

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
July 12, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, July 12, 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, June 28, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

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| NOTICE |
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Commissioner Grose made a motion to approve Notice Item one. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board, read the item into the record.

1. Notice of Hearing: Regarding the adoption of an Ordinance to establish a Utility Division within the Department of Public Works. Hearing will be held on or after 10:00 a.m., Monday, July 26, 2010.

Tim Elsea, Public Works, stated this resolution is to notice a public hearing to consider an ordinance establishing a Utility Division within the Department of Public Works and adopting utility regulations under Title 13 of the Lewis County Code.

It is in the best interest of the citizens of Lewis County to establish a county utility division in which to serve local areas with water, sewer and stormwater management. This public utility will support growth and development consistent with the Lewis County Comprehensive Plan.

There is an immediate need to provide water service in the City of Vader in order to correct health and safety deficiencies.

RCW 36.94, authorizes a county utility division and outlines the requirements for the establishment of the utility and other necessary provisions for the management and operations of the utility system. This utility division will be created within the Department of Public Works consistent with the authority of RCW 36.97.120.

Commissioner Averill stated this ordinance is following the State guidelines in terms of the establishment of rules for the Utility Division. We have been working with the City of Vader on their water system, which is in need of repairs, and the City of Vader has not qualified for the necessary funding. It looks like the County will come into receivership of that water system. We need to establish this Utility Division to do the work on that system. The other reason we are doing this is because in the longer

term, we have been working with the South County towns of Toledo, Winlock and Vader and the Cowlitz Tribal Housing Authority in terms of establishing a regional utility in that area for economic development purposes. We are also looking at an issue in the East end of the County of putting in a sewer system in Packwood. There are a number of areas where this Utility Division will be used in the County.

Motion carried 3-0

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| CONSENT |
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Commissioner Averill made a motion to approve Consent Items two through seven and to vote on Item No. eight separate. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

2. Resolution No. 10-171 Approving the closure of a portion of Sandra Avenue to all through traffic.

Larry Unzelman, Public Works stated the current placement of underground utilities within the Sandra Avenue right of way located between Galvin Road and Travera Place will necessitate closing a portion of Sandra Avenue between Galvin Road and Ives Road to all through traffic during the period of construction. The closure will be from July 19, 2010 to August 6, 2010, Mondays through Fridays starting at 7:00 A.M. and ending at 7:00 P.M. each day of the closure. The road will be open from either side up to the point of closure and there are alternate routes around the area of closure. The Public Works Department will post the required advisory signs on both sides of the closure, and will notify 911 Communications and the local fire department of the closure

Commissioner Averill stated Sandra Avenue is the access route of three cul-de-sacs and people are going to need to get in and out of their houses. How will this be handled?

Mr. Unzelman stated residents would be able to come in from Ives Road or from Galvin Road. We will ensure that access is available for the residents.

3. Resolution No. 10-172 Approving an agreement with the WA State Patrol for the Statewide Marijuana Eradication Program.

Steve Aust, Sheriff's Office stated this agreement is for \$8,000.00. This money has been used for several years to cover personal and operational costs in relation to marijuana eradication.

4. Resolution No. 10-173 Appointing members to the Lewis County Airport System Advisory Board.

Bob Johnson, Community Development stated last month the BOCC reorganized the airport structure for the Packwood Airport and the South County Airport into one airport system. Part of that was the reorganization to the advisory boards that served

the two airports and combined them into one advisory board. This resolution appoints members to that advisory board. Those members are all currently a member on one of the other boards that existed.

Commissioner Averill stated the appointments are as follows:

- 1.) Christy Coplen, 335 Spencer Road, Toledo
- (2.) Ian Nelson, 824 Ham Hill Road, Centralia – each appointed to two (2) year terms, initial terms to expire on July 12, 2012; and

- (3.) Sandy Floe, 181 Kehoe Road, Randle
- (4.) Marshall Whipp, PO Box 1281, Toledo -- each appointed to four (4) year terms, initial terms to expire on July 12, 2014; and

- (5.) Michael Gauger, 5277 Jackson Highway, Toledo
- (6.) Robert Prevallet, 107 Alexander Drive, Chehalis
- (7.) Bill Truitt, PO Box 310, Packwood – each appointed to six (6) year terms, initial terms to expire on July 12, 2016.

5. Resolution No. 10-174 Approving a contract amendment with Morningside.

Tara Smith, Health Department stated this amendment will change the projected spending plan to provide for the changes in costs for the following programs for the period of July 2009 to June 2010. This amendment will decrease training costs by \$500.00, increase Individual Supported Employment Services by \$4,238.00, and decrease Person to Person Services by \$5,000.00

Commissioner Averill stated what we are doing is approving a contract for a period which has already expired, that is the State fiscal year 2009-2010 budget for developmental disabilities. This is the type of contract that is based upon services rendered by clients and when you set a budget for these things, you make predictions on where you are going to spend your money. Often times during the year some of those expenditures are not correct. If this were our own money, we would do a budget adjustment, but since this is coming out of the State money, we reported back to them and told them that we didn't use some of the money from one line item and we needed it to be transferred to another line item. So they readjusted those funds for us.

6. Resolution No. 10-175 Approving a contract amendment with Reliable Enterprises.

Tara Smith stated This amendment will change the projected spending plan to provide for the changes in costs for the following programs for the period of July 2009 to June 2010. The amendment will decrease training costs by \$390.00, increase Community Education Services by \$1,500.00, increase Group Supported Employment Services by \$9,436.00, decrease Individual Supported Employment Services by \$11,289.00, decrease Person to Person Services by \$6,200.00, and increase Child Development Services by \$12,500.00.

7. Resolution No. 10-176 Appointing members to the Lewis County Veteran's Advisory Board.

Danette York, Health Department stated the Veterans' Advisory Board was organized per Resolution 06-189. Per Lewis County Veterans Advisory Board bylaws, membership on the Board comprises seven to nine members and two alternates. As of June 30, 2010, three members' appointments will expire. The by-laws state that the majority of the Board has to be represented by members that are endorsed by Posts in the County or in the State. Two of the applicants did not have an endorsement. Currently, if you consider all of the member, including the alternates, they are at a majority with only appointing the one alternate. If you do not consider the alternates as that majority, we may be able to appoint one of the other applicants in the vacant position.

Commissioner Averill clarified that the Veteran's Advisory Board, advises the BOCC on Veteran's Issues. The Primary reason for having the Veteran's Advisory Board is there are funds that come through property taxation that the County may use to help indigent Veteran's. It is a restricted amount of money and it allows us to provide for an indigent Veteran that needs immediate support up to \$450.00 per year. We implemented this program by having a Veteran's Service Officer, who helps Veterans get into other long-term programs. We need to find these Veterans's and get them into programs that will get them back on the right track and assist them where necessary. This program started many years ago under the Veteran's organizations, such as the American Legion, the Veterans of Foreign Wars, Disabled Veteran's, and other groups. This is the reason why the ratio of members of service organizations being on this board. It is also countywide so we had to make sure that all the members represented the whole County as follows:

Serving a two year term from July 1, 2010 until June 30, 2012:

Robert Terrell, Chehalis, WA
Wendy Carolan, Toledo, WA
Clint Larson, Centralia, WA
Fred Valdez, Randle, WA
Roland Jones as Alternate, Chehalis, WA

Motion carried 3-0

Commissioner Averill made a motion to approve Consent Item eight
Commissioner Grose seconded the motion. Karri Muir, Clerk of the Board read the item into the record.

8. Resolution No. 10-177 Lewis County's opposition to the WRIA 25/26 Management Plan and the rules implementing the plan.

Commissioner Grose stated this resolution has come about as a result of public hearings and testimony regarding the WRIA 25/26 rules and management plan. Hearings were held in Kelso, WA and in Morton, WA. The hearing in Morton was heavily attended with approximately 250 citizens. The public input from these hearings was taken into account. He recommended to the BOCC that we take a firm

stand on this issue because it showed a lot of potential for limiting development of any kind in the rural parts of Lewis County. We have been very limited in what we can do in the rural areas under the Growth Management Act (GMA). We are further limited under the Critical Areas Act, which is a part of Lewis County's Comprehensive Plan. We are required to adopt these plans and items as a result of the GMA. We have complied and finally last year adopted a Comprehensive Plan that was acceptable to the Growth Management Hearings Board. The WRIA 25/26 plan was adopted in 2006, prior to the adoption of the LC Comprehensive Plan. The WAC's that will regulate that plan are being considered at this time, for adoption, by the WRIA 25/26 Advisory Board. While it may seem this is heavy handed by DOE to get this through, but all the County's that are involved in this process have been involved. Unfortunately, there were some things that came out of this plan and process that were not uncovered until the public hearings. He thanked the people who testified at those hearings to bringing light to some of the items of concern. At many of the meetings he attended, he was told that exempt wells would not be a problem in this process; in fact, the plan itself specifically says that monitoring and metering would not be necessary in the Cowlitz Basin. When the rules came out, monitoring and metering was part of the plan. He is concerned with the monitoring and metering, along with the citizens. More important is that there are further regulations imposed upon the citizens of LC regarding how their land may be developed in the future, by limiting the number of wells that are allowed to be drilled in the rural parts of the County, particularly in the upper Cowlitz Basin. According to the information he has, that would limit the number of wells drilled in the upper basin to 24 wells per year. In perspective, in 2009, which was a down year developmentally, there were 80-90 wells drilled and in 2008 there were 200 wells drilled. This limitation is very severe on what might be done in the future. Therefore, he has asked the BOCC to come forward with a resolution which formally takes a stand on these limitations that are being imposed and will go back to the planning unit and present this to them on Thursday, explaining our position on this issue.

Commissioner Averill stated there were copies of the resolution at the front of the room. He read the 'resolved' portion of the resolution into the record.

Chairman Schulte stated there were seven people signed up to testify on the resolutions.

Dennis Hadaller, Mossyrock, WA is concerned with the WRIA 25/26 plan. He would like to see the data used to make the decisions on the plan.

Tracy Swetz, Silvercreek, WA stated her intent was to say "no" to the WRIA 25/26 plan. She feels Resolution 10-177 is a compromise and does not want to compromise any longer. She read into the record a Cease and Desist Order.

Hazelanna McMahan, Randle, WA, read the Cease and Desist Order into the record.

Janice Stone, Mossyrock, WA, read the Cease and Desist Order into the record.

Don Wells, Ethel, WA, feels there are problems and errors in the State Administrative Process by the County and the State panels. The process is a serious

jurisdictional problem and proceeding further will result in grievances. He feels that agricultural has taken on changes because of the County, including hiring an Animal Control Officer, and removing the Open Space Act in the GMA. He feels this was violation of rights because people in the Open Space Program signed contracts with the County.

Vic Khvoroff, Randle, WA stated that the DOE reserved the rights to meter wells before the watershed plan was started. He feels it is prudent to withdraw the County's support and leave metering of wells out of the plan. He is concerned with Resolution 10-177 and feels the County should withdraw support completely. He submitted information for the record.

Ken Morse, Olympia, WA, stated he is concerned with the process the DOE is portraying to the public. In their press release on the WRIA 25/26 issue, they state "nothing in the proposed regulations requires metering of wells". They forgot to mention in the proposed WAC it clearly says, "they reserve the right to meter wells". This appears to be a deceptive practice. He is going to be involved in this issue.

Robert Hangartner, Rochester, WA stated the Veteran's need help and need the funds to help them. He stated that none of the people the BOCC is appointing to the Veteran's Advisory Board are Veteran's. The Board needs to hear from the Veteran's on what they need. The Veteran's gave their freedom for all of ours.

Commissioner Averill stated he takes exception to Mr. Hangartner comments. All the citizens that are being appointed to the Veteran's Advisory Board are Veteran's. They have to be a Veteran to be on this committee. He is a Veteran himself and is aware of the Veteran organizations that are in Lewis County.

Commissioner Grose stated these positions were open for several weeks. He does not recall an application from Mr. Hangartner nor anyone else from his organization.

Chairman Schulte stated that the citizens on the board are Veteran's and two of the BOCC members are Veteran's as well. They are active in the community and we care about the Veterans.

Mr. Hangarter suggested the advisory board come to some of the meetings to let the Veteran's know what is going on.

Commissioner Averill stated he appreciates the comments from the citizens. We are not opposed in what we want to accomplish. He pointed out that we are not always in control of our destiny. Several people mentioned you wanted us to turn down this Water Management Plan. Dennis Hadaller signed the Water Management Plan when he was a Commissioner. It is not up for signing at this point. None of the members of this Board signed that Water Management Plan; it started a long time ago. There are some changes that the DOE is trying to make in the plan. We are only a part of the watershed; there are other counties that are involved in this plan as well. If we do what you want us to do and back out, then we take our voice out of the decision process. We do not get to bargain, we do not get to talk about what is right and what is wrong about that plan. We are opposed to it and we will strongly argue the issue, but unfortunately we have to stay in the conversation or someone else will make the decisions for us. He also stated that we do not control the DOE that is the job of the Legislature of the State of WA. If the people want a petition of grievance, you need to take that to your Legislators, they are the ones that need to put the

pressure on the DOE. He is voting for this resolution and he assures them that we are going to put the pressure on the DOE. If they change the Watershed Management Plan, we do not have to adopt it and we will not adopt any changes, but we do have to work within the system.

Chairman Schulte stated we agree with the citizens. He has an exempt well and he does not want to see a meter on it either. We agree in concept with what has to be done, but the process on how we get there is different from what the citizens want to do. If we are not involved in the process, the decision will be made without us.

Commissioner Grose stated the Watershed Plan was adopted in 2006. These issues have been coming around for a long time. A law that established monitoring and metering was not recently passed, it was passed in 1945. They are in effect to not only monitor and meter the water rights, but are also there to protect your water rights. Part of the reason they are there is to protect the people who had water and from other people taking it. It does not apply very well on the Cowlitz Basin, but that is the reason those laws were established. He also noted that he contacted people about the public hearings and asked them to let their friends and families know about it. He learned a lot during the hearing process and developed Resolution 10-177 as a result of those hearings. As Commissioner Averill said, there are some things that we can control and there some things we cannot control. We do not necessarily agree with all of the concepts of what is presented. We do need to make sure we are not left out in the cold. He is in favor of passing Resolution 10-177 to give notice to the planning unit that we do intend to protest and we intend to have language provided for the plan that is going to reserve the rights of the people in Lewis County.

Jennifer Duncan, Lewis County stated she believes the Commissioners are between a rock and a hard place. She feels Lewis County's representation starts here. We are depending on the BOCC to be our voice that is why you were elected. We are losing jobs because of GMA.

Chairman Schulte stated Resolution 10-177 says no to the plan with modifications. The DOE is going to write the WRIA 25/26 plan with or without us. We have to participate to be in the process.

Commissioner Grose stated this needs to be in such a way that it can be presented and accepted by the other County's and agencies that are involved. We have support from Wahkiakum County, and are working on getting support from other counties as well.

Chairman Schulte asked the people to help the Board in this process, help us with the wording and working on the WRIA. Come in and talk to the Board.

Motion carried 3-0

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| RFP Opening |
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RFP

Fish Analysis

Chairman Schulte announced the RFP opening and asked staff for a report.

Bob Johnson, Community Development stated they received three responses from the RFP. Staff and ESA Adolson will go through the proposals and will make a recommendation to the Flood Authority and they will make a recommendation to the BOCC.

| Contractor | Address |
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| EES Consulting, Inc. | Kirkland, WA |
| Cramer Fish Sciences | Lacey, WA |
| Anchor QEA | Seattle, WA |

Commissioner Averill asked if a decision needed to be made on this before the Flood Authority Meeting on Thursday.

Mr. Johnson stated he was not sure, but will check with the consultants. He also noted that Cramer Fish Sciences tried to send their documents electronically and were not able to, so their RFP will be accepted.

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| BID OPENINGS |
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Bid Opening **Hadallar Road Slide Repair Project**

Chairman Schulte announced the bid opening and asked staff to open bids.

Rod Lakey, Public Works stated this is a FEMA project, and went over the specifics. The start date for the project is August 16th, and completion of the work is to be done in 30 days. We need to have FEMA's approval before awarding and hope to have that by July 19, 2010. The Engineer's estimate for this project is \$444,670.00

| Contractor | Address | Amount |
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| RAZZ Construction, Inc. | Bellingham, WA | \$328,210.00 |
| Pivetta Brothers Construction (PBC) Inc. | Sumner, WA | \$398,980.95 |
| Fuchs Bros. Inc. | Mossyrock, WA | \$199,975.71 |
| Nova Contracting, Inc. | Olympia, WA | \$464,250.00 |

Bid Opening: **Pe Ell McDonald Road Rehabilitation Project**

Chairman Schulte announced the bid opening and asked staff to open bids.

Rod Lakey, Public Works went over the specifics of the project. The start date for the project is August 16th, and completion of the work is to be done in 50 working days. There is a 4% Disadvantaged Business Enterprise goal required by the State and zero training hours. The Engineer's estimate for this project is \$1,275,765.00

| Contractor | Address | Amount |
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| Granite Construction Company | Tumwater, WA | \$1,434,787.75 |
| Rognlin's, Inc. | Chehalis, WA | \$1,265,084.83 |
| Kerr Contractors Inc. | Woodburn, OR | \$1,464,836.95 |
| Stan Palmer Construction, Inc. | Port Orchard, WA | \$1,386,329.00 |
| Sterling Breen Crushing, Inc. | Chehalis, WA | \$1,346,184.00 |
| Nova Contracting, Inc. | Chehalis, WA | \$1,560,306.75 |

This will be submitted to Local Programs for approval and then a recommendation will be brought back to the BOCC.

There being no further business, the Commissioners' public meeting adjourned at 11:46 a.m. on July 12, 2010. The next public meeting will be held Monday, July 19, 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