt Contract. The contemplated work to be performed under this contract consists of furnishing and hauling to various County locations approximately 1250 Tons of CRS-2P Emulsified Asphalt. All materials furnished shall conform to current publications of the 2010 Standard Specifications for Road and Bridge Construction.

Bid specifications were available at the Grays Harbor County Public Services Department at 100 W. Broadway Suite 31, Montesano, WA 98563. It was announced that the Grays Harbor County Commissioners reserves the right to reject any or all bids or parts thereof without cause. The Clerk of the Board announced the following bids with bid bond attached:

Company	Location	Bid Amounts
Albina Asphalt	Vancouver, WA	\$847,959
Paramount Petroleum	Portland, OR	\$772,350

The bids were provided to the appropriate department for review.

HEARINGS:

1. **Appeal of a Shoreline Administrative Decision – B&N Investments:** There was a public hearing on February 7, 2011 to consider an appeal of a shoreline administrative decision from B&N Investments. The property owner, B&N Investments, received a Notice of Violations and Orders to Correct Violations, dated November 2, 2010, from the County's Shoreline Administrator. The property owner, B&N Investment (Mr. Bob Betcher) is appealing the administrative order. Notice of this hearing was published in *The Montesano Vidette* January 27, 2011. Chairman Willis asked for a staff report.

Ryan Harriman, Planner II, entered into the record the staff report dated January 31, 2011 which included the following items:

- Letter date February 3, 2011 from Alexander Mackie (counsel for B&N Investment)
- Letter date December 9, 2010 from Alexander Mackie (counsel for B&N Investment)
- Letter date November 30, 2010 from Alexander Mackie (counsel for B&N Investment)
- Court Order dated July 1, 1998 with related documentation

Mr. Harriman, discussed the staff report contents and a PowerPoint presentation. The sections of the staff report discussed included background, applicable codes, staff analysis of violations, Board choices and staff recommendations.

He explained the three violations, findings and conclusions.

1. Filling east of residence on parcel 201220410040, next to the confluence of Joyce Creek and Joe Creek.
2. Illegal grade and fill activities within Shoreline Management Plan jurisdiction and further located on lot 7 together with the vacated 26-foot right-of-way and lot 8 together with the vacated 26-foot right-of-way, Parcel 20120410040, and the unopened right-of-way south of lot 8, block 20 in the plat of Pacific Beach.
3. Altering the drainage ditch lying within the unopened right-of-way south of lot 8, block 19, in the plat of Pacific Beach.

There was discussion on right-of-way issues and ownership.

Mr. Harriman stated the following conclusions:

1. Staff recommends the Grays Harbor County Board of Commissioners **APPROVE** the staff analysis, including Findings and Conclusions; and
2. Staff recommends the Grays Harbor County Board of Commissioners **DENY** the appeal filed by Robert Betcher identified as Case 2010-1465, and uphold the requirements of the November 2, 2010 Grays Harbor County Planning Division **Notice of Violations and Orders to Correct Violations**

Commissioner Willis called for the applicant to speak.

Sandy Mackie, counsel for B&N Investment, verified the letter sent from his office dated February 3, 2011 was provided to the Commissioners. He discussed the violations and their

recommended solutions to the problems. He stated Mike Daniels has permits for violations one and two and he asked the Board allow the permits after the fact. He stated they acknowledge and agree to the order on violation three.

There was discussion concerning the lack of permits and the work completed. Right-of-way ownership and vacation was explained.

Mr. Mackie asked that the Planning Department accept and process the permits for violations one and two. Commissioner Willis asked if he is withdrawing the appeal on violation three. Mr. Mackie stated he agreed, as there is no further work being asked of his client for this violation.

Commissioner Willis entered the following items into the record:

- Photographs of the property from Bill Bonnalo via Al Carter
- Email comment and photographs from Vickie Olson via Al Carter

Chairman Willis called for public comment from those in favor of the appeal.

Mike Daniels, Pacific International Engineering, provided the following documents to be entered into the record.

- Photographs and drawings of violation area – two different sets
- Photograph of culvert (to be provided at a later date.)

Mr. Daniels stated he consulted with Mr. Betcher on this property and prepared the permits for after the fact approval. He asked the Board allow these permits to be processed.

Mr. Daniels discussed the Department of Ecology requirements and specifics of the work done on the property. The Commissioners discussed the particular aspects of the violations with Mr. Daniels.

Chairman Willis called for public comment from those opposed to the appeal.

Al Carter, representative for Norm Vick, provided two documents for the record as follows:

- Statements regarding violations and exceptions/opinion on the conclusions
- Photographs of the property and violation areas

Mr. Carter stated Norm Vick requests denial of the appeal. He discussed the violations, exceptions and opinions on each violation. He stated the work has been done without following the proper processes. Mr. Carter explained this has been done by Mr. Betcher in the past and he should not be allowed to get permits after he has done the work.

Sandy Mackie, counsel for B&N Investment, addressed issues raised regarding lots 7 and 8. The Critical Areas Ordinance and shoreline permits were discussed.

Al Carter, representative for Mr. Vick, discussed the drainage easement on the property and the amount of fill material that was placed above the drainage pipe.

Mike Daniels, consultant for B&N Investment, explained the work done for drainage and the fill material used. There was further discussion on the depth of fill.

Commissioner Willis called for further comment. Hearing none she closed the hearing.

Commissioner Welch discussed the permits and fees. He stated there should be readjustment of fill material. The conclusion needs to make the issues right for the environment, people and applicant.

Jim Baker, Senior Deputy Prosecuting Attorney, stated from a legal standpoint the Board has the authority to enforce the shoreline provision which could include triple permit fees.

Commissioner Wilson stated his concern with the unopened right-of-way. He asked who controls it. Jim Baker stated the ownership is the fee owner, which is the county. He stated Mr. Betcher owns land subject to the right-of-way.

Commissioner Welch stated there was confusion on which right-of-way had been vacated.

Commissioner Wilson stated he is uneasy making a decision until he understands the right-of-way issue and fill criteria.

Chairman Willis outlined the choices for the Board. There was discussion on decisions and clarification on any changes the Board can make.

Jim Baker stated no new evidence can be introduced; however procedural questions can be discussed.

Commissioner Wilson asked that the decision be postponed until next week.

ACTION: A motion was made, seconded and passed to postpone the decision until Monday February 14, 2011.

PUBLIC COMMENT

Commissioner Willis called for public comment on county-related items. She announced that comments and statements would be accepted and limited to three minutes. Questions should be submitted in writing.

There was no public comment.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

Regular and Morning Meeting – January 31, 2011

Auditor:

Month End Expenditure Audit Report: Claims: \$2,814,325.36 - Salary: \$2,149,394.33

Commissioners:

Appointments to the ORV Advisory Committee – 9 members:

At Large: Mitchell Culbertson
ATV: Bob Lattimar
Business: Alfie Bensinger
Flat Track: Brooke Heikkila
Go Carts: Bob Bellamy
Motocross: Ted DeVol
Resident: Leslie Ortquist
Trail Bikes: Ian Murphy
4x4: Dan Marek
Brandon Marek (Alternate)

Management Services:

Set Hearing Date – *February 28, 2011* – Emergency Budget, Clerk's Office \$7,746

Public Services:

Authorization to Purchase and Set Bid Date – *March 7, 2011* – 100 foot communications tower, Aloha Ridge

CRP Resolution & Set Bid Date – *March 7, 2011* – vicinity map & construction for Black Creek Rd. Bridge

Purchase a pre-cast concrete utility building for the Aloha Ridge radio site

Correspondence:

Lawsuit, L-596-09, Tom Fite

ACTION: A motion was made, seconded and passed to approve the Consent Agenda as listed above.

COMMISSIONERS

None

DEPARTMENTS

FAIR, EVENTS AND TOURISM

1. **Request Approval, Authorization for the Fair, Events and Tourism Manager to sign an agreement with Les Schwab Tire Centers for Diesel Domination Truck Show:** A motion was made, seconded and passed to authorize the Fair, Events and Tourism Manager to sign the agreement with Les Schwab Tire Centers for the Diesel Domination Truck Show.

2. Request Approval, Authorization for the Fair, Events and Tourism Manager to sign agreements for 2011 Events: A motion was made, seconded and passed to authorize the Fair, Events and Tourism Manager to sign the following 2011 agreements:

Grays Harbor Veterinary Clinic	Grays Harbor 4-H Horse Council (Jan. 29 & 30)
Montesano High School Equestrian Team	Grays Harbor Mounted Posse (Posse Penning)
Hope from Horses	Grays Harbor Posse (Wed. night rides)
Grays Harbor Posse (Posse Sorting)	Rainier Agility Team (Fe. 12 & 13)
WAHSET Equestrian Team (District 3)	WAHSET Equestrian Team (District 2)
Grays Harbor 4-H Council (March 5 & 6)	Grays Harbor Mounted Posse Rodeo
Top Dog Agility	Jordan Family Circus
Grays Harbor Geology & Gem Society	Grays Harbor 4-H Horse Council (April 2-3)
Rainier Agility Team (April 9 & 10)	NW Mini Horse Club
Pacific Barrel Horse Association	

FORESTRY

1. Request Approval, Set Timber Sale Auction for March 11, 2011 at 10:00 a.m. – Raney Creek Nos. 8 and 9, Seastrand Nos. 5 and 6, and two Cedar Sales – CED 1101 and 1102: A motion was made, seconded and passed to set the timber sale public auction for Raney Creek No. 8 and No. 9, Seastrand No. 5 and No.6 and cedar sale CED 1101 and 1102 for March 11, 2011 at 10:00 a.m.

PUBLIC SERVICES

1. Request Approval, Award Bid - One or more medium size four door sedans, Whitney's Value Ford: A motion was made, seconded and passed to approve the low bid from Whitney's Value Ford for \$16,285.60 for the purchase of one 2011 Ford Fusion.

2. Request Approval, Award Bid - One or more ¾ ton 4x4 pickup, Five Star Ford: A motion was made, seconded and passed to approve the low bid from Five Star Ford for \$25,580.37, each for the purchase of one 2011 Ford ¾ ton, 4x4, regular cab pickup.

3. Request Approval, Award Bid - Three or more police pursuit vehicles, Five Star Ford and Dodge: A motion was made, seconded and passed to approve the low bid from Five Star Ford and Dodge for \$26,113.00, each for the purchase of three 2011 Dodge Chargers.

4. Request Approval, Award Bid - One or more small/midsize 4x4 crew cab pickups with matching canopy, Five Star Chevrolet: A motion was made, seconded and passed to approve the low bid from Five Star Chevrolet for \$25,805.38 for the purchase of one 2011 Chevrolet Colorado with matching canopy.

5. Request Approval, Award Bid - Two or more full size police utility vehicles, Five Star Ford: A motion was made, seconded and passed to approve the low bid from Five Star Ford for \$30,982.71, each for the purchase of two 2011 Ford Expeditions.

6. Request Approval, Resolution, Speed Limit increase on the Upper Wishkah Road: A motion was made, seconded and passed to approve **Resolution No. 2011-014, raising the speed limit on the Upper Wishkah Road to 40 MPH from mile post 0 to 0.67.** The resolution establishes a 40 MPH speed limit for the Upper Wishkah Road between Hoquiam Wishkah Road and West Wishkah Road, and is a continuation of the 40 MPH speed limit on the Wishkah Road. This change will provide conformity with speed limits of other roads in the vicinity, Wishkah Road, East Hoquiam Road, and Hoquiam Wishkah Road.

7. Request Approval, Resolution, Speed Limit increase on Egge Road, Highland Drive, Workman Creek Road and Satsop River Loop: A motion was made, seconded and passed to approve **Resolution No. 2011-015, raising the speed limit to 20 MPH on Egge Road, Highland Drive, Workman Creek Road and Satsop Riviera Loop.** These roads are currently posted at 15 MPH and 20 MPH is the minimum speed limit that the County can establish on the roads in accordance with state law.

** The following item was added to the agenda:

8. 2010 Pavement Striping Project Contract Completion: A motion was made, seconded and passed to accept the contract as complete for the 2010 pavement striping contract project with Stripe Rite Inc. and release the performance bond of \$12,364.22.

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, February 7, 2011, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Willis, Wilson and Welch and the Clerk of the Board, Donna McCallum reviewed calendars and pending daily office issues. The Board met with Larry Smith and Don Smith, Forestry, to discuss timber sales, Lee Napier, Chuck Wallace, Deb, regarding the Hazard Mitigation Plan and the following individuals regarding agenda items and department updates: Kevin Varness, Public Services; Russ Esses, Engineering and Roads; Jeff Nelson, Environmental Health; Milt Hagedorn, ER&R; Eric Jackson, ER&R. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

No. 2011-014

**Raising the speed limit on the Upper
Wishkah Road to 40 M.P.H. from mile
post 0 to 0.67**

No. 2011-015

**Raising the speed limit to 20 MPH on
Egge Road, Highland Drive,
Workman Creek Road and Satsop
Riviera Loop**

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned 4:03 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2011

TERRY L. WILLIS, Chairman, District 1

MIKE WILSON, Commissioner, District 2

HERB WELCH, Commissioner, District 3

ATTEST:

Donna McCallum, Clerk of the Board