

Minutes
BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY
REGULAR MEETING

August 26, 2013

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, August 26, 2013, at 2:00 p.m. Commissioners Wes Cormier and Frank Gordon were present. Donna McCallum, Clerk of the Board, was present to record the meeting. James Baker, Senior Deputy Prosecuting Attorney, was also present.

CALL TO ORDER AND FLAG SALUTE

A motion was made, seconded and passed to excuse Commissioner Welch from the meeting.

BIDS:

None

HEARINGS:

1. Right-of-Way Vacation of Pearson Road #831110: There was a public hearing on August 26, 2013 to consider a right-of-way vacation for Pearson Road #831110. Notice of this hearing was published in *The Montesano Vidette* August 8, 2013. Commissioner Gordon called for a staff report.

Tom Gray, County Surveyor read the Engineer's Report as follows:

On July 2, 2013 the Department of Public Works received an application from The Confederated Tribes of the Chehalis Reservation to vacate Pearson Road # 81110 in Sections 33 and 34 of Township 16 North, Range 4 West, W.M.

The Board of County Commissioners initially accepted the southerly 660' of this road on August 6, 1896 as recorded in Volume 5 of the Road Records, at pages 94 to 102. The width specified was 40'. In 1978 the northerly 1006.64' of Pearson Road was widened to 50' as part of the subdivision requirements.

The applicant has remitted all fees in regards to this request as well as the 50 percent of the assessed value. Notice of the hearing was physically posted on both ends of the road on July 24, 2013, and posted in the Montesano Vidette on August 15th, and August 22nd, 2013. Notice was also mailed to all property owners within a 300' radius.

This road does not lead to a body of water. There are a total of four property owners of the parcels which are accessed by Pearson Road. This action will economically protect the county

from any potential liability in the future. The Engineering Department recommends the Order of Vacation be approved.

Commissioner Gordon asked if there was any public comment.

Mark White, Confederated Tribes of the Chehalis Reservation, stated he represents the applicant. They are working to allow easements for property owners to continue to access their property.

There was no further public comment and the hearing was closed.

ACTION: There was no action due to no motions being made; the decision was postponed to September 9, 2013.

2. Right-of-Way Vacation of Old Garrard Creek Road #68750: There was a public hearing on August 26, 2013 to consider a right-of-way vacation for Old Garrard Creek Road #68750. Notice of this hearing was published in *The Montesano Vidette* August 8, 2013.

Commissioner Gordon asked if there was any public comment.

Erich Zoellner, Spanaway, stated he owns 30 acres and would be landlocked. He stated four other property owners are concerned as well. He stated the vacation should be in the best interest of the people. He explained there are signs already posted by the Tribe closing the right-of-way that leads to a parcel purchased by the Tribe about a year ago.

Shannon Olson, Oakville, discussed generations of river access and the rift it will cause by gating the road. She discussed community issues and nets in the river where the people swim.

Charles Haugh, Oakville, stated he owns property in the area of the proposed vacation and wants the request approved. He stated there are issues with needles, trash, fast driving and parties. He discussed money spent to improve the road and people driving too fast.

Dan Tate, Oakville, stated he owns property in the area and is concerned about easements, garbage in the area and recreation activities. He also discussed property taxes.

Mark White, Confederated Tribes of the Chehalis Reservation, representing the applicant, stated there is signage on the Tribes property regarding trespassing. He stated Tribal Police will start citing people for being on their property illegally. People can ask for permission to go on the property from the business committee.

Commissioner Gordon asked for a staff report. Tom Gray, County Surveyor read the Engineer's Report as follows:

On June 25, 2013 our department received an application to vacate Old Garrard Creek Road #68750. The application was submitted by the Confederated Tribes of the Chehalis Reservation and co-signed by Charles Haugh.

The Board of County Commissioners initially accepted this portion of Old Garrard Creek Road into the county road system on May 6, 1889.

This right of way is 60' in width that extends northerly along the section line from Mattson Road approximately 680' north to the center of the railroad grade. A narrow 12' gravel road exists within this strip.

On November 21, 1949 The Board of County Commissioners vacated that portion of the road northerly of the centerline of the railroad grade to the north end of the Balch Bridge Road. This action was recorded in Volume 20 of Commissioners Journal at page 282

Notice of the hearing was physically posted on both ends of the road on July 24, 2013, and posted in the Montesano Vidette on August 15th and August 22nd 2013 editions. Notice was also mailed to all property owners within a 300' radius. The applicant has remitted all fees in regards to this request as well as 50 percent of the assessed value.

This right of way does not lead to a body of water. There are a total of three separate property owners owning the five parcels accessed by Old Garrard Creek Road. This action will economically protect the county from any potential liability in the future. The Engineering Department recommends the Order of Vacation be approved.

Commissioner Gordon asked if there was any further comment.

Shannon Olson, Oakville, stated there were erroneous things said about garbage dumping. She stated there is an intimidation issue and this is the only place to put into the water for inner tubing.

Commissioner Gordon stated this area along the river is private property.

Erich Zoellner, Oakville, added his property would be landlocked if the vacation is approved. His property has access to the river.

Mark White stated he is not sure how the property would be landlocked and would like to talk with him further regarding easements.

Mr. Zoellner stated he does not want to be forced into an easement.

Dan Tate, Oakville, asked about Tribe access without crossing Mr. Zoellner's land.

Mr. Zoellner added there has been vandalism and needles.

There was no further public comment and the hearing was closed.

ACTION: There was no action due to no motions being made; the decision was postponed to September 9, 2013.

3. Road Variance request from Bob Betcher for Parcel 795501901200, Alley to access lot 12 of Block 9: There was a public hearing on August 26, 2013 to consider a road variance request from Bob Betcher for Parcel No. 795501901200 for alley to access lot 12 of block 9. Notice of this hearing was published in *The Montesano Vidette* August 8, 2013.

Commissioner Gordon asked if there was any public comment.

Wayne Hagen, Attorney for the applicant Mr. Betcher, asked for the hearing to be postponed so he can research new information that was brought to his attention.

There was no further public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to continue the hearing to September 9, 2013 at the applicant's request.

4. Supplemental Budget Appropriation – Extension Agent/ Weed Control, \$17,124: There was a public hearing on August 26, 2013 to consider a Supplemental Budget appropriation in the Extension Agent/ Weed Control Fund in the amount of \$17,124. Notice of this hearing was published in *The Montesano Vidette* August 15, 2013 and August 22, 2013. Commissioner Gordon asked for a staff report. Brenda Sherman, Budget Director, reported this resolution records grant funding available from the US Forest Service for the control of noxious weeds.

Nancy Ness, Weed Board Coordinator, stated this funding is part of the Secure Rural Schools Act. She discussed partnerships and uses of the funding since 2002 which included knotweed removal.

Commissioner Gordon asked if there was any public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2013-087 authorizing a supplemental appropriation in the budget of the Grays Harbor County General Fund Extension Agent/ Weed Control in the amount of \$17,124.

PUBLIC COMMENT

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

Jim Taylor, Elma, made comments on behalf of Verna McDonald who is organizing a Walk for Freedom in Westport on September 11th to respect the veterans and victims of September 11, 2001. It will start at 11:00 a.m. at the Westport viewing tower.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

August 19, 2013 Regular & Morning Meeting
August 21, 2013 Special Meeting

Management Services:

Set Hearing Date- *September 9, 2013* – Emergency Budget, Auditor \$44,900

Public Services:

Resolution No. 2013-088 Acknowledging Vacations by Operation of Law for Russell Overfield in the Plat of South Arbor

Wishkah Road Closure from 8:00 a.m. on August 29, 2013 through 8:00 a.m. on August 31, 2013

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

COMMISSIONERS:

1. **Agreement with the Dispute Resolution Center to provide services for District Court through July 31, 2017:** A motion was made, seconded and passed to approve the agreement with the Dispute Resolution Center to provide services for District Court through July 31, 2017. The County will pay the Dispute Resolution \$2,000 per month for the term of the contract to provide mediation services for District Court.

DEPARTMENTS

Management Services:

1. **Request Approval, Resolution – Salary Amendment, Weed Board:** A motion was made, seconded and passed to approve **Resolution No. 2013-089 amending Resolution No. 2013-006 fixing compensation of employees from and after January 1, 2013 for the Weed Board.** This amendment is to increase the hours for the Weed Coordinator and extra help due to a grant received from the US Forest Service.

2. **Request Approval, Authorization for the Chairman to sign the Office of Public Defense Indigent Defense Grant Application:** A motion was made, seconded and passed to authorize the Chairman to sign a grant application with the Office of Public Defense. An estimated \$68,524 will be used for indigent defense costs.

Public Health and Social Services:

1. **Request Approval, Contract with Community Health Plan of Washington for the County to receive reimbursement for services:** A motion was made, seconded and passed to approve the contract with Community Health Plan of Washington (CHPW). This is a Health Plan contract between the county and CHPW to receive reimbursement for services.

2. Request Approval, Contract with CHOICE Regional Health Network for In-Person Assister Services for the Washington Health Benefit Exchange – contract period of September 1, 2013 to December 31, 2014 in the amount of \$16,714: A motion was made, seconded and passed to approve the contract with CHOICE Regional Health Network. The purpose of this contract is to provide funding for In-Person Assister Services for the Washington Health Benefit Exchange. This contract, in the amount of \$16, 714.00, will be in effect from September 2013 to December 2014.

3. Request Approval, Amendment #10 for the 2012-2014 Consolidated Contract with the Washington State Department of Health – increasing overall contract by \$252,280, October 1, 2013 through June 30, 2014: A motion was made, seconded and passed to approve Amendment #10 of the 2012-2014 Consolidated Contract with the Washington State Department of Health. This amendment adds funds and amends the Statements of Work for PHEPR, SNAP, LCDF, OIC-PPHF Reimbursement Project, and the WIC program. It increases overall consideration of the Consolidated Contract by \$252,280.

Public Services:

1. Request Approval, Current Use Open Space Case 2013-0689, Applicant Marie Stoney, Parcel No.180516120050: A motion was made, seconded and passed to approve the Open space reclassification for Parcel No. 180516120050, Case No. 2013-0689. The Planning Commission conducted a hearing for the case on Tuesday August 6, 2013 and recommended conditional approval of application. The applicant is requesting 7-acres be classified current use open space for the public benefit of preserving critical fish habitat comprised of a riparian corridor associated with West Fork Wildcat Creek. The tax shift for the proposal is approximately \$394. No public comments were received either in writing or during the Planning Commission hearing process.

Commissioner Cormier expressed he approved the classification change because it meets the qualifications, but his decision was not based on support of the tax shift.

2. Request Approval, Two Radio Tower Lease Agreement Amendments for Saddle Mountain and Aloha sites for \$750 each: A motion was made, seconded and passed to approve two lease agreements with Rayonier Forest Resources, L.P. Properties for operating radio towers at Saddle Mountain and Aloha. The annual fee for each lease is \$750 and both will last for one year.

ANNOUNCEMENTS

The Clerk of the Board announced there will be no meeting next Monday, September 2, 2013 due to County Offices being closed for Labor Day Holiday.

CORRESPONDENCE

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, August 26, 2013, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room 1. Commissioners Wes Cormier and Frank Gordon and Clerk of the Board Donna McCallum reviewed agendas, calendars and pending daily office issues. Commissioner Welch was present by phone. The Board met with James Baker, Senior Deputy Prosecuting Attorney, regarding the PDA and the following Public Services Representatives were present regarding requests and department updates: Road Engineer Russ Esses, Environmental Health Director Jeff Nelson, County Planner Laura Gray, County Planner Curt Crites and County Surveyor Tom Gray.

RECAP OF APPROVED RESOLUTIONS, ORDINANCES, AND INTERGOVERNMENTAL AGREEMENTS:

RESOLUTIONS:

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| No. 2013-087 | Authorizing a supplemental appropriation in the budget of the Grays Harbor County General Fund Extension Agent/ Weed Control in the amount of \$17,124 |
| No. 2013-088 | Acknowledging Vacations by Operation of Law for Russell Overfield in the Plat of South Arbor |
| No. 2013-089 | Amending Resolution No. 2013-006 fixing compensation of employees from and after January 1, 2013 for the Weed Board |

ORDINANCES:

None

INTERGOVERNMENTAL AGREEMENTS:

None

The meeting adjourned at 2:55 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2013

HERB WELCH, Chairman, District 3

WES CORMIER, Commissioner, District 1

FRANK GORDON, Commissioner, District 2

ATTEST:

Donna McCallum, Clerk of the Board