

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

May 23, 2011

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 23, 2011, at 2:00 p.m. Commissioners Terry Willis, Herb Welch and Mike Wilson were present. Donna McCallum, Clerk of the Board, and James G. 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:

None

HEARINGS:

1. Vacation request for Fourth Street and unnamed right-of-way in Pacific Beach, applicant Bob Betcher: There was a public hearing on May 23, 2011 to consider a right of way vacation request submitted by Bob Betcher, pursuant to R.C.W. 36.87.010 regarding the following: Vacating that portion of Fourth Street, Rd No. 30690, right of way, 60 feet in width, lying between lots 6, 7, and 8 of Block 19 and lots 6, 7, and 8 of Block 20 in the Plat of Pacific Beach Townsite, and the unnamed right of way being 30 feet in width and lying south of and adjacent to lots 8 of Block 19 and 20, all located within Section 20, Township 20 North, Range 12 West, Willamette Meridian. Notice of this hearing was published in *The Montesano Vidette* May 12, 2011 and May 19, 2011. Chairman Willis asked for a staff report.

Tom Gray, County Surveyor, read the engineer's report. It stated an application for road and right of way vacation in the Plat of Pacific Beach was received on March 22, 2011 from Robert Betcher. The report further stated Fourth Street was accepted into the county road system on May 2, 1904 and dedicated to the public as part of the plat of Pacific Beach Townsite and is recorded in Volume 3 of Plats, page 43. Presently, the roadway occupying the right of way in this area is a narrow gravel roadway that serves the Vick property, Betcher property, and a drainage facility. This portion of Fourth Street terminates at the southern boundary of the plat. The Engineer's recommendation is for approval of the vacation contingent upon a permanent non-exclusive easement assignment to Mr. Vick, his heirs and assigns.

Commissioner Willis called for public comment by the applicant. She noted Mike Daniels, representative of the applicant, requested the Clerk of the Board read his testimony into the record. After Mr. Daniels letter was read, J.T. Cook, attorney for Mr. Betcher, spoke to emphasize some points: Fourth Street serves two purposes, to provide access for the Vick's and for utilities. He stated both would be allowed to continue if vacated. The benefits to the public would be removing the liability from the county and adding the property to the tax rolls.

Commissioner Willis asked when the payment for the vacation would be made. Mr. Cook replied

he was asked to submit the payment upon approval.

Commissioner Welch asked for clarification on easement negotiations. J.T. Cook responded Mr. Vick would be given rights to the easement and would have to pay for any improvements. James Baker was consulted and stated a grantee does not need to accept or sign for an easement. He stated planning issues were separate from this hearing and consideration should be for the need of the public to retain the road and whether it would serve a public benefit.

Commissioner Willis called for public comment against the request.

Al Carter, representing Norm Vick, read a letter he provided to the Board asking Commissioners to deny the request. The letter noted the right of way is a drainage area and was considered wetlands prior to being filled by Mr. Betcher. Mr. Carter noted the county installed a culvert a short distance away on Third Street to help with the drainage. The drainage pipes were buried and ecology blocks placed on the public right of way. He referred to illustrations provided in his handout showing that standing water is not able to reach the drainage area.

Norm Vick, resident of Pacific Beach for 68 years, made comments regarding Mr. Betcher's actions that destroyed wetlands, including placing fill material on public right of way. He asked for consideration of the interest of the public.

Lee Napier, Interim Planning Director speaking for the Utilities and Development Division of the County, stated it is standard policy for the division to oppose vacation requests where utilities exist in the right of way. Easements become problematic as owners forget and place obstacles in the way. James G. Baker said under RCW 36.87.140 the Board has authority to reserve easements for utility purposes and does not have to restore items removed that interfere with the grantor's access.

Lila Prisinger, Pacific Beach, made comments regarding Mr. Betcher's activities on the property affecting wetlands and access to Joe Creek.

Gerald Olson, Pacific Beach, stated if there is opposition to the request it should not be granted. He stated there is more value if the road is kept public.

Commissioner Willis called for comments in favor of the request.

J.T. Cook, attorney for Mr. Betcher, provided a rebuttal. He stated the concerns were focused on past issues that have no bearing on the vacation request. He said the public interest would be served by the easements and referred to the County Engineer's recommendation for approval. He noted the language in the easement is very strict and has plenty assurances the easement right would be honored.

Al Carter, representing Mr. Vick, stated the broader public interest is the drainage in the area. The drainage issues are public and should not be placed in private hands.

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

Commissioner Welch stated there were numerous comments made regarding past actions that are not relevant to this hearing. He firmly believes the property should be placed back on the tax roles.

Commissioner Willis discussed procedure, stating a motion needed to be made in order to discuss the topic.

Commissioner Welch made a motion to approve the vacation request. The motion died due to lack of a second.

Commissioner Willis made a motion to deny the vacation request. The motion died due to lack of a second.

There were no further motions from the Board. James G. Baker, Senior Deputy Prosecuting Attorney, stated the vacation request fails for lack of a (completed) motion.

ACTION: Failed due to lack of completed motion.

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.

Al Carter, Hoquiam, asked for clarification on the hearing outcome. Commissioner Willis stated the request was in essence denied due to lack of a completed motion.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

Regular and Morning Meeting – May 23, 2011

Commissioners:

Montesano Community Education request to use Courthouse grounds on Sept. 10th
American Cancer Society use request for Vance Creek Park on Aug. 20th

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, 2011 Grays Harbor Tourism Festival and Event Service Contract and Spending Authorization – McCleary Bear Festival:** A motion was made, seconded and passed to approve the 2011 Festival and Event Service Contract and authorize spending for the McCleary Bear Festival. The Grays Harbor Tourism Lodging Tax Advisory Committee recommended allocating the funds for the contract in the amount of \$1,000.

2. **Request Approval, 2011 Grays Harbor Tourism Festival and Event Service Contract and Spending Authorization – Lake Quinault Community Action Forum:** A motion was made, seconded and passed to approve the 2011 Grays Harbor Tourism Service Contract and authorize spending for the Lake Quinault Community Action Forum in the amount of \$20,000.

FORESTRY

1. **Request Approval, Award Contract for North River No. 4 Cedar Salvage to ML Cedar Products, Inc:** A motion was made, seconded and passed to award the contract for North River No. 4 cedar salvage to ML Cedar Products, Inc., in the amount of \$117,110. The company was the successful bidder at the May 13, 2011 sale.

MANAGEMENT SERVICES

1. **Request Approval, Salary Resolution for the Auditor's Office, Central Services, and Management Services:** A motion was made, seconded and passed to approve **Resolution No. 2011-048, amending Resolution No. 2011-004 fixing compensation of employees from and after January 1, 2011 and to approve the Letter of Agreement with the Auditor regarding the Chief Deputy Auditor's budget duties.** The Salary Resolution amends salaries in the Auditor's Office, Central Services and Management Services to reflect the promotion of the Budget Analyst and Chief Deputy Auditor for shared duties as Budget Director and the added duties of risk management to the Central Services Director.

** The Clerk of the Board announced the following item has been added to the agenda:

2. **Request Approval, Grays Harbor County Risk Management Self-Assessment:** A motion was made, seconded and passed to approve the Grays Harbor County Self-Assessment for risk exposure in 2010.

PUBLIC SERVICES

1. **Request Approval, Surplus Equipment – 1982 F350 Ford Dump Truck:** A motion was made, seconded and passed to declare a 1982 F350 Ford Dump Truck as surplus equipment. The Solid Waste Fund is currently using the vehicle and is interested in acquiring the vehicle.

** The Clerk of the Board announced the following item has been added to the agenda:

2. Request Approval, Set Bid Date for June 13, 2011 for the Brooklyn Road Bridge Replacement Project: A motion was made, seconded and passed to set June 13, 2011 at 2:00 p.m. as the bid opening date and time for the Brooklyn Road Bridge Replacement Project. The bid advertisement was previously approved at the May 2, 2011 meeting with a bid date to be announced when available.

ANNOUNCEMENTS

The Clerk of the Board announced there will be no meeting next Monday, May 30, 2011 due to the Memorial Day Holiday. The next scheduled meeting is June 6, 2011.

CORRESPONDENCE

The Clerk of the Board announced the 2010 Traffic Accident Report was received from the Engineering Department.

STAFF MEETINGS

The Board held a regular morning meeting on Monday, May 23, 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 the following individuals: Rose Elway, Budget Director, regarding agenda items and budget update, Brenda Sherman, Deputy Chief Auditor, and Marilyn Lewis Budget Analyst, were also present; Joy Carossino Risk Management, regarding county risk self-assessment; Don Smith, Forestry, regarding an agenda item; Public Services individuals regarding agenda items and department updates – Kevin Varness, Public Services; Russ Esses, Engineering and Roads; Jeff Nelson, Environmental Health; Lee Napier, Planning Department; Tom Gray, Engineering. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

No. 2011-048

Amending Resolution No. 2011-004 fixing compensation of employees from and after January 1, 2011

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 3:12 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