



MINUTES

**KITSAP COUNTY
BOARD OF COMMISSIONERS
May 8, 2006**

NOTE: The Board of Commissioners met on the above-stated date. Present were Chair Jan Angel, Commissioner Chris Endresen, Commissioner Patty Lent, County Administrator Cris Gears and Clerk of the Board Opal Robertson. (THE BOARD OF COMMISSIONERS' PUBLIC MEETINGS AND PUBLIC HEARINGS ARE AUDIO AND VIDEO TAPED).

10:00 AM) Meeting Called to Order with Pledge of Allegiance.

PROCLAMATIONS/RESOLUTIONS/RECOGNITION:

1) Recognition of "Employee of the Month for May" (Doug Benoit). **Staff Contact:** Erin Neff, 337-4447.

Congratulations and a Certificate of Appreciation is presented to Doug Benoit on being selected Employee of the Month for May.

2) **Resolution** proclaiming May 14-27, 2006 as *National Public Works Week* in Kitsap County. **Staff Contact:** Randy Casteel, 337-4886.

Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Lent that the Board adopts **Resolution No. 088-2006*** proclaiming May 14-27, 2006 as *National Public Works Week* in Kitsap County. Motion carries unanimously.

3) **Resolution** proclaiming Wednesday, May 10, 2006 as *Older Americans Day* in Kitsap County. **Staff Contact:** Paul Urlie, 337-7068.

Paul Urlie, Personnel and Human Services, gave a brief overview of the proposed resolution.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 089-2006*** proclaiming Wednesday, May 10, 2006 as *Older Americans Day* in Kitsap County. Motion carries unanimously.

4) **Resolution** acknowledging and celebrating the opening of Kitsap Community Resources “Opal Court” Transitional Housing. **Staff Contact:** Joyce de Raschke, 337-4667.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 090-2006*** acknowledging and celebrating the opening of Kitsap Community Resources “Opal Court” Transitional Housing. Motion carries unanimously.

PUBLIC HEARINGS:

**** Please note that starting times are estimates and may be impacted by the amount of public input.**

10:10) Public hearing to consider a **Petition to Vacate** a portion of a county road known as **Olympia Street** within the Plat of Navy Yard Park, Division 2 filed by **Loren & Karen Olsen**. The proposed vacation is located in South Kitsap, Commissioner District # 2. **Staff Contact:** Rob McGinley, 337-3924.

Rob McGinley, Public Works, gave a brief overview of the proposed petition to vacate stating Olympia Street was dedicated as right of way in 1909 per the Plat of Navy Yard Park, Division 2 and the requested area to be vacated is approximately 17,927 square feet. McGinley said the unopened right of way is under the petitioner’s ownership. He said various county departments and review agencies have determined that the road will not be useful for vehicular, pedestrian or park/greenway purposes in the foreseeable future.

Loren Olsen, Applicant, said he purchased this property in 1994 as a permitted build site and has been filling the site since that time. He said this vacation would help complete the final design for the construction of his storm pond.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Lent that the Board approves the Petition to Vacate a portion of a county road known as Olympia Street within the Plat of Navy Yard Park, Division 2 filed by Loren & Karen Olsen and further that an Order be executed, so stipulating. Motion carries unanimously.

10:15) Public hearing to consider an “**Innocent Purchaser Status**” request filed by **Sheldon & Donna Breaux** on upland parcel #86 and tidelands parcel #85 located in Central Kitsap Commissioner District #3. **Staff Contact:** Dave Greetham, 337-4603.

Dave Greetham, Department of Community Development, said this is a lot with a complicated history but a simple request. He gave a brief summary of the history of this property and states after review of the applicant’s submittal and the criteria for innocent purchaser status, staff recommends approval of the innocent purchaser request by Sheldon and Donna Breaux.

Ron Templeton, Attorney representing the Breauxs, states this request is based on a letter he sent previously to Community Development asking for assistance with difficulties the Breauxs were having in processing their building application. Templeton submitted maps to the Board and explained the maps and the history of this property. He said the applicants paid value for the property and did not have actual knowledge that the property had been subdivided illegally. He said the Kitsap County Assessor's Map depicted the property as separate parcels and gave no indication the parcels were not legal lots. The purchase and sale agreement prepared by a licensed real estate agent represented the property as not legally being required to be subdivided. The applicants procured title insurance and there was nothing in the title report indicating there was a problem. Templeton said the sale was closed by Kitsap Title Agency and there was simply no readily available information to lead a reasonable and ordinary person to believe an irregularity existed. He said they are asking for relief that encompasses both the upland parcel and the abutting tidelands in front of the parcel.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves the innocent purchaser status request and further stipulates that the approval of innocent purchaser status under Kitsap County Code 16.40.020 does not ensure compliance with applicable zoning and critical area setback requirements and that future development applications will be reviewed pursuant to all applicable standards of the Kitsap County Code. Motion carries unanimously.

Dave Greetham questions whether lot #85 should be made a part of today's decision.

The Board requests a legal opinion from the Prosecutor's office prior to ruling on lot #85.

10:20) Public hearing to consider a **Resolution temporarily closing Big Valley Road NE** to all classes of vehicular and pedestrian traffic between State Route #3 and NE Woodpecker Hill Road for culvert replacement in North Kitsap, Commissioner District # 1. Staff Contact: Steve Johnson, 337-3114.

Discussion is held, comment called for and a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 091-2006*** temporarily closing Big Valley Road NE to all classes of vehicular and pedestrian traffic between State Route #3 and NE Woodpecker Hill Road for culvert replacement in North Kitsap. Motion carries unanimously.

10:25) Public hearing to consider a **Resolution temporarily closing JM Dickenson Road SW** to all classes of vehicular and pedestrian traffic between SW Lake Flora Road and Fairview Lake Road SW for culvert replacement in South Kitsap, Commissioner District # 2. Staff Contact: Steve Johnson, 337-3114.

Danny Blowers, Fairview Lake resident, said he is concerned about medically fragile residents that live on the lake that would possibly need emergency services. He also has concerns about the extra time and gas needed due to this road closure. He states he did

not see a reason to close off the entire road.

Barb May, Fairview Lake resident, submits a petition to the Board signed by several area residents regarding the road closure having a negative impact for them. She believes half the road could be left open while the other half was being repaired. May mentions that several years ago there was a county road utilized on the backside but believes the county gave it to Alpine and questions why that road could not be re-opened for use.

Joe Winnerford, Fairview Lake resident, asked that the county consider alternative construction in order that half the road could be left open for access. He said the road closure would be a big inconvenience.

Shelley Robertson, Fairview Lake Road resident, supports her neighbors and their arguments and states she suffers grand mal seizures periodically and is concerned about the six weeks road closure.

Dusty Wiley, Public Works, said the road is failing and there is a "certain window of time" in which to get the work done particularly when the road repair work is very deep.

Randy Casteel, Public Works Director, said this is a fairly deep culvert and would be a very huge excavation. He said there are wetlands on both ends of the road and putting in a temporary road would be more expensive. Casteel said staff would work with the contractor to try to get the work completed as soon as possible.

Discussion is held, comments called for and a **motion** is made Chair Angel and seconded by Commissioner Endresen that the Board adopts **Resolution No. 092-2006*** temporarily closing JM Dickenson Road SW to all classes of vehicular and pedestrian traffic between SW Lake Flora Road and Fairview Lake Road SW for culvert replacement in South Kitsap. Motion carries unanimously.

10:30) Public hearing to consider a **Resolution temporarily closing Olalla Valley Road SE** to all classes of vehicular and pedestrian traffic between Orchard Avenue SE and Price Road SE for culvert replacement in South Kitsap, Commissioner District # 2. Staff Contact: Steve Johnson, 337-3114.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Lent that the Board adopts **Resolution No. 093-2006*** temporarily closing Olalla Valley Road SE to all classes of vehicular and pedestrian traffic between Orchard Avenue SE and Price Road SE for culvert replacement in South Kitsap. Motion carries unanimously.

10:35) Public hearing to consider a **Resolution temporarily closing NW Myhre Road** to all classes of vehicular and pedestrian traffic between Silverdale Way NW and Mickelberry Road NW for a bridge replacement over Clear Creek in Central Kitsap, Commissioner District # 3. Staff Contact: Steve Johnson, 337-3114.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 094-2006*** temporarily closing NW Myhre Road to all classes of vehicular and pedestrian traffic between Silverdale Way NW and Mickelberry Road NW for a bridge replacement over Clear Creek in Central Kitsap. Motion carries unanimously.

PUBLIC COMMENTS ON REMAINING AGENDA ITEMS ONLY:

(Please limit comments to 3 minutes or less. Written comments may also be submitted to the Board if 3 minutes is insufficient.)

- A. Vivian Henderson, Kitsap Alliance of Property Owners, comments on Agenda Item 7.A, sale of tax-title property to Ralph & Charlotte Buhr.

CONSENT ITEMS AND OTHER BUSINESS:

Note: Unless otherwise noted, all expenditures for the remaining agenda items have been included in the 2006 Biennial Budget.

- A. Approve Consent Agenda.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of April 24, 2006.
- C. Approve Warrant Nos. 3233825 through 3233927 in the amount of \$4,008,654.44.
- D. Approve Payroll Warrant Nos. 638426 – 638539 in the amount of \$1,721,392.72.
- E. Refer the following to the Prosecutor's Office and Risk Management: 1) Claim for Damages filed by Lance Schoening; 2) Claim for Damages filed by Nancy Ann English; 3) Summons and Second Amended Complaint filed by Kenneth Charles Lassiter & Alpha Doris D. Lassiter; and 4) Summons filed by Donald Earl.

2) DEPARTMENT OF ADMINISTRATIVE SERVICES:

- A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with **Kitsap Economic Development Council (KC-032-05A)** extending the contract end date to June 30, 2006 for promoting economic diversity and development in 2005. **Fiscal Impact:** \$36,000 to be paid from General Admin & Operations Fund. **Staff Contact:** Ben Holland, 337-4504. Motion carries unanimously.

3) CENTRAL COMMUNICATIONS DEPARTMENT:

- A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract with the **Suquamish Tribe (KC-**

053-06) for a 30-yr communications tower lease on Tribal land. Fiscal Impact: \$38,148 to be paid from CenCom Operations Fund. **Staff Contact:** Ron McAfee, 307-5810. Motion carries unanimously.

4) DEPARTMENT OF FACILITIES, PARKS & RECREATION:

A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves and executes the exchange agreement with **North Perry Avenue Water District (KC-173-06)** transferring a total of 4 acres of land around the existing well site and water tower in exchange for approximately 66 acres adjacent to the Illahee Forest. **Fiscal Impact:** \$2,000 to be paid from the Parks Capital Improvement Fund. **Staff Contact:** Joseph Coppo, 337-5355. Motion carries unanimously.

5) DEPARTMENT OF PUBLIC WORKS:

A. Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Endresen that the Board approves and executes the contract with **Stan Palmer Construction, Inc (KC-175-06)** for SE Mile Hill Drive roadway improvement project. **Fiscal Impact:** \$3,743,310 to be paid from the County Road Fund. **Staff Contact:** Dick Dadisman, 337-5777 x3556. Motion carries unanimously.

B. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with **Pan Artic (KC-557-05B)** for the 2005 countywide safety improvement project (guardrails). **Fiscal Impact:** \$13,480 to be paid by the County Road Fund. **Staff Contact:** Jacques Dean, 337-4671. Motion carries unanimously.

C. **(ITEM PULLED)** Contract with **WA State Department of Transportation (KC-219-01D)** obligating additional Federal Funds for the construction phase of the SE Mile Hill Drive widening project. **Fiscal Impact:** \$321,305 in Federal Funds. **Staff Contact:** Jon Brand, 337-4893. **(ITEM PULLED AT THE REQUEST OF PUBLIC WORKS DIRECTOR)**

6) DEPARTMENT OF PERSONNEL AND HUMAN SERVICES:

A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with **Jefferson Mental Health Services (KC-468-05A)** providing mental health services for Medicaid recipients and low- income individuals in Eastern Jefferson County for the period of March 1, 2006 through August 31, 2006. **Fiscal Impact:** \$53,326 is 100% Grant Funded through DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.

- B. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with **Forks Community Hospital West End Outreach (KC-467-05A)** increasing contract amount by \$295,275 for mental health services for Medicaid recipients and low-income individuals in West Clallam and Jefferson Counties for the period of March 1, 2006 through August 31, 2006. **Fiscal Impact:** \$295,275 is 100% grant funded through DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- C. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with the **WA State Department of Social & Health Services (KC-496-05A)** increasing the contract amount by \$2,733 to provide services for homeless mentally ill individuals in Western Clallam and Jefferson Counties for the period of October 1, 2005 through September 30, 2006. **Fiscal Impact:** \$2,733 amount is 100% grant funded through DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- D. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with the **Olympic Consortium & WA State Employment Security Dept (KC-150-06)** to provide employment and training services for up to 45 eligible dislocated workers in Kitsap, Clallam and Jefferson Counties for the period of April 1, 2006 through March 31, 2007. **Fiscal Impact:** \$150,000 is 100% grant funded through WIA. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- E. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the Collective Bargaining agreement, Memorandum of Understanding with the **WA State Council of County & City Employees, Local 1308, Supervisory (KC-505-03D)** to conduct a Compensation Survey during the 2006 calendar year. **Staff Contact:** Rob Gudmundson, 337-4484. Motion carries unanimously.
- F. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the Collective Bargaining agreement, Memorandum of Understanding with the **WA State Council of County & City Employees, Local 1308, Courthouse Employees (KC-509-03G)** to conduct a Compensation Survey during the 2006 calendar year. **Staff Contact:** Rob Gudmundson, 337-4484. Motion carries unanimously.

7) TREASURER'S OFFICE:

- A. Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 095-2006*** authorizing the sale of tax-title property to **Ralph & Charlotte Buhr** by private negotiation. **Fiscal Impact:** Returning county tax title property to the tax roll. **Staff Contact:** Barbara Stephenson, 337-7136. Motion

carries unanimously.

8) DEPARTMENT OF COMMUNITY DEVELOPMENT:

- A. Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract amendment with **Royal Valley, LLC (KC-454-05A)** for wetland mitigation services on county-owned property in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$30,000 to be paid into the Wetland Mitigation Fund. **Staff Contact:** Robbyn Myers, 337-4587. Motion carries unanimously.

9) JUVENILE SERVICES DIVISION:

- A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves and executes the contract with the **Port Gamble S'Klallam Tribe (KC-144-06)** providing bed space on an available basis to youth detained under the authority of the Port Gamble S'Klallam Tribal Court. **Fiscal Impact:** \$4,788 to be paid by Port Gamble S'Klallam Tribe. **Staff Contact:** William Truemper, 337-5406. Motion carries unanimously.

10) OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:

(Please limit comments to **3 - 5 minutes**. Written comments may also be submitted to the Board if this timeframe is insufficient.)

- A. Vivian Henderson addresses the Board with concerns about county courthouse parking.
- B. Scott Hall addresses the Board regarding the issue of the Schold Farm property for mitigation.
- C. David Card addresses the Board with concerns about an upcoming county sales tax increase.
- D. Ron Ross states there is a need for adequate handicap parking in front of the courthouse. He also addresses the Board with concerns about Agenda item 7.A, sale of tax-title property to Ralph & Charlotte Buhr as well as the 29 parcels being offered for sale by the County Treasurer.

11) COUNTY ADMINISTRATOR'S COMMENTS:

- A. Cris Gears comments on the issue of courthouse parking and the recent newspaper article. Gears also mentions the Board would enter executive session this afternoon to discuss litigation issues.

12) BOARD OF COMMISSIONER'S COMMENTS:

- A. Commissioner Endresen said she attended/participated in or will be attending the following: acknowledges the 2005-2006 United Way Campaign, WA Association of Counties Board Meeting, NK Heritage Park Meeting, Head Start Open House, Indian Law Summit, Kitsap Environmental Conference, Western Interstate Region of National Association of Counties and the upcoming Girl Scouts Luncheon.
- B. Commissioner Lent said she attended/participated in or will be attending the following: Puget Sound Partnership Board, Kitsap County Volunteer Recognition Reception, Kitsap Audit for Kitsap Mall, Puget Sound Executive Council, Seabeck Annual meeting, Commission on Children & Youth Board, Manette Community Meeting, USS Stennis Change of Command Ceremony and Stillwater's Symposium.
- C. Chair Angel said she attended/participated in or will be attending the following: Port of Bremerton/Yuan Ti Port meeting, Peninsula Community Health Center Ribbon Cutting, National Housing Conference, WA Association of Counties Board Meeting, National Day of Prayer Meeting, Habitat for Humanity Groundbreaking Ceremony, Tommy Meyers Memorial Golf Tournament and the Puget Sound Regional Council Planning meeting.
- D. Chair Angel announces the Board would enter into executive session from 1:30 – 2:30 PM to discuss litigation issues pursuant to RCW 42.10.110(i). She said the Board did not anticipate taking action regarding this matter.

Public meeting adjourned at 12:10 PM.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

JAN ANGEL, CHAIR

CHRIS ENDRESEN, COMMISSIONER

PATTY LENT, COMMISSIONER

ATTEST:

OPAL ROBERTSON
Clerk of the Board

DATE APPROVED

* See Resolution Journal Volume No. 61

**** See Ordinance Journal Volume No. 15**

OTHER MEETINGS ATTENDED BY THE BOARD:

5/08/06	1:30 PM	Exec Session- BOCC Conf Rm (pursuant to RCW 42.30.110(g))
	2:30 PM	Admin Briefing – BOCC Conference Room
5/15/06	6:00 PM	10-Yr Alternative Plan Workshop, Kingston Jr. High School
5/17/06	8:30 AM	Work Study Session-Public Works Conf Room 3 rd Floor
	12:00 PM	Lunch with Employee of the Month (Doug Benoit)
	1:30 PM	Hood Canal Coord Council, Oyster Bay Inn, Bremerton
	6:00 PM	10-Yr Alternative Plan Workshop, Presidents Hall
5/19/06	6:00 PM	Kitsap Community Resources Banquet- Harborside, Bremerton
5/20/06	8:30 AM	Bremerton's Armed Forces Day Parade

(The Board of County Commissioners public meetings are televised on public access television BKAT (ComCast Ch.12 and Wave Broadband Ch. 3) Monday nights at 5 PM, Tuesdays at 8 PM and Wednesday at 1 AM).

Next Board of Commissioners public meeting will be held **May 22, 2006**.

NOTE: Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations should contact the Commissioners Office at (360) 337-7146 or TDD (360) 337-7275 or 1-800-816-2782. (Please provide five business days notice for interpreter services).

UPCOMING TIMED AGENDA ITEMS:

(PLEASE NOTE: These dates and times are tentative and subject to change)

May 22, 2006:

- 10:10)** Public hearing to consider an **Ordinance** amending Kitsap County Code Chapter 12.40 relating to rates for the Kitsap County Surface and Stormwater Management Program. **Staff Contact:** David Tucker, 337-7292.
- 10:15)** Public hearing to consider a **Resolution temporarily closing Seabeck Holly Road NW** to all classes of vehicular and pedestrian traffic east of the Hintzville/Nellita Road intersection for culvert replacement in Central Kitsap, Commissioner District # 3. **Staff Contact:** Steve Johnson, 337-3114.
- 10:20)** Public hearing to consider an **Ordinance** validating the posted speed limit on

portions of **NE McWilliams Road** in Central Kitsap, Commissioner District #3. **Staff Contact:** Steve Johnson, 337-3114.

10:25) Public hearing to consider an **Ordinance** setting speed limits on portions of **Feigley Road West and Southwest** in South Kitsap, Commissioner District #2. **Staff Contact:** Steve Johnson, 337-3114.

10:30) Public hearing to consider an **Ordinance** setting the speed limit on a portion of **Clear Creek Road NW** in North Kitsap, Commissioner District #1. **Staff Contact:** **Steve Johnson**, 337-3114.