

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING-AUGUST 2, 2004

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 2, 2004 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the July 26, 2004 meeting.

VOUCHERS AND PAYMENT OF BILLS

The payroll dated July 30, 2004 as well as the following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #194988 - 195210 \$313,648.67.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

Dept.	PAA #	Description	Position #	Action	Eff. Date
GSA	068/04	Risk Adm Asst .8 fte	1508.00	Replacement	8/2/04
GSA	069/04	DES Deputy Director	1305.00	Replacement	10/1/04
GSA	070/04	GSA/Park Tech	1505.02	Replacement	9/13/04
Public Works	066/04	SW Opera. Super.	1716.00	Replacement	9/1/04

RE-APPOINTMENT TO NOXIOUS WEED CONTROL BOARD

By unanimous motion, the Board reappointed Wilbert Stipe, Greenbank, to the Noxious Weed Control Board, representing District III for a term to July 6, 2008.

HEALTH CONTRACTS APPROVED

Having had an opportunity to review and discuss health contracts with the Health Services Director at a previous staff session, the Board by unanimous motion approved the following:

- Health-Consolidated Contract #C08679, Amendment #11 (RM-HLTH-02-0094) Amendment amount of \$10,114; new total contract \$1,017,980 to fund the water recreational beach monitoring and posting project
- DSHS-WorkFirst Contract #0463-53024 (RM-HLTH-02-0062), a fee for service contract to continue services to families with children with special needs
- DSHS-Working Capital Advance Contract #0463-54558 (RM-HLTH-03-0066) for working capital/advance funds to alleviate cash flow problems associated with time lags between payment of county services
- ACS Image Solutions-Digitizing Project Contract #HD-06-04 (RM-HLTH-04-0064) in the amount of \$13,500 - scanning & digitizing of Environmental Health on-site records.

PUBLIC INPUT OR COMMENTS

Lori Hilleary, Langley, Kim McMaster, Freeland, Bonnie Pemberton, Freeland, attended the meeting to relay concerns about the status of the ownership of McMaster Road.

Ms. Hilleary addressed the Board, having previously called the Board's attention to this issue during public input portion of the July 26, July 19 and July 12, 2004 Board meetings. She was now in receipt of a letter dated July 21, 2004 from Bill Oakes, Public Works, Director and Dick Snyder, County Engineer entitled "McMaster Road Status". She submitted a packet of information, current and historical, containing various information related to McMaster Road ownership [*packet placed on file with the Clerk of the Board*] to back up her contention that McMaster Road has been and is now a private road. She came to the dais and displaying a map to show the Commissioners a short plat proposed in 1984 by Collins with regard to McMaster Road and parcels along that road - a private road, 8' wide, built by her great grandfather Duncan McMaster. Ms. Hilleary indicated that the Collins short plat was denied until 1987; the question of ownership of the road all came about as a result of the short plat approval, which she believes should never have been approved. She disagreed that by prescription the County could claim the road. As far as initiating a road

vacation action, her question would be: “ how can the County vacate something it does not own?”.

Ms. Pemberton expressed concern, observing a problem that was created by the County yet the property owners being asked to take it to court for resolution; and concerned too that the length of the county road keeps growing, now showing it will come across fifteen feet of her land. She asked for some clarification about the right of prescription on property the County can take over.

Commissioner Shelton was aware there are various prescription roads in the county – roads that are built on property that the County owns by prescription, not by deed. He, along with Chairman Byrd, recognized this to be a convoluted situation, suggesting perhaps the need for a court ruling on the status of McMaster Road. Commissioner McDowell suggested to Ms. Hilleary the need that she put in writing in a clear statement what it is she wants the Commissioners to do and the Board can then review the request.

Ms. Pemberton’s question was more of a legal question and Commissioner McDowell committed to the County obtaining an answer, and scheduled a meeting to occur after today’s Board meeting, that he would attend with Ms. Hilleary, Ms. McMaster and Ms. Pemberton, the Public Works Director and County Engineer, to work through some of the issues and hopefully answer questions about what county prescription means.

PUBLIC HEARINGS: FRANCHISE APPLICATIONS

At 10:20 a.m. as advertised, a Public Hearing was held for the purpose of considering three franchise applications:

- **Franchise # 122R – PW-0320-59; Island County & Livingston Bay Community Association; Franchise for renewal of existing water distribution system; Plat of Livingston Bay, Division No. 1; Sec. 28/29, Twp 32N., Rge 3E.**
- **Franchise #325 – PW-0420-92; Island County and Mossy Rock Water Association; Franchise for new water distribution system; East Harbor Road; Sec. 35/36, Twp 30N, R 2E.**
- **Franchise #326 – PW-0420-83; Island County & Jeremiah & Shannon O’Leary; Transfer of franchise for existing sewer distribution system; Holmes View Drive; Plat of Saratoga Beach, Div. No. 5, Sec. 23, Twp 30N, R 2E.**

Bill Oakes, Public Works Director, provided the departmental report and recommendation of approval for all three franchise applications, as outlined in memorandums to the Board from the County Engineer.

The President, Secretary-Treasurer and a Board Trustee of the Livingston Bay Community Association were present in support of approving the franchise application. The only inquiry was the length of franchise, to which Mr. Oakes responded was twenty-five years.

No other comments were made either for or against any of the three franchise applications.

By unanimous motion the Board approved Franchise #122R by Livingston Bay Community Association; Franchise #325 by Mossy Rock Water Association; and Franchise #326 by Jeremiah & Shannon O’Leary.

CONSTRUCTION EASEMENT AND QUIT CLAIM DEED APPROVED – BAYVIEW ROAD CRP 98-17 - MARJORIE A. ROBINSON, JANICE E. VAUGHAN, AND ARTHUR J. & DOROTHY BURKE

As presented and recommended by Mr. Oakes, the Board approved the following Construction Easement and Quit Claim Deed associated with Bayview Road Project, CRP 98-17:

- Construction Easement #PW-0420-55 - Marjorie A. Robinson, Janice E. Vaughan and Arthur J. & Dorothy Burke, Parcel 064-1740, Sec. 5, Twp. 29N, R 3E. [mutual benefit construction easement to reconstruct access after construction]
- Quit Claim Deed - Marjorie A. Robinson, Janice E. Vaughan, and Arthur J. & Dorothy Burke in the amount of \$2,920.00 for land, Parcel 064-1740, Sec. 5, Twp 29N., R 3E. [additional right of way for Bayview Road].

AMENDMENT 4 - #SW-06-04 - SCS ENGINEERS

The Board approved by unanimous motion Amendment #4, Agreement #SW-06-04 between Island County and SCS Engineers for Hydrogeologic Field Characterization and Groundwater Monitoring Network Enhancement, Landfill Gas Investigation, to change the scope of work to include pre-bid construction services; construction oversight; startup of the gas control system additions and upgrades;

adding drainage improvements to landfill gas system upgrade bidding documents, with an increase in contract amount by \$45,234.00.

There being no further business to come before the Board at this time, the meeting adjourned at 10:40 a.m. The next regular meeting of the Board will be on August 9, 2004, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

William J. Byrd, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: _____
Elaine Marlow
Clerk of the Board