

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
January 25, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, January 25, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Averill** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, January 11, 2010. **Commissioner Grose** seconded the motion.

Motion carried 3-0

Public Comment

Linda Smathers, Napavine submitted an inquiry regarding 4-H Council By laws.

Commissioner Averill noted that the BOCC does not run the 4-H Program, it is run by WSU. The appropriate procedure for her inquiry would be to go through the WSU program.

Notice

Commissioner Grose made a motion to approve Notice Items one through six. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

1. **Notice of Hearing: Regarding condemnation action to acquire certain trees near the Packwood Airport. Hearing will be held on February 8, 2010 on or after 10:00 am. (Notice was published on January 20, 2010)**

Commissioner Grose noted that the Federal Aviation Administration considers the trees to be a threat to airplanes approaching the Packwood Airport. This issue has come before this Board several times in the past and the owners of the trees did not seem willing at this point to negotiate the issue with us. We are taking the steps necessary for condemnation. He noted that the owners have recently given us a little more leeway and do plan on resolving this issue prior to this hearing. We are hopeful that will take place.

2. **Notice of Hearing: Regarding a license to the AT&T Corporation. Hearing will be held on February 22, 2010, on or after 10:00 am. Resolution No. 10-016**

Larry Unzleman, Public Works, stated this resolution is for a nonexclusive license to the AT&T Corporation to construct, operate, and maintain telecommunications facilities on County right of way in Lewis County. AT&T Corporation has had telecommunications a fiber line along Hwy 603 near Winlock, WA. Their existing licensed has expired and

this will serve to renew their rights to occupy the Hwy 603 right of way. The AT&T fiber line generally runs within the railroad right of way adjacent to the Hwy 603 but in this area crosses the road to an AT&T site then re-crosses the road back to the railroad right of way. This resolution will set the hearing date.

Commissioner Averill stated the renewal is for five years and when we say non-exclusive that means that someone else can use the right of way.

Mr. Unzleman stated that was correct.

3. Notice of Hearing: Regarding the final 2009 Budget Amendment. Hearing will be held on February 8, 2010, on or after 10:00 am. Resolution No. 10-017

Dawna Truman, Fiscal stated the estimated amount of the amendment is \$10,500.00 for the amendment. We will not know the final amount until the Auditor's Office closes out the finance system for 2010.

4. Notice: Calling for the Establishment of an On-Call Consultant Roster for Architectural, Engineering, and/or Professional Service Assistance needs for County Projects. Resolution No. 10-018

Rod Lakey, Public Works, stated this resolution is an annual requirement that will allow the opening of the On Call Consultant Roster to obtain applications from businesses interested in having their business placed on one or more of the rosters. The On Call Roster allows the County to possibly consider consultants for projects requiring architectural, engineering and/or professional services.

Commissioner Averill noted that when we say this is a roster that is maintained by the County and allows us to have a quicker process and we do not have to go out for RFQ, and RFP's.

Mr. Lakey stated that was correct.

5. Notice: Publishing the Small Works Roster for Lewis County. Resolution No. 10-019

Rod Lakey, Public Works stated this is an annual requirement and the resolution will allow the opening of the Small Works Roster to obtain applications from contractors from a list of categories. The Small Works Roster allows the County and agencies holding inter-locals agreements to use contractors on the established list for projects between \$35,000.00 and \$300,000.00. Agencies currently holding inter-local agreements are: LC Conservation District, LC Fire District #8, LC Fire District #11, LC Fire District #15, LC Water District #1, and the Chehalis/Centralia Airport.

6. Call for Bids: For the Newaukum Bridge No. 20 Replacement Project-Phase 2. Bids will be opened on or after 10:00 am on February 22, 2010. Resolution No. 10-020

Rod Lakey, Public Works, stated This project is listed as #6 on the STIP. He went over the project details. The project is funded 100% by FHWA. He went over the project details.

Commissioner Averill noted that this was first part of our normal bridge maintenance process. This project started two years ago and with the floods the banks to this bridge were scoured badly. We needed to change the approach and other issues to protect against future flooding. The price of the project has gone up considerably since the project was started so we needed approval from FHWA before we could start.

Motion carried 3-0

Consent

Commissioner Averill made a motion to approve Consent Items seven through seventeen. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

7. Resolution No. 10-021 Bid award for the Lewis County Low Cost Run Off Road Safety Improvement Project.

Rod Lakey, Public Works, stated this resolution would award this project from the LC Small Works Roster to Stripe Rite, Inc. Their bid was in the amount of \$105,556.00. This was above the Engineer's Estimate of \$102,250.00. Due diligence was taken in order to get a competitive bid and the low bidding company was within the normal acceptance range of the Engineer's Estimate.

Commissioner Averill asked Mr. Lakey to give a definition of a low cost run off program.

Mr. Lakey stated various roads are higher traffic roads, Federal Functional Routes, such as Jackson Highway, Harrison Avenue. Recessed pavement markers and flexible guide posts will be done in this project.

8. Resolution No. 10-022 Approving a deed from Albert Justice to Lewis County for a donation of property off of Kehoe Road.

Rod Lakey, Public Works, stated Albert Justice, owner of two parcels of land in the Silvercreek area of Randle, WA, has requested that Lewis County accept a donation of his property. This property is subject to flooding and has no physical access. Lewis County may be able to use this property as possible mitigation sites in conjunction with properties we own in this area.

9. Resolution No. 10-023 Publishing the cost and brief descriptions of construction projects performed by County Forces in the excess of \$10,000.00.

Rod Lakey, Public Works, stated this resolution will authorize the publication of the work completed by County forces per RCW 36.77.070

Commissioner Averill noted that we were using the wording ‘Day Labor’ and the unions got involved. As a partial fix the Legislature decided to change the name to “County Forces”. There are strict procedures we have to follow in case we want to use County Forces to comply with the laws and the concerns of the labor community.

10. Resolution No. 10-024 Authorizing two inter-local agreements with adjoining counties for an environmental review of a major wind power generation facility.

Bob Johnson, Community Development stated this resolution authorizes the BOCC to enter into two separate inter-locals, one with Pacific County and the other with Grays Harbor County. The purpose of these agreements is to provide lead agency authority to Lewis County as we process the Coyote Crest Wind Park proposal.

Commissioner Averil stated we are taking the lead agent instead of having three separate processes going on at the same time and the potential for conflict of interest between the three counties. We will lead the process through.

Commissioner Schulte stated the reason we are the lead is because 43 of the 46-47 towers are actually in Lewis County.

Mr. Johnson stated the majority of the first phase of the project is in Lewis County. This makes it appropriate for Lewis County to be the lead agency on the project.

11. Resolution No. 10-025 Amendment to the inter-local agreement with the State Office of Financial Management to provide \$2.5 million in funding for Lewis County, acting as the lead agency for the Chehalis River Basin Flood Authority.

Bob Johnson, Community Development stated this is the second agreement with OFM. The purpose of the inter-local is to amend the original agreement whereby Lewis County acting as the lead agency for the Flood Authority received \$2.5 million dollars funding to operate the Flood Authority and do the studies necessary. That original agreement had within it a budget for certain kinds of line items for expenditures. It was amended previously because there was not adequate funding within some of those line items. As long as do not go over the \$2.5 million, the OFM allows us to amend that agreement.

Commissioner stated this is a house keeping measure. The new manager within OFM wants the accounts to be budgeted in so when changes occur we have to adjust specific budget items. This is not new money, just how it is handled.

12. Resolution No. 10-026 Rescinding resolutions providing imprest account, cash tills, and petty cash for the Senior Centers Fund 199.

Danette York, Health and Social Services, stated to enable the Senior Centers to service the basic needs, these funds were established. Since the senior programs are not with the county any longer, the resolutions that set up these items need to be rescinded.

Commissioner Averill stated the reason we are doing this is because we have contracted with Catholic Community Services to run our Senior Centers and we no longer need these funds.

13. Resolution No. 10-027 Appointment of a member to the ATOD/CMASA Advisory Board.

Tara Smith, Social Services, stated this resolution will appoint Gary Swinth to the advisory board. He will be filling the youth position on the board and is a senior member of the LC Youth Prevention Team.

Commissioner Averill stated Mr. Swinth is filling the youth position. This brings the board to ten members.

14. Resolution No. 10-028 Transfer of leave for an employee from Facilities Fund No. 507 to Solid Waste Management Fund No. 401.

Michael Strozyk, Central Services stated as part of the 2010 budget reduction the Facilities Department eliminated one position. This employee was able to transfer into another position in Solid Waste. This resolution will allow the transfer of leave from one fund to another.

Commissioner Averill stated that in Government there many different funds which we operate out of. All the personnel funding is not in one fund, it is separate within different departments.

15. Resolution No. 10-029 Approving the Teamsters Assessor's Contract. Archie Smith, Human Resources

Archie Smith, Human resources, This is an agreement between Lewis County, Assessor's Office employees and Teamsters 252 that represents those employees. The primary issue was transitioning from a two-tier insurance rate down to a single composite rate. We were able to do this and we kept the Assessor's Office within its budgetary constraints.

Commissioner Averill stated he knows that this road is posted as minimum maintenance which means we, as County Forces, do not maintain this road on a regular basis.

Mr. Unzleman stated it would not be up to normal maintenance standards of County road.

Commissioner Averill stated that both property owners have asked that this be vacated. He asked if there are any easements that may be a problem.

Mr. Snelson stated that the property owners have retained easements
Chairman Schulte closed the question and answer portion of the hearing. He opened the formal hearing.

GS asked that his comments be

Floyd Rim, Centralia, WA stated this road is a nuisance and would like the road to be vacated.

LG stated that was our understanding when vacating this road. The reason it took so long is because there was a change in ownership of the adjoining property.

Chairman closed the hearing and asked for a motion to approve

RA moved to approve Vacation No. 10-001 LG seconded the motion

RA stated shortly after he was elected he had a citizen asked to look at this road. He asked staff to look at the process to close this road. This is long overdue and feels it needs to be vacated and recommends we approve this vacation.

Motion carried 3-0

Hearing Moratorium

Ordinance 1211-Lifting the Building

Chairman Schulte announced the hearing and called for a staff report.

Phil Rupp, Community Development, this Ordinance will lift the invalidity order on appx 163,000 acres of land. The moratorium was put on those acres so that nowould happen while LC was under the invalidity order by the GMHB

The adoption of ORd 1211 will allow LC to accept permits

RA the number changes on how many acres of land were put into moratorium. He went over the history of the invalidity order with the GMHB. He noted that

By lifting this moratorium we are essentially putting these lands back into their original designatin.

LG what would of happened if had not declared the mort.

PH there were some lands that were designated ARL that we took the desinatin off so they could be studied. These lands could have been used.

LG hwat kind of sanctions would have been put on the County if we did not do this.

RA stated tha the GMA Law allows the Governor to withhold certain taxes from County if they do not comply.

LG-with the sanction threat

PR we would have been in violation of the GMHB.

Chairman asked for question on Ord 1211.

Sal Anderson, stated she has one parcel that was in the process of getting permits. She asked since the land can be ag,but has two wells, could she still sub divide the property now.

PR- discuss in private.

BS asked her to talk to CD and they will look at her property.

Ronda New...is the Mor lifted do you have to request a change of zone?

RA will be zoned from what the Plann Comm h as already zoned it. If it is not zoned to your satisfaction you will need to talk CD.

Bill Randle, Toledo, WA asked if staff would talk to the Chronicle

Cha closed the question onad ans and opened the formal hearing.

PR asked that comments be adopted.

Susie Kyle, asked as we move forward is to give the Ag community the same attention you will be giving to indust and comm. Development. The BOCC has an opportunity to make Lewis County a great community. She is not against development, she is against development that interferes with agricultural resources.

LG asked if she is aware of the fact that Ag people receive a tax break? And there is a requirement to show a profit. He encourages her to write to her Legislatures regarding this state law.

Dennis Hadaller, Mossyrock, WA stated it's a sorry day for LC. He has trouble with the way the Ordinance reads. He is concerned about the school districts that are in the middle of ARL's. The Onalaska SD is going to be hurt in this ag land designation> The FD , and cemetery districts are going to suffer. Is the BOCC going to fund extra Assessor's position to go out and look at ARL's. Does not believe fees should be charged when a taxpayer has no say on how their land is going to be zoned. The County should pick up that tab and have all the taxpayers pay.

LG- regarding the revaluation of ag land with sd and fd..he does not feel anything has changed, those lands were already designated Ag lands.

DH stated they were not all in ag land. His property was not in ag land until 1997 when the GMHB started.

RA pointed out that what we are not talking about the same things. ARL would not qualify for.....11:31. We have about 133,000 acres in the Asss records that have been designated for the tax cut.

Chairman closed the hearing and asked for a motion to approve

RA made a motion to approve

RA stated this was long overdue. There have been many text changes to the GMA. We have to comply with this law. We have worked to come into compliance by protecting private property. Over the years through various regulations, it has become a top down process. We had to comply with it. He is not saying what we came up with is the best thing for LC, but under the circumstances we have done the best we could do. If we didn't have the approval from the GMHB, we would still be in a dilemma. We would still have 163,000 acres of land that we would not be able to do anything with. We are now in a position that we can go back into a normal process of looking at properties for zoning. This is a year long process, we can only do this once a year.

This opens the doors to our incorporated areas for econmoid development in Lewis County.

LG-stated the year long process is too long, but we have to do this by the State Law. LC has spent millions of dollars to get out of invalidity with the GMHB. He took a pledge to do this when he ran for office. This will allow us to make decisions we were not able to make before while under invalidty.

Motion carried 3-0

Hearing

Ordinance 1212 Firearms in County Parks

Chairman Schulte announced the hearing and called for a staff report.

Bob Johnson, Community Development, Ord 1212 was prompted by some citizens that stated that firearms in parks was more restrictive than the State Law. The

amendment is intended to clarify the display of firearms in parks and bring them into compliance with the State Regulations. He went over the proposed changes.

RA- it is interesting that predominately that when laws are passed by state leg that normally jurisdiction are allowed to add to those laws. Can be more restrictive than those laws, unfortunately in the area of gun control the state has reserved to their own authority. It preempts jurisdiction to adopt their own law. When we looked at our law we were more restricted than the state law. For this reason we have decided to adopt the state law by reference. Unfortunately the Ord is not completed it does not identify one section of the state law. WE are trying to come into compliance with the state law.

The PA's recommended continuing the hearing to discuss further with them and the Sheriff's Office.

Chairman asked if anyone had any questions.

David Clark asked if this ord supercede WA open carry law.

Sheriff Mansfield stated it does not.

Mr. Clark stated if I was openly carrying a pistol is that different than a person is playing with their firearms.

Sheriff m stated that is different.

Only for those acting inappropriately.

SHer before you could not open carry. This changed in the law. The Commissioners have to follow the State Law regarding firearms.

Chairman closed the question and answer period and opened the formal hearing.

Bob Johnson asked that his comments be adopted into the record.

Sheriff Mansfield, Chehalis he feels this deserves further discussion, particularly regarding the discharge language. He asked for a continuation of the hearing.

Pam Wilcons, Toldedo, WA, is trying to gain information. Her concerns is that citizens come to parks for recreation, they do not differentiate the difference of a state park or a county park. Any changes the Board makes will affect the State Parks.

BS-do you allow open display in State Parks?

Ms. Wilcons –stated we do not.

BS asked how they can do this if state law says this.

MS. W cannot say for sure. She believes they fall under the wildlife preserves.

LG would like any help to make this work.

MS we would like to collaborate with t his.

BS aware of individuals that may test the validity of the State Parks Law.

RA pointed out that when we originally looked at this law , a citizen challenged this in Seattle. It is currently in the courts. His intention was to adopt the State Law by reference, unfortunately the document only has one section of the State Law to adopt.

He recommends cont. of this hearing.

Comm grose asked that this hea4ing be tabled till a furent date. Comm Averill seconded the motion.

Motion carried 3-0
Chairman closed the hearing

There being no further business, the Commissioners' public meeting adjourned at 12:02 pm, on January 25 2010. The next public meeting will be held Monday, February 1, 2010, 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:

P.W. Schulte, Chairman

Clerk of the Board
Lewis County Commissioners

Ron Averill, Commissioner

F. Lee Grose, Commissioner