

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
August 22, 2011**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, August 22, 2011 at 10:00 a.m. **Commissioners Ron Averill, P.W. “Bill” Schulte, and F. Lee Grose** were in attendance. **Chairman Averill** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Grose** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, August 15, 2011. **Commissioner Schulte** seconded the motion.

Motion Carried 3-0

CONSENT

Commissioner Schulte made a motion to approve Consent Agenda items one through ten. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

1. Resolution No. 11-273 Approval of warrants for payment.

Chairman Averill stated this approves 233 warrants issued by the Auditor’s Office for a total of \$766,917.85. In addition approves 257 Payroll Benefits warrants for draws on pay totaling \$226,077.00.

2. Resolution No. 11-274 Approving a modification to the Participating Agreement with the USDA Forest Service for noxious weed management.

Bill Wamsley, Weed Control Board, this is a modification to an agreement with the Pinchot National Forest for noxious weed control treatments on the forest. The GPNF has authorized \$9,922.00 for the project through June 27, 2012. Treatment of weeds will occur along roadside and on Forest Administrative Sites (Campground, Trailhead, Roadsides, Gravel Pits), and forest harvest units.

3. Resolution No. 11-275 In the matter of the election related to the allocation of and use of funds under P.L. 106-393.

Dawna Truman, Budget Director, stated Lewis County must notify the secretary of Agriculture of the election of funds in Title III no later than September 30th 2011. Pursuant to Res. 01-311 the Lewis County BOCC elected to receive as federal forest funds its full payment amount pursuant to Title I, Section 102 (a) (2) of the Rural Schools and Community Self-determination Act of 2000 (P. L. 106-393). Per Resolution 01-311, Lewis County elected to allocate 15% of its full payment amount for expenditures on projects under Title II and Title III of P.L. 106-393. Each Federal Fiscal year the County must decide to do one or more of the following (a) reserve funds for projects in accordance with Title II (b) reserve funds for projects in accordance with Title III or (c) return funds to the General Treasury of the United States. In 2010 the County

elected to allocate 11% of project funds for Title II and 4% for Title III projects. This Resolution approves the same percentage for 2011.

Chairman Averill stated this Secured Rural School money is divided into three titles. Title I is money that goes to support schools and also provide support to roads. Title II and III money are used for projects that support both the forest and communities.

Commissioner Grose stated this program is due to go away and this is the last year that it will be funded. Our road department gets approximately \$2 million from this fund in the next fiscal year so when this goes away it will have an impact to our Roads Department. There are some breakthroughs in some legislation that is being considered in DC to bring some of this money back or give us some way to secure some funding from the forest.

4. Resolution No. 11-276 Approving a collective bargaining agreement with AFSCME Union, representing Community Development and Public Works employees.

Archie Smith, Human Resources Administrator, stated the AFSCME union contract, representing Community Development and Public Works employees, is being presented for approval by the BOCC. The contract will be a one year agreement dating from 01/01/2010 to 12/31/2011. A two year deal was reached since there is an opener for wages and benefits. For the 2011 calendar year the Employer Health and Welfare financial contributions were not changed. The current monthly employer contribution for medical insurance is \$835.92. There is no COLA for the year and Step increases are provided. Other issues that were addressed during negotiation were:

- Clarified the layoff FMLA procedure.
- Clarified the definition of a project employee and added interns to the CBA.
- Clarified Job Bidding, recall, and job posting procedures.
- Clarified discipline notification procedures.
- New payroll language was added for compliance with the new finance system.
- At director's discretion, vacation hours above the maximum may be cashed out.
- Clarified vacation leave call back.
- Clarified the 9/80 work schedule.
- Clarified Overtime Opportunity and causal employees.
- Clarified Holiday pay issue for Solid Waste employees.
- Increased compensatory time from 60 to 120 hours.
- Provided a boot allowance up to a \$150 to road employees.
- Clarified the boot allowance for Solid Waste employees.
- Clarified designated beneficiary language .

5. Resolution No. 11-277 Authorizing legal defense and indemnity for a Lewis County employee.

Paulette Young, Risk Manager, stated Lewis County Public Works Director Tim Elsea has been named in a legal action filed in Lewis County Superior Court for allegations of

actions taken while in the course and performance of his duties for Lewis County. Tim Elsea has requested defense and indemnification pursuant to Resolution 03-042 and 04-164. Under these Resolutions Michael and Alexander PLLC will be requested to provide legal defense for Mr. Elsea.

6. Resolution No. 11-278 Authorizing a contract with the Department of Commerce establishing terms and conditions of the CDBG Planning Only Grant.

Tim Elsea, Director of Public Works, state the Lewis County Public Works Department has successfully obtained funding which requires Contract No. 11-64100-047 to be executed with the State Department of Commerce for a Community Development Block Grant (CDBG) Planning Only Grant (POG) in the amount of \$24,000 to assist in the preparation of a pre-design document, environmental review and engineering report for Washington State Department of Health approval of a public sewer system located in Packwood, Washington. This resolution would authorize the Director of Public Works to sign the contract accepting the terms and conditions.

7. Resolution No. 11-279 Re-appointing members to the Solid Waste Advisory Committee (SWAC).

Tim Elsea, Director of Public Works, stated the terms for current Lewis County Solid Waste Advisory Committee (SWAC) members John Carver, Lee Coumbs, Terry Harris, and Greg Schoenbachler expired June 1, 2011. John Carver, an employee of Tires, Inc., represents business/industry; Lee Coumbs is an elected official representing the City of Centralia; Terry Harris is an elected official representing the City of Chehalis; and Greg Schoenbachler is general manager of Silver Springs Organics, representing the organics waste industry. They have been valuable members of the committee, and wish to continue serving. Their terms will expire June 1, 2014.

8. Resolution No. 11-280 Approving an inter-local agreement with WA State Department of Transportation Aviation Division.

9. Resolution No. 11-281 Accepting grant funding from the FAA for tree removal and runway rehabilitation at the South Lewis County Airport.

Robert Johnson, Director of Community Development, spoke to items 8 and 9. He explained how FAA provides funding for the airports. He stated this authorize staff to coordinate procedures and accept a grant funding agreement between Lewis County and WSDOT- Aviation Division (AD) for the South Lewis County runway rehabilitation project for an amount not to exceed \$5,481.33. The Board of County Commissioners authorized a runway rehabilitation and tree-removal project at the South Lewis County Airport. The project has an anticipated total construction cost of \$126,018.15. The project will be funded by the FAA at 95% of costs. WSDOT-Aviation Division will fund 2.5% of the total project, up to a maximum of \$5,481.33. The county will contribute 2.5% as local match from Fund 407. Based on the accepted bid for the project, WSDOT will contribute

\$3,150.45 and the County will contribute \$3,150.46. Funding for the local match is included in the 2011 South Lewis County Airport budget. This Board action approves the grant funding from the DOT and authorizes the Director of Community Development to sign the inter-local agreement with DOT-AD for receipt of grant funding. The county would need to contribute an additional 2.5% local match for the project being funded by the FAA at the South County Airport if the resolution is not approved and the project continues forward.

FAA grant funding	95% of total cost –	\$119,717.24
Local Matching funds	407 Matching (local) Funds: not to exceed 2.5%	\$3,150.45
WSDOT Grant Funds	Not to exceed \$5,481.33	\$3,150.46
Total Amount:		\$126,018.15

10. Resolution No. 11- 282 Bid award for the South Lewis County Airport Runway Rehabilitation Project.

Robert Johnson, Director of Community Development stated WHPacific is under contract for engineering and project management of a project funded by the FAA and WSDOT for airport improvements at the Packwood and South County Airports. The County recently issued a call for bids on the South Lewis County Runway Rehabilitation Project. The lowest and best bid was submitted by Roger Langeliers Construction Co., for \$126,018.15. A contract will be negotiated based on the scope and deliverables between Lewis County and Roger Langeliers Construction Co.. This contract, having met the requirements, is submitted to the Board for acceptance and for authorization for the Director to prepare a contract with Roger Langeliers Construction Co., not to exceed \$ 126,018.15, and sign the same on behalf of the County.

Motion Carried 3-0

HEARING

The Board went into recess at 10:30 until 6:00 pm.

Chairman Averill called the 10:00 am BOCC Meeting out of recess at 6:00 pm to hold a public hearing regarding the Port of Winlock Formation. Each of the Commissioners introduced themselves to the audience.

Chairman Averill stated the BOCC is required to hold this hearing by law. He read RCW 53.04.023 into the record, which is the law surrounding this hearing. A petition was submitted to the Auditor, who then provided a sufficiency certified petition to the BOCC. Chairman Averill went over the procedures of the hearing.

Dan Godat, Winlock, WA, maintained that the vote on a port district is in the best interest in the community. He went over the reasons he felt a Port of Winlock would be a good thing for the City of Winlock. There are no projects ready to go in the port. His

opinion is that charging 10 cents per \$1,000.00 valuation on property taxes would generate enough revenue to hire a grant writer to get the port going. He urged the BOCC to put this on the ballot.

Herb Hemenway, Winlock, WA, asked for assurance that the minimum taxable amount will not be open-ended in the future.

Mr. Godat stated that a \$150,000 home will cost around \$64 dollars in taxes annually.

Roy Mcfarlan, Winlock, WA, stated Evaline had a good company start up and they do not have a port district.

Mr. Godat went over what Cardinal Glass did for the community. He asked why Cardinal Glass didn't come to Winlock?

Mr. Mcfarlan stated that Winlock wouldn't give Cardinal Glass water rights. He asked how much it would cost to bring sewer and water line to the proposed port district.

Richard Roth asked how much the port commissioners would be paid?

Mr. Godat stated that a port commissioner could be paid up to \$94 per meeting on Federal income and the amount of money port commissioners might receive would be minimal compared to the amount of time they put in.

John Hall, Winlock, WA, asked what would prevent the board from taking other properties if a potential business likes another piece of land.

Commissioner Schulte stated land use must align with existing zoning. Under the GMA, one cannot build as 'industrial' unless property is zoned accordingly.

Mr. Godat stated that all commissions (fire, port, cemetery, etc.) have eminent domain rights. He doesn't think anyone wants to take anyone else's land.

Mr. Godat stated the estimated cost for water and sewer was around \$12,000,000.00.

Commissioner Grose stated a port district is not necessarily a piece of property. It is a political entity. It is up to the Commissioners that are elected by the people to figure out how the port district is handled. The BOCC does not like eminent domain. This issue isn't about that. The law limits the tax, so it can only be raised by legal limit.

Commissioner Averill stated the law only allows for a 1% increase in taxes per year. If the port district wanted to further raise the tax, it would require a vote by the public.

Bob Schwarz questioned how the port district would be accountable to the large land owners who would not have a vote in this matter.

Mr. Godat stated the citizens who cannot vote had been considered and noted how taxes were figured to be only 10 cents per thousand assessed value. We will have three elected officials run this port. He encouraged people to run. Commissioner Grose stated this hearing is to put the measure on the ballot. Establishment of a port district is not the decision of the BOCC. John Hall questioned why this is not a South County Port.

Mr. Godat stated this was considered. The City of Winlock was the one that expanded their UGA. It is the City of Winlock and the School District that will benefit the most.

Cheryl Blum stated she'd heard about the sewer; if they put it in, the people who live on Hwy 505 would not have to hook up to it right away. Wouldn't it be important to first have this in the planning?

Commissioner Grose stated the sewer and water issues are not relevant to the port district. The regulations are enforced by the ordinance.

Chairman Averill stated the rules of hook-up would be governed by the Winlock City Council. This is the city's issue at this point.

Ms. Blum asked what the port does.

Mr. Godat stated the port is an economic engine for the community. There is money available for port districts.

Ms. Blum stated she has a hard time understanding the difference between the port and the city. She asked what business would come into the area without water and sewer available.

Mr. Godat stated if an interested business came in, they would work on getting the sewer and water extended.

Commissioner Grose stated that the port district and property are not the same thing. The ports that exist in Lewis County are successful in lowering levy rates and bringing in businesses.

Ms. Blum asked how long until businesses set up after port open?

Mr. Godat stated that this is a long-term thing; it takes a while to get a port going. William Butler asked for status of the Galvin Project in the Centralia Port District. Chairman Averill stated the Opus project was still going and when they want to develop, they can go forward.

Mr. Butler asked from where the money would come to purchase property.

Chairman Averill stated if the port district chooses to purchase property, they can do so from the taxes, fees, grants or bonds. But they can be vessel to bring businesses into the city.

Commissioner Grose stated once the port is established, it will work like a business.

Mr. Butler asked if Lewis County is going to have a port district.

Chairman Averill stated that Lewis County is not going to have a port district.

Mr. Butler asked what the port commission's authority is.

Chairman Averill stated they are a Board and will operate under the RCW.

Commissioner Grose stated there are laws stating what they will do.

Mr. Butler asked who makes up the rules by which the port will run.

Mr. Godat stated the citizens can talk to the port district at meetings.

Chairman Averill asked for other questions, there were none. He closed the question period and opened the formal hearing.

Mr. Godat asked that his previous comments be adopted into the record.

Commissioner Grose stated the BOCC is an innocent by-stander in this issue. "We are here to hear what the citizens have to say. This decision is up to the people. "

Roy Mcfarland stated he is not against growth. He would like his children to come home to Winlock to work. He has a problem with the port commission being voted on and not everyone having the ability to vote because of his or her address. He would like the port to be broken up into districts and for each district to vote for its own commissioner.

David Snow, Winlock, WA, stated he liked the idea of forming a port district. He felt it would give them more local control. He felt this would benefit the City and noted there are costs but there will be a benefit. A port district helps facilitate economic stability. He plans on running for port commissioner.

Mary Garrison, Winlock, WA, is in favor of a port district. "We do not know how the world is going to change over the next 10-15 years." She heard a lot of fear in the comments tonight. She also heard some excellent things brought to the table. She does not have children, yet pays her taxes and believes they are the future to the community. She doesn't like to hear the comments "them and us." "We are a community and need to work together."

Bob Schwartz, signed up to speak but left the meeting and did not testify.

Richard Roth is not against growth. He feels the timing is bad for a port right now. "It is going to raise taxes and we do not have control on how much it is going to raise them." He has found that boards do not listen to the citizens. He would like to work with the city officials on these issues. We have two ports right now where people can get jobs. Feels we are overly burdened with taxes. He is against the port's formation right now.

Rich Shepherd stated when he opened his dental practice; there were no empty spaces in town. What we are doing now is not working. He supports the port district.

Phil Smith, read his letter into the record. He is in support of the port.

Chairman Averill asked if anyone else would like to testify.

Mike Alvarez, Winlock, WA, asked when the time would be to have a port district formed. Business owners work a full-time job to keep their businesses open. This is not the American Dream. He is in support of the port district.

Brandon Patching, Winlock, WA, stated he was born and raised in Winlock, and has been around the world. He has five children and it is important to him that Winlock succeeds. He understands there will be sacrifice, but that is what made this country great. He is willing to pay the taxes for the future of Winlock. He supports the idea of a port district. He will support anything that will improve the community.

Ted Christiansen has lived here his whole life. There were jobs in this community. He doesn't feel it is a good idea to have his property rezoned. He is not for the port the way it sounds. He would like more control on what is going on.

Chairman Averill closed the hearing and asked for a motion to approve resolution No. 11-283.

Commissioner Schulte moved to approve Resolution No. 11-283. Commissioner Grose seconded the motion. Chairman Averill read Resolution No. 11-283.

Chairman Averill stated the Auditor has started to form the ballot for the November election. It was noted that we could not meet the deadline to hold the public hearing. Therefore, the Auditor extended the deadline in order to give the BOCC time to hold a public hearing on this matter. The Auditor will announce the 3-day filing period once this resolution is certified.

Chairman Averill stated the law requires the BOCC to say if a port is in the best interest of the citizens of Lewis County. The two ports in Lewis County are doing a great job. When the Centralia Port was first formed, it was a disaster until they brought in a capable Port Director. It is now doing very well and is contributing to the City of Centralia and the County. A port in Winlock will have a slow start. The concentration for economic development has been primarily in the Twin Cities. The Board put pressure on the EDC for growth outside the Twin Cities. The City of Winlock is on the freeway

and between Seattle and Portland. We started doing a plan for the South County Regional Plan and then the economy tanked. He cannot answer if a Port of Winlock will do a good job or not; there will have to be creative financing to get it going. He is hesitant to say if it is or is not in the best interest of the citizens. The citizens now need to vote whether there should or should not be a port. He is not making this decision, it is up to the citizens. The only way the citizens can speak is to vote so Commissioner Averill is favors putting the issue on the Ballot.

Commissioner Grose stated a port district could have a good effect on the community. He noted it was not a port district that brought Ritchie Brothers to Lewis County. Ritchie Brothers came to the BOCC and asked how they could relocate here. Their move to Lewis County is a good thing. It did not cost the County money to get them here. The question to be answered is whether we can do the same thing without a port district in the City of Winlock. He encouraged everyone to find out the facts of a port district before they vote. Do not have a failure to communicate. Open up the discussions and find out the facts.

Commissioner Schulte stated that his opinion does not matter. You can vote for or against the port district. His job is to decide to put this measure on the ballot or not. He will vote to put it on the ballot and the citizens need to vote for or against the port.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 7:45 pm on August 22, 2011. The next public meeting will be held Monday, August 29, 2011, at 10:00 a.m.

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:

Ron Averill, Chairman

Karri Muir, Clerk of the Board
Lewis County Commissioners

P.W. Schulte, Commissioner

F. Lee Grose, Commissioner