

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
March 15, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, March 15, 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 Grose** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, March 8, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

Notice

Commissioner Averill made a motion to approve Notice Item one. **Commissioner Grose** seconded the motion. **Commissioner Averill** read the proclamation into the record.

1. Proclamation: Honoring the 2009-2010 Pe Ell Trojans High School Basketball Team.

Commissioner Grose noted that honoring local sports teams has been overlooked by this Board and it is important to recognize them. He congratulated the team on the fantastic job they did this year. He is happy to recognize the team's achievements.

Coach Lusk introduced the Pe Ell Trojans Basketball team.

Commissioner Averill stated you gentleman have done an outstanding job. He noted this is a great achievement and he congratulated the team.

Chair Schulte congratulated the team and noted that the Town of Pe Ell is proud of them and the rest of the County is also proud of them.

Commissioner Averill made a motion to approve Notice Items two and three.

Commissioner Grose seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

2. Notice of Hearing: Regarding the Ordinance 1214-LCC 6.15 Dog Breeding Practices. Hearing will be held on or after 10:00 a.m. on Monday, March 29, 2010.

Danette York, Health Department, stated this hearing will the allow public to review the proposed LCC 6.15 and give input before it is approved. Lewis County has had several issues with dog breeders who mistreat their animals. These types of situations, often referred to as puppy mills, have caused LC Public Health and Social Services, the Animal Shelter and the Sherriff's Department to become involved. This significantly affects our County Budget in dollars and man hours. Several animals have been rescued, to be fostered until a suitable owner can be found, or euthanized due to severe health problems. Much of the language in this code is the same as the language that is

in the State Law. However it expands on the State Law and provides language specific to our county that can help prevent the horrible conditions that many animals are forced to live in when used as breeding stock.

Commissioner Averill stated the State passed a Puppy Mill Ordinance last year in the State Legislature, which became effective January 1, 2010. We have had two incidents where we found puppy mills in the county and there has been extreme abuse to animals. The breeders in both cases were trying to raise too many animals in too small a space. The new State Law puts restrictions on how many animals can be raised by a single breeder without running over the threshold to be categorized as a puppy mill. We only scratched the surface when things get bad enough that local neighbors bring it to our attention and we go out and find these puppy mills. When we looked at the State Law we found some areas in it that we felt needed to be strengthened to do this right in Lewis County. We worked through these changes and put them into the County's Ordinance that implements the State Law with the changes for Lewis County. At one point we looked at licensing legitimate operations in the County, but we believe that this area needs further study. We are not going to implement licenses at this time. We have had some problems in terms of serving warrants and we need to have this law in the books in order to make it clear that this is the County's position and that we will not allow or permit puppy mills to continue to operate in Lewis County.

3. Call for Bids: To trade Lewis County Sheriff's Office confiscated, forfeited and unclaimed firearms for Law Enforcement Firearms and Ammunition. Bids will be opened on or after 10:00 a.m. on March 29, 2010. Resolution 10-065

Isabelle Williams, Sheriff's Office, stated this call for bids will be for the weapons that have been confiscated, forfeited or unclaimed. There are 32 weapons in the lot. Bids will be opened on March 29, 2010.

Commissioner Grose asked if this bid was altogether for one bidder or would more than one bidder qualify.

Ms. Williams stated that this year we are keeping all 32 weapons in one lot. The licensed gun dealers will offer and trade a combination of Glock Model 22 or Glock Model 23's, and four types of ammunition. The winner will be the best and highest combined value of that bid in exchange for the 32 weapons. .

Commissioner Averill noted that we do this bid call annually. We collect the firearms during the year and once a year put them out on the market.

Motion carried 3-0

Consent

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

4. Resolution No. 10-066 Closure of a portion of Jackson Highway to all through traffic.

Rod Lakey, Public Works stated the Newaukum Bridge is scheduled for replacement. This will require closing a portion of the road to all through traffic. The scheduled closure will be from May 3, 2010 to May 3, 2011. The road will be opened from either side for local access and there are alternate routes around the area of the closure. The Public Works Department will post the required advisory signs on both sides of the closure and will notify E911 Communications, the local fire departments, WSDOT and the school districts of the closure. The resolution is being submitted two months early so the advisory signs can be on Jackson Highway longer to advise the public of the closure.

Commissioner Averill stated this is the third action we have taken on this closure. First we had to get approval to do the bridge, and then we had to go out for contract to get bids on the bridge and finally the approval of the contracts. Now the last step in the process is making sure the public knows that we are closing the bridge for up to a year. We have alternate routes for the public to go around and we have tried to accommodate the residents in the area making sure they have access to their property. We have also made sure that emergency vehicles are able to access these properties in an emergency.

Mr. Lakey noted that the contractor has been selected for the Bridge Replacement Project. They will start about a week before setting up and then the closure will happen on May 3, 2010.

5. Resolution No. 10-067 Approving an agreement with Marvin and Diana McCloud.

Larry Unzleman, Public Works stated an offer was made to Dianna and Marvin McCloud agreeing to pay \$2,700.00 for right of way for the Chandler Bridge No. 55 Rehabilitation Project. The McCloud's neither accepted the offer, nor did they provide a counter offer, but indicated they believed the value of the proposed right of way to be \$5,500.00 to \$16,875.00 based on the sale of houses in the area. Furthermore, they proposed that the property be valued based on a proration of their entire improved property. The County still believes their offer to be correct, but a compromise was reached and the new amount is \$6,200.00. The agreement has been signed by the McCloud's and is acceptable to the Public Works Department.

Commissioner Averill asked how many parcels we have made offers on for right of way in this area. Is there a total of five and we have approved three already.

Mr. Unzleman stated that was correct.

Commissioner Grose stated the alternative to these agreements is to go through a condemnation process. The BOCC does not like to condemn property, so this agreement is a good way to settle without going through that process. .

6. Resolution No. 10-068 Proposed sale of surplus property located in the Wold Road Area.

Larry Unzleman, Public Works, stated in 2009 the County acquired twelve properties located off Wold Rd. They were acquired as a result of the 2006 flood which left these properties without vehicle access. Lewis County determined that the most viable option was to not reconstruct the road, which would have been very difficult and expensive, but to offer to buy out the properties that relied upon the road for access. These properties

will be surplus with the stipulation that no vehicle access is available and legal access is not guaranteed. There are parties that have expressed interest in acquiring these properties. LCC 3.30.330 requires that the sale of real property shall be to the highest bidder. These properties were purchased based on the appraisals that assumed that the properties had legal vehicular access. They will be offered for sale with no vehicular access which will substantially reduce the minimum bid amounts from prices paid by the County to acquire the properties. Public Works will examine the properties, determine the minimum bid amount by appraising the properties, and report the findings, together with other pertinent data, to the Board of County Commissioners.

Commissioner Grose asked if some of the properties were previously purchased by the County from a previous flood.

Mr. Unzleman stated we had previous buyouts, in the early 90's because of the 1990 flood.

Commissioner Grose if this resolution would take care of all the properties in that area.

Mr. Unzleman stated in the buyout that we did in the 1990's we excluded the higher part of the sub division along Ridge Way, which wasn't affected as much and the road was partially redone at that time. Because of the 2006 flood that took out Wold Road , we are now buying out those properties on Ridge Way.

Commissioner Grose stated this is an area that the houses have been under water before and are full of mud. The whole area was under water at one time or another.

Commissioner Averill stated this has been a long standing problem in the County. Wold Road has been washed out several times and we've had had trouble keeping this road going. In the 2006 flood the damage was such that it would have required a realignment of the road in order to get it back in so residents would have access to their properties. This meant that we had to find a route through forest property and the Forest Service was reluctant to provide us a route through, so as a result we had to make a decision on whether to go through the process of getting the necessary approvals in order to get that road back into operation or not. We finally made the decision that the road was not repairable. We have now closed and vacated Wold Road and put a turnaround at that point. This meant the property owners no longer had access, so we bought them out. If we hadn't bought them out we would have been required to provide them with access to their properties. If we keep the properties they are off the tax books and if someone wants that property knowing there is no access, then it is good to return them to the tax rolls.

7. Resolution No. 10-069 Approving the necessary acquisition of additional Chandler Road right of way for the Chandler Bridge Rehabilitation Project.

Larry Unzleman, Public Works stated the necessary right of way has been acquired from four of the five property owners. There have been discussions with the remaining property owners, but no real progress has been made. Bridge construction is scheduled for 2010 and we are at a point where the only available option is to initiate condemnation. Public Works will give the required notice of final action.

Commissioner Averill stated one of the things that governments do is to provide services to the public. One of those services is building roads and bridges. Sometimes it is necessary to buy property to put the road or the bridge in. In order to do the Chandler Bridge correct we are building it differently. We need the right of way from some of the

owners to do the construction of this bridge and provide the necessary limits around it so we can maintain the bridge and keep it going. We try to do this by negotiating with the property owners and giving them a reasonable price for the properties. Sometimes property owners want too high a price. We are hoping the owners will now negotiate the agreement before we have to condemn the property.

Chairman Schulte stated with these two steps we have met the requirements of the Federal Government and are waiting for FEMA to send a check so we can start construction.

8. Resolution No. 10-070 Selection of an On Call Consultant for the East Lewis County Transfer Station Bulkhead Project.

Rod Lakey, Public Works stated pursuant to the On-Call Consultant Roster, three consulting firms were selected from the geotechnical category. GeoDesign, Inc. partnering with Harper Houf Peterson Righellis, Inc. was the only firm that submitted qualifications and references. A contract was negotiated and signed for a total cost of \$34,700.00. The completion date for this project is December 31, 2010.

Commissioner Averill asked if this is for design and construction of the bulkhead.

Mr. Lakey stated it is for construction support. GeoDesign will be there during the excavation so they can evaluate soils.

Commission Averill asked him to explain what a bulkhead is and where we are doing the project. .

Mr. Lakey stated it is at our Morton Transfer Station. He noted it would be like the Centralia Recycle Center. It permits the dumpsters to be lower and it is in a zig zag pattern so the trailers can be backed in and removed without having to remove other boxes. It allows us to fill one box and close it and open another box. This will expand our recycling at the Morton Transfer Station.

9. Resolution No. 10-071 Approving a grant agreement with LC Community Development to accept funding under the Distressed Counties Fund.

Bob Johnson, Community Development stated the South Lewis County Sub Area plan has been in process since 2007. The first phase of the plan identified economic development opportunities with regard to the need for industrial and commercial needs in the area. An additional phase will be to look at the sub area plan and to do an economic strategy plan. This grant is for \$50,000.00 through the Distressed Counties Funds. This approves the grant for further planning in the South Lewis County Sub Area.

Commissioner Averill stated unfortunately the main corridor running through the County is I-5 and at times it floods. The south portion of the County is high and dry, yet is very rural. The Cowlitz Tribe has been developing facilities for tribal members within this area. In 2008, Senator Swecker was able to get some funds from the Legislature to do a sub area plan. This will allow us to do a diversion from the Growth Management Act to look at development of the South County, which would normally not be allowed. But by a pilot project, where the County and the incorporated areas, the State Department of Ecology, Fish and Wildlife and others work with us in developing this sub

area plan to provide an alternative area for industry and other commercial enterprises to develop in the south. This would include eventually water and sewer, and the other things that are needed to encourage development in that area. Unfortunately with the recession we have started to run out of money. Lewis County is one of the counties in the State which suffered very heavily after the Spotted Owl. We were a county that was very dependent upon the natural resource industry. We have been working for years to try to provide more diversity through our Economic Development Council. We do, because of the nature of the County, have access to some funds that are provided by the State which are called Distressed Counties Funds, or .09 Funds. We can use this funding to assist in economic development. Because the Legislature is no longer funding the pilot project, we want to keep that project going, so we are using the Distressed Funds to keep the project going.

10. Resolution No. 10-072 Approving a grant agreement with LC Economic Development Council to accept funding under the Distressed Counties Fund.

Dick Larmon, EDC congratulated the Pe Ell Basketball team on their win. He noted that the .09 funding is the State's portion of the sales and use tax that comes back to the County for the purposes of infrastructure for economic development and the administration of economic development. This resolution is for a two year period of time and is for an expenditure of \$150,000.00 for administration and marketing for the Economic Development Council.

Commissioner Averill stated this is for two years, so it is \$75.000 for each year.

11. Resolution No. 10-073 Approving a personal service agreement with BHC Consultants, LLC.

Bob Johnson, Community Development stated BHC has been providing consulting to our department during the South Lewis County Sub-area Plan planning process. This resolution will authorize a supplemental contract so BHC can help in the preparation of the economic strategy study for South Lewis County. The money we will receive from the .09 funding will fund the BHC contract.

Commissioner Grose asked for clarification on what BHC Consultants do.

Mr. Johnson stated they help in providing planning and consulting services as we are working through the development of not only the zoning and land use, but the infrastructure and economic development planning. This is necessary to do so the County is able adopt an amendment to the LC Comprehensive Plan.

Commissioner Grose stated the consultants will look at the zoning in the area and try to figure out what we can do in those areas that are within the scope of the Growth Management Act and allow us to further develop that area. This area includes Toledo, Vader, Winlock and up to Highway 12.

12. Resolution No. 10-074 Approving additional funds to be deposited to the SWW Fair Revolving Working Account.

Gale Sobolesky, Fair Manager stated the SWW Fair Office is requesting an additional \$1,000.00 for the use during the Annual Garage Sale. These funds are used for the

gate admissions. The funds will be deposited before the garage sale and returned to the Treasurer's Office by Friday, April 9, 2010.

Commissioner Averill asked if the funds will be deposited into Security State Bank.

Ms. Sobolesky stated the money would be deposited in Security State Bank.

Motion carried 3-0

RFQ

Request for Qualifications

Flood District Formation

Bob Johnson, Community Development stated the next two items will go through the Flood Authority for approval.

Contractor	Address
FCS Group Incorporated	Redmond, WA

This will be looked at and brought back for recommendation to the BOCC.

Commissioner Averill stated we are doing two openings today. The State Legislature is back in session to finish the State budget. This project seems to be safe for funding. The next project may not be.

RFP

Request for Proposals

Flood Storage

Bob Johnson, Community Development stated this is for the combined study for flood retention and levees. This proposal is contingent on funding from the Legislature.

Contractor	Address
Mead and Hunt	Madison, WI
EES Consulting	Kirkland, WA
HDR	Olympia, WA

These will be looked at and brought back for recommendation to the BOCC.

Commissioner Averill stated that part of the proposals will be the price the consultant wants in order to conduct the study.

There being no further business, the Commissioners' public meeting adjourned at 10:55 am on March 15, 2010. The next public meeting will be held Monday, March 22, 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