

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JANUARY 25, 2005

1. Call to Order – The meeting was called to order at 6:00 p.m. by Chairperson Jayni L. Kamin.
2. Pledge of Allegiance – Chairperson Jayni L. Kamin led the flag salute.
3. Roll Call - Present: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Jayni L. Kamin.
4. Approval of Minutes –January 11, 2005 briefing minutes of January 4 and 5, 2005 and briefing minutes of December 23 and 27, 2004 for the former Commissioners' signature.
5. Correspondence and Organizational Business
  - 5.1 Correspondence
    - 5.1.1 Edward A. Ingram submitted his resignation on the Mason County Civil Service Commission.
    - 5.1.2 Ernest R. Benson wrote concerning the building department and his involvement during a building project.
    - 5.1.3 A letter signed by residents on Rainier Court in Lakeland Village, Allyn expressed objection to the "CM" commercial manufacturing zoning code parallel to Rainier Court down to State Route 3.
    - 5.1.4 Fire Protection District #13 noted their alternate representative on the Emergency Medical Services Council is Stan Loertscher.
    - 5.1.5 Shelton Skookum Rotary Club wrote concerning the county's interest in Memorial Hall.
    - 5.1.6 Department of Ecology has advised that Mason County Water Conservancy Board member George Campbell's term will expire on July 22, 2005.
    - 5.1.7 A letter received from Norm Curtis expressed concern for litter and illegal dumping.
  - 5.2 Proclamation – Shelton Lions Club 50<sup>th</sup> Anniversary – Cmmr. Ring Erickson read aloud the proclamation recognizing the work of the Shelton Lions Club and proclaiming January 28, 2005 as Shelton Lions Club Day in Mason County. It was noted that 203 citizens of Mason County have been members of this club in the 50 years of service.
  - 5.3 Road Restrictions- Public Works Director Charlie Butros provided the Board with an update on the road restrictions. Following the very fast thaw early last week they imposed road restrictions/load weight restrictions on many of the roadways in the county. They realize it encumbered businesses and traffic in the county. They apologized, but it was necessary to protect the integrity of the roadways. Restrictions remain in effect for: Kelly Hall Road, Ford Loop Road, Beerbower Road, North Shore Road (gravel portion only), Bear Creek Dewatto (between Elfendahl and Dewatto Holly intersection).
6. Open Forum for Citizen Input
  - 6.1 Marvin Chapman –Questioned why there isn't a dog leash law in the county. His neighbor has two dogs that are aggressive and he is advised they can talk to the owners, but nothing can be done unless an individual is attacked or injured.

Cmmr. Kamin responded this issue has come up several times to the Commission throughout the years and is a difficult issue to address. She noted there is a community organization out at Lost Lake. She pointed out there is something in the Sheriff's Department about dangerous dogs. It is a controversial issue to address in a rural county. She expressed she would be willing to talk further with the Sheriff and get back with any suggestions.

Cmmr. Sheldon added there is some laws on the books for dangerous dogs at the state level.

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- 6.2 Jeff Carey, Allyn Community Association President & Allyn Subarea Planning Committee – Asked for further information on consent agenda items 8.6, 8.8 and 8.9. Items relating to the sewer system in North Bay area are of interest to their groups.

Mason County Code 13.29.010 dealing with rates is a little misleading. It sounds like there is a monthly rate and a connection rate when in actuality there is a connection rate, grinder pump rate, an install, and an extension depending on where it ends up. He felt there should be some type of averaging for the cost so people have an idea.

He would like to see REET funds spent for their original intention, which was to facilitate growth in the County.

Mr. Carey asked that the Allyn Community Association know of the county's involvement in these areas discussed above.

- 6.3 Paula Reeves explained that she has been following for several months the potential expansion of operations at Kennedy Creek Quarry owned by Jim Thurman Enterprises (Parcel 31929-23-00000). She understood they purchased equipment for asphalt production and were storing it on site with plans to start up operations in the spring. They felt it would not be necessary for a public hearing. She expressed concern for the health and safety of her family. When they purchased their home it was zoned rural natural resources. She understands the zoning is the same and the County is fully planning under GMA. The Comprehensive Plan referencing RU-212, page 3, section 316 isolated commercial and industrial uses. Resource based industries in rural lands existing as of July 1990 may be considered for designation for rural industrial use rather than only as for resource base industrial use. She felt that someone at the county must be considering designating this area for rural industrial use if this parcel will serve as an asphalt production operation. This is an industrial use as opposed to a natural resource.

She was not aware of any public process from the county. The county staff seemed to think that SEPA review was not necessary because it is a mobile operation. She understood a mobile operation can be operating for one year with a possible extension of six months after that. She sees this as a "foot in the door" in a natural resource zoning district. She hoped there could be a hearing for more information on the proposal.

Cmmr. Kamin acknowledged that Mrs. Reeves has done a lot of research. She noted that she just recently learned of this proposal also through the Planning Department. According to the planners, unless it is a permanent structure, which would require a building permit, there isn't anything that would trigger the county getting involved in that. A mobile or temporary unit would be monitored through the Department of Natural Resources (DNR).

This type of activity has occurred at different times throughout the county where gravel companies may bring in and do some asphalt for a temporary time and then move on. There is a need for that within the community. The County is under obligation to allow those types of activities to occur. The County has not had anything presented to change the zoning in the area or issue any permits related to this project.

Cmmr. Ring Erickson added she has had a couple of calls related to the Kennedy Creek project and also has talked with the Planning Department. They were not aware of any permit or application, at that time, which was several days ago.

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Cmmr. Kamin noted there already has been a long-term gravel permit there. There is a lot of activity and noise. The County is making an effort to concentrate industrial uses within the urban growth areas.

Cmmr. Sheldon too concurred the County has not received an application or know it will be received. If the County receives an application or hears anything from DNR they will contact the people in the area. DNR has jurisdiction over gravel pits greater than three acres and with a slope greater than 2-1. There are a lot of permits involved at the state level for an asphalt company.

Warren Dawes stated he lives about one mile up the shoreline from the project. He just heard about it on Friday and it raises a real concern about stormwater runoff. Making asphalt is a petroleum processing action. It is not the typical sand and gravel operation. They are not just dealing with natural materials. There are potential air quality issues. He questioned what is the trigger from rural natural resources designation to rural industrial zoning. He felt that when they are bringing in petroleum it is stepping beyond a local natural resources.

Cmmr. Ring Erickson voiced she appreciates concerns of the residents in the area. The County doesn't have information to respond at this time. This is a relatively new issue.

- 6.5 Marcus Olivas – Explained that he grew up in the sports culture. He was involved as a coach ten years ago. He voiced concern that North Mason does not have one regulation ball field available. The left field is 165' and the regulation is 200'. They cannot hold tournaments there. There are no bathroom facilities and no places to wash hands. No permanent concessions. Two fields were built. The left field is 160' and the right field is 210'. The other field is 190' on the left field and about 220' on right field. He proposed building concession stands, PA systems, announcing booths, bathrooms. He drew up some plans about 14 months ago. He has talked with Parks & Recreation and was told about a long-term plan. He felt that the community can partner together and get this done.

Cmmr. Sheldon thanked Mr. Olivas for coming in. He suggested that consent agenda item 8.11 be discussed individually.

7. Adoption of Agenda - **Cmmr. Ring Erickson/Sheldon moved and seconded to adopt the agenda as presented. Motion carried unanimously. K-aye; RE-aye; S-aye.**

Cmmr. Sheldon stated he did a little bit of research on the question that came before the Board last week on parliamentary procedure. The question was, "If it would be possible for this commission to use a parliamentary motion to overturn an action made by a previous commission in 2004." He did not believe it is possible to overturn a decision in a previous year on a procedural motion.

Deputy Prosecutor Darren Nienaber clarified that Mason County has never adopted Roberts Rules of Order. Roberts Rules of Order are only binding on a jurisdiction that explicitly adopts them within their Code. He asked a former commissioner if they ever strictly followed Roberts Rules of Order and was advised they never strictly followed them. They used them by analogy. The process ordinarily of adopting something has been done by custom a motion, second and discussion. When it comes specifically to growth management ordinances, the Growth Management Act lays out a public participation process. The County's process is very clear. If you have to make an error, you error on having too much public participation and not too little. The County is subject to a once a year Comprehensive Plan amendment. He also spoke with a parliamentarian for the legislature specifically about this issue. He agreed with the legal analysis. He clarified that the parliamentary rules are not binding on the county commission. The county is bound by the Open Public Meetings Act and the Growth Management Act.

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The County has to update its Comprehensive Plan and is not ready to do that at this time. It will probably be closer to the end of the year.

8. Approval of Consent Agenda:
- 8.1 Approval of the Interagency Agreement between Mason County Juvenile Court/District Court Probation Services and the Administrative Office of the Courts.
  - 8.2 Approval of Veterans Assistance Fund application for: Jesse R. Johnson – housing \$319.00.
  - 8.3 Approval of Warrants  
Claims Clearing Fund                    83806-84361                    \$579,404.51
  - 8.4 Concurrence of the appointment of John Braun to the Timberland Regional Library Board of Trustees representing Lewis County.
  - 8.5 Approval of the resolution setting a public hearing on Tuesday, February 8, 2005 at 9:30 a.m. to consider a supplemental appropriation to the 2005 Current Expense Fund Budget in the estimated amount of \$5,000. **Resolution No. 06-05 (Exhibit A)**
  - 8.6 Approval of the resolution approving an operating transfer in the amount of \$60,000 from the Capital Improvement REET 1 Fund 350-000-000 to the Wastewater System Development Fund 405-000-000. **Resolution No. 07-05 (Exhibit B)**
  - 8.7 Approval to allow Parks, Utilities and Waste Management to use the Public Works Consultant Roster to select a consultant to conduct a long-term capacity analysis of solid waste facilities. Total cost not to exceed \$30,000.
  - 8.8 Approval for the Parks, Utilities, and Waste Management to use the Public Works Consultant Roster to select a qualified firm to define the collection and treatment system components of the North Bay Case Inlet Sewer System. Total project not to exceed \$10,000.
  - 8.9 Approval for Parks, Utilities, and Waste Management to utilize the Public Works Consultant Roster to select a firm to provide on-call engineering review services for developer-proposed utility system extensions or connections.
  - 8.10 Approval of the resolution establishing the Solid Waste Advisory Committee to advise the Board on solid waste planning and issues. **Resolution No. 08-05 (Exhibit C)**
  - 8.11 Approval for Parks, Utilities, and Waste Management to utilize the Public Works Consultant Roster to select a firm for professional services to develop a long-term plan for Sand Hill Park, in an amount not to exceed \$12,000.
  - 8.12 Approval of the reimbursement agreement between Mason County Road Department and the Washington State Department of Natural Resources.
  - 8.13 Approval for the Equipment Rental & Revolving Fund Manager to call for bids to furnish Mason County with culvert supplies for the Public Works Department. Date and time for bid opening is Friday, February 18, 2005 at 9:00 a.m.

Doug Micheau, Parks/Utilities & Waste Management Director, spoke to item 8.6. He explained it provides a cash balance in the wastewater system development fund to pay bills that come in from working being done under a grant and a loan on two separate projects. The wastewater management analysis on Hoodspout shoreline and the other project is the Belfair sewer design. It is cash that still belongs to the REET funds but will be used to pay bills for reimbursement. It is essentially working capital.

Jeff Carey questioned if the money will go back to the REET fund.

Mr. Micheau stated the funds can go back into the REET fund. There is no expenditure appropriation for the funds. It is simply moving cash out to pay bills.

Mr. Micheau spoke to consent item 8.8. They currently have a financial analysis being conducted for North Bay Case Inlet system by Financial Consulting Solutions Group. One of their preliminary findings in going through the finances. It appears they are paying more excise tax or state taxes than

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they need to pay. There was a court case in Spokane a few years ago that defined the tax rates for transmission and treatment, different than the tax rate for the collection system. They need an engineer to make an assessment and put their stamp on which piece(s) of the system are the collection, transmission and treatment pieces by the Dept. of Revenue definition. Once the system is done, it will be the basis for dividing the revenue into the specific categories. They will apply 15% tax rate to the portion for treatment and transmission and 3.5% tax rate to the collection part. It could entitle the County for a refund up to \$80,000. Mason County needs a consultant to help with this.

Mr. Micheau addressed item 8.9. The County found that in utilities they don't have engineering staff and they had a developer propose a revision to their system last month and they did not have the ability to provide technical engineering review of it to ensure it will be up to the standards of the industry. It would allow for them to have the technical staff on call.

Currently for most development review services there are fees.

Mr. Micheau spoke to item 8.11. He explained he assumed the responsibilities for the county parks in October. There is no finalized site plan for the Sandhill facility. They want to be sensitive to the needs of people to go out and play on fields suitable for the level of play. They also don't want to spend money putting permanent infrastructure, concrete dugouts in place only to find out that a better configuration of the site would require the county to remove the equipment six months down the road.

He hopes to have a site plan back to the board within four weeks. He is sensitive to the concerns about the short outfield lines on the right and left fields. He has coached in youth sports for ten years and also feels passionate about this. Their goal is to get a professional in to take a look at the site and consider safety concerns, parking, pedestrian travel across Sandhill Road. Their goal is to involve the user groups at Sandhill. This is a first step.

Cmmr. Kamin voiced her appreciation to Mr. Micheau for the passion for good ball fields at Sandhill. It is something that the Board has heard repeatedly from the community.

Cmmr. Ring Erickson expressed she appreciates that they are trying to retrofit some of the work that has been done now and make the best use of the money input into the site rather than starting from scratch.

Cmmr. Sheldon noted that field allocation is one of the big concerns as Little League sign up is coming along.

It was noted the opening of the season is April 12, 2005

**Cmmr. Ring Erickson/Sheldon moved and seconded to approve consent agenda items 8.1 through 8.13. Motion carried unanimously. K-aye; RE-aye; S-aye.**

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time
10. Other Business (Department Heads and Elected Officials) - None
11. Administration - None
12. Board's Reports and Calendar – The Board reported on the meetings they attended since January 18, 2005.

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13. Adjournment – The meeting adjourned at 7:21 p.m. due to no further business.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Jayni L. Kamin, Chairperson

ATTEST:

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Lynda Ring Erickson, Commissioner

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Rebecca S. Rogers, Clerk of the Board

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Tim Sheldon, Commissioner