

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
November 3, 2014**

The Board of County Commissioners for Lewis County, Washington, met in regular session on Monday, November 3, 2014, at 10:00 a.m. Commissioners **F. Lee Grose**, **Edna J. Fund**, and **P.W. "Bill" Schulte** were in attendance. **Chairman Grose** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Fund** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, October 27, 2014. **Commissioner Schulte** seconded the motion.

Motion Carried 3-0

NOTICE

Commissioner Schulte made a motion to approve the Notice Agenda items one through three. **Commissioner Fund** seconded the motion.

1. Notice: Accepting a bid for tax title property located off Slalom Way, Packwood. Resolution No. 14-285

Tim Elsea, Director of Public Works, stated tax parcel 009800435000 is a 1.02 acre property located off Slalom Way, Packwood. The property was offered for sale at auction by the Treasurer due to tax delinquencies. The property did not sell at tax sale and was subsequently deeded by the Treasurer to Lewis County. RCW 36.35.150 allows for the property to be disposed of by private negotiations providing that the final sale price is no less than the principal amount of unpaid taxes, \$761.89. High Valley Community Club has now offered to purchase the property for \$775.00, which is slightly higher than the amount of the tax delinquencies. This resolution would accept the bid subject to conditions of LCC 3.30.390 which requires that the proposed sale be noticed in a legal newspaper at least once a week for two consecutive weeks.

2. Notice: Approve the use of "Distressed Counties" Funds (.09 funds) to finalize regional efforts for the "North County Industrial Access" project. Resolution No. 14-286

Tim Elsea, Director of Public Works, stated pursuant to RCW 82.14.370, moneys collected for use of the .09 funds may only be used to finance public facilities which have been officially adopted into the county's comprehensive plan and serve economic development. The County's Six-Year Transportation Improvement Program (TIP) and annual updates are adopted by reference into the County's Comprehensive Plan and the North County Industrial Access project has been listed and approved by the Board of County Commissioners (BOCC). This is a notice stating how those funds will be spent. These funds are to be spent for providing an engineering study for the North County Industrial Access and for an ingress egress arterial, two-lane, two-way truck

route from Interstate 5 to north Lewis County Industrial properties at the Port of Centralia and the Industrial Park at TransAlta.

3. Notice of Hearing: For the proposed 2015 Annual Construction Program and Six Year Transportation Improvement Program for the years 2015-2020. Resolution No. 14-287

Tim Elsea, Director of Public Works, stated pursuant to RCW 36.81.121, all counties are required to prepare, adopt, and submit a Six-Year TIP for proposed road and bridge construction prior to the County's budget adoption each year. The public hearing will be held November 17, 2014, at the Commissioners Hearing Room on the 2nd floor of the Historic Courthouse in Chehalis, Washington. The notice of public hearing will be published in The Chronicle on November 4 and 11, 2014.

Motion Carried 3-0

CONSENT

Commissioner Fund made a motion to approve the Consent Agenda items four through nine. **Commissioner Schulte** seconded the motion.

4. Resolution No. 14-288 Approval of warrants for payment.

Chairman Grose stated this Resolution approves 226 regular warrants for a total payment against the County in the amount of \$1,113,776.70.

5. Resolution No. 14-289 Amending of the General Fund clearing Investment Allocation.

Chairman Grose stated each year the County has to approve the needs and uses of funds previously receiving allocations and has recommend changes with regard to investment earnings from moneys invested in the General Fund Clearing Fund No. 681.

6. Resolution No. 14-290 Authorize initial placements of casual district court clerk on the current Lewis County salary grid (13 Step M Grid) for non-union extra help.

Daleyn Coleman, Human Resources, stated due to a vacancy in the District Court Office, the Lewis County District Court is requesting to hire a casual Clerk to fill the duties of an open position. The Lewis County Salary Grid (13 Step M Grid) maximum pay for a casual employee would not be competitive to hire a skilled Clerk. The Court is requesting that the Casual Clerk be placed at Grade 13 on the Lewis County Salary Grid (13 Step M Grid.)

7. Resolution No. 14-291 Approving Master Inter-local Agreements between Lewis County and municipalities of Chehalis, Morton, Mossyrock, Napavine, Toledo, and Winlock.

Tim Elsea, Director of Public Works, stated this Resolution will authorize the Board of County Commissioners (BOCC) to sign and approve the Master Inter-local Agreements between Lewis County and the municipalities of Chehalis, Morton, Mossyrock, Napavine, Toledo, and Winlock. This would allow for reimbursable work performed by Public Works forces for which the municipality does not have the capability to perform. These Master Inter-local Agreements will replace existing agreements that will expire December 31, 2014. The term of the new agreements will be for a period of 5 years and expire on December 31, 2019. It appears to be in the best public interest to authorize the execution of the Master Inter-local Agreements in order to streamline the administrative process and allow use of reimbursable work orders for routine work done by County crews for the municipalities.

8. Resolution No. 14-292 Approving Amendment #17 to the Consolidated Contract with Washington State Department of Health.

Danette York, Director of Health and Social Services, stated the Consolidated Contract is the primary vehicle for transferring federal and state funding to Local Health Jurisdictions (LHJs) for planning and local implementation of public health prevention and early intervention programs and activities. This contract is effective for three years (2012-2014). Funding is allocated annually with amendments throughout the year. The areas affected in this amendment are:

- Vaccine Storage & Handling Project Funding Cycle: 09/01/13-09/30/14 Amount
- Supplemental Nutrition Assistance Program - Education Funding Cycle: 10/01/14-12/31/14 Amount Considered in this amendment: \$79,686

9. Resolution No. 14-293 Approve contract with Cascade Mental Health Care to provide a Prevention Counselor to work in the Pe Ell School District.

Danette York, Director of Health and Social Services, stated Cascade Mental Health Care has been awarded \$5000 for a prevention counselor in 2015 to work in the Pe Ell School District; with a pro-rated amount of \$1667 for September 2014 through December 2014 for a total of \$6667. The Prevention Counselor will work with children and families whom have been identified by school personnel as “at risk” of developing mental/behavioral health problems. Prevention and early intervention has been shown to improve reading ability and reduce costs to community resources over the life span.

Motion Carried 3-0

HEARING Hearing: CDBG

Chairman Grose announced the hearing and asked for a staff report.

Danette York, Director of Health and Social Services, stated a public hearing to review final project performance is required by the Department of Commerce as part of the closeout and final payment process. Lewis County was the recipient and fiscal agent for the CDBG through a contract with the Department of Commerce July 1, 2013 - June 30, 2014. We subcontracted with the Community Action Council of Lewis, Mason, and Thurston Counties to complete the Scope of Work. \$93,971 was allocated with \$3000 retained to cover our administrative costs.

Commissioner Grose asked if there were any questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Danette York asked that her previous comments be adopted into the record.

Ron Averill, Centralia, state he thinks they do some really good work as is glad to see it continue.

Commissioner Grose asked if anyone else would like to testify. There was none. He closed the hearing.

Hearing: All Terrain Vehicles on County Roads.

Chairman Grose announced the hearing and asked for a staff report.

Tim Elsea, Director of Public Works, stated there is a sign-up sheet for those who would like to speak. He provided the history on allowing All-Terrain Vehicles on public roads. State of Washington during the 2013 2nd Special Session, amended the Revised Code of Washington (RCW) 46.09 "Off-Road, Non-Highway, and Wheeled All-Terrain Vehicles," allowing counties to regulate the operation of wheeled all-terrain vehicles on designated streets, roads, or highways. The law requires that in order for anyone to operate an ATV on a public roadway with speeds of 35 mph or less the vehicle must be street legal. After this bill was passed, he was contacted by members of the Cowlitz Basin ORV group and looked at different roadways. We looked at initiating a pilot program for the County Commissioners to evaluate. The initial idea included Longbell Road from Winston Creek campground to Salmon Creek Road. Because of Longbell Road's speed limit of 50 mph, it was not considered further. The Salmon Creek Road access several miles of DNR Roadways. The Ordinance before the Board today has several restrictions to include one cannot operate a wheeled all-terrain vehicle without a current or valid driver's license. We have received several comments regarding this proposal from the residence on Salmon Creek and Koontz Road and the majority of them were negative. The biggest reason is the residents were not aware of the proposal until they read it in the newspaper. It was his understanding that the ORV group would be ensuring the community knew about this proposal, which was not an accurate assumption. One of the concerns of the residents is this will funnel all wheel all-terrain vehicle users to this five-mile section of roadway. This does not

open up the road for non-street legal vehicles. It is required for the vehicle to be street-legal, obtained an inspection, and overall be a responsible owner. They are not going to be the operators that are going to come up and destroy roadways or trespass on property.

Glen Carter, Prosecutors Office, stated the Legislation provides that the Public Roads be designated by Ordinance. There is a provision that requires the owner of the vehicle to release the State of Washington from liability at the time that they issue a declaration. There is also a provision in the statute that says a person who operates a wheeled all-terrain vehicle on a public road way must provide a declaration that includes a release signed by the owner that releases the State from any liability. There was a suggestion that the legislature consider extending this to the County. The County is not presently released from liability. Our proposed Ordinance is for one year.

Ron Averill, Centralia, asked the difference between not being able to sue the State and not being able to sue the County?

Glenn Carter answered the counties and cities are municipal corporations which are separate legal entities under State law. Although the State of Washington Legislature may choose to grant the State protection, unless they also grant those to the counties and the cities which are separate municipal corporations then those cities and counties do not enjoy the immunities that otherwise apply to the State of Washington.

Richard Hill, Salmon Creek Hill, asked if the group that made the proposal from an outside the county?

Tim Elsea stated it is the Cowlitz Basin ORV group.

Richard Hill asked if there are any designated parking areas?

Tim Elsea stated there are not.

Richard Hill stated if they park off the road, how far off the road can they park?

Tim Elsea stated it is a 60-foot right of way so generally it is 30 feet from centerline.

Richard Hill asked do all the vehicles have to have insurance?

Tim Elsea stated they are a class of vehicle like a motorcycle and they are not required to have insurance.

Richard Hill if the vehicles are driven reckless is there anything that the homeowners can do?

Glenn Carter stated if you feel that a person is driving in violation of the rules of the road, then contact should be made with the Sheriff's Office.

Richard Hill asked if large gatherings were okay.

Glen Carter stated if there is not a violation of the traffic code, then it would probably not be prohibited.

Richard Hill asked if there are noise restrictions?

Glen Carter stated the only kind of limitations you might have are on equipment. With respect to noise in general, there is not restrictions.

Mark James, Koons Road, asked if there is a time of day limitation?

Tim Elsea stated there are no limitations.

Gary Johnson asked if you are aware of the law that addresses specifically the number of decibels for noise.

Glenn Carter stated yes he is aware.

Sona Markholt, Koons Road, asked if any additional funds been earmarked for policy coverage in this area, Fire and EMS, or Road repair.

Glenn Carter stated he did not know of any earmarked funds.

Commissioner Grose asked if there were any other questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Tim Elsea and Glenn Carter asked that their previous comments be adopted into the record.

Gary Johnson, Yelm, spoke in favor of this ordinance.

Kevin McClay, Salmon Creek Rd., spoke against this ordinance. This ordinance will create a recreational area.

Dot Workman, Salmon Creek Rd. spoke in opposition to this.

Richard Hill, Salmon Creek Rd., spoke against the ordinance.

Larry Smith spoke in favor of this ordinance. He stated that Koons Road is not a good road to put this on. He stated he didn't expect to get so many who are against this.

Duran McDaniel, Salkum, stated his is not speaking for or against this. It will take 18 minutes to get to the end of Koons Road, 10 minutes to the start of Salmon Creek Rd,

We have to worry about the golden hour if someone is injured and this is difficult if something happens up hear.

Terry Crocker, Salmon Creek, spoke against this. There are already issues with loggers who don't even stop.

Elizabeth Brownd, Koons Road, stated it is not a safe place and spoke against this Ordinance.

Mark James, Koons Road, opposes this ordinance.

Marilyn Harper, Frogner Road, spoke in support of the ATV, she feels the solution would be for more roads to be opened.

Michael Reed, Onalaska, stated if feels for the people on Koons Road, and he also feels for the organized ORV users. There are places all over the County that fits this better.

Ashley Lamb, spoke in favor of this ordinance. This would contribute to the community.

Tom Dipola stated his biggest concern would be people parking on the road.

Paula Clevenger, Murray Road Morton, spoke in favor of this ordinance.

Charles Reynolds, Koons Road, stated this road is a dead-end road. The last we need is four wheelers running up and down the road. The road is not wide enough and is not safe enough.

Ron Averill, Centralia, suggested we look at the liability and coverage we would have from the risk pool and what this would cost.

Sona Markholt, Koons Road, spoke against this ordinance.

Julian Compton, Morton, spoke in favor of the ordinance.

Rudy Breeze, Aldrich Road, wonders if the vehicle is street legal then why can't they drive on any road.

Toby Belcher Sr., Koons Road, spoke against this ordinance.

Commissioner Grose asked if anyone else would like to testify. There was none. He closed the hearing.

Commissioner Schulte recommended sending this document back to staff to look into further to choose different locations.

Commissioner Fund agreed.

Chairman Grose stated when this came up we recommended the ATV group develop a plan.

Commissioner Schulte moved to table this Ordinance. **Commissioner Fund** seconded.

Motion failed 0-3

Commissioner Fund moved to reject this proposal and asked our staff to go back and look at other roads in the County. **Commissioner Schulte** seconded.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 11:46 a.m. on November 3, 2014. The next public meeting will be held Monday, November 10, 2014.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

ATTEST:

F. Lee Grose, Chair

**Karri Muir, CMC, Clerk of the Board
Lewis County Commissioners**

Edna J. Fund, Vice-Chair

P.W. Schulte, Commissioner