

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
October 18, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, October 18, 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, October 11, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

NOTICE

Commissioner Grose made a motion to approve Notice Agenda item one. **Commissioner Averill** seconded the motion. Candace Hallom read the item into the record.

1. Notice: Publishing the costs and brief descriptions of construction projects done by County Forces in excess of \$10,000.00. Resolution No. 10-259

Tim Elsea, Public Works, stated per RCW 36.77.070, "if the Board of County Commissioners determines that any construction should be performed by County Forces, and the estimated cost of the work exceeds ten thousand dollars, it shall cause to be published in one issue of a newspaper of general circulation in the county, a brief description of the work to be done and the county road engineer's estimate of the cost thereof." In this case, the work to be done is the County Forces Construction Projects in 2010. We have already published several construction projects for 2010 and now we are publishing a project for the Willapa Hills Trail access and parking at Hillburger Road. This is for \$42,154.00 and will provide fourteen parking spaces at the head of the Willapa Trail.

Commissioner Averill stated the term County Forces might not be well known. Previously, County Forces was called Day Labor which was confusing to the Unions and we were getting all kinds of challenges so CRAB changed it to County Forces, but it is employees of the County doing the projects. This is a notice adding one additional project to the previous Resolution that has around five other projects on it.

Tim Elsea noted we are well within our County Forces limit for this year.

Motion carried 3-0

CONSENT

Commissioner Averill made a motion to approve Consent Agenda items two through five. **Commissioner Grose** seconded the motion. Commissioner Schulte asked that agenda item five be discussed separately. Candace Hallom read items two through four into the record.

2. Resolution No. 10-260 Approval of warrants for payment.

Commissioner Averill stated Resolution No. 10-260 approves 281 warrants issued by the Auditor's Office for a total of \$1,427,153.73.

3. Resolution No. 10-261 Cancellation of warrants.

Commissioner Averill stated Resolution No. 10-261 cancels two Lewis County Auditor warrants for \$341.52 that were billed twice by a vendor in different amounts; and, cancels one warrant for \$1,332.00 that was issued to an incorrect vendor. Also authorizes reissue to the correct vendor.

**4. Resolution No. 10-262 Approving a grant agreement with the
Department of Commerce for system improvements to the City of Vader
Water System.**

Robert Johnson, Community Development, stated this is a resolution that would approve and ratify a grant agreement in the amount of \$613,000.00 as provided by the Washington State Department of Commerce to make improvements to the Vader Water System. For several months the Department of Health (DOH), City of Vader, and Lewis County have been working to find viable ways to solve the Vader Water System inadequacies that pose potential health risks to the community. As a result of those discussions with all the parties concerned the County anticipates taking over the Vader Water System through a receivership initiated by the DOH and agreed to by the City of Vader and Lewis County. The hearing for the receivership is to be held on October 29, at which time it is anticipated that Lewis County will be named receiver of the Vader Water System. In which case, the County would be in charge of improvements to that water system to bring it up to minimum standards as required by the DOH. The County has done a number of things in anticipation including forming a Utilities System within the County whereby Public Works would be in charge of operating and maintaining that system. The grant agreed to by the State Department of Commerce is in the amount of \$613,000.00; those grant funds are only available in the case that Lewis County does receive this system through receivership. The funds are only available for improvements to the Vader Water System.

Commissioner Schulte asked what the latest update is on the receivership.

Robert Johnson stated it goes to Superior Court on the 29th of October and the last he has heard all parties, including the Attorney General, have agreed to this and it

appears the Courts are prepared to grant receivership and name the County as the receiver. There is a little over \$700,000.00 that is available once the receivership goes in affect it is a 50/50 loan to assist the County with further improvements to the water system. This application was made by Community Development and the grant was approved with Lewis County Community Development as the signer on that grant this Resolution also authorizes the Public Works Department to administer that grant.

Tim Elsea noted we have been working closely with DOH, City of Vader, and the Attorney General to go through the receivership process. We believe the receivership will be completed on October 29th in Superior Court and we do not see any snags. The one thing we are looking at is some sort of transition period between October 29, 2010 and January 1, 2011.

Motion Carried 3-0

5. Resolution No. 10-263 Adoption of the Chehalis River Basin Comprehensive Flood Hazard Management Plan as a supplement to the Lewis County Flood Hazard Mitigation Plan.

Robert Johnson, Community Development, stated this adopts the Chehalis River Basin Comprehensive Flood Hazard Management Plan (CFHMP) as a supplement to the Lewis County Flood Hazard Mitigation Plan as a basin-wide flood mitigation planning tool. The Flood Authority contracted with ESA Adolfson to prepare a CFHMP for the Chehalis Basin to meet partial requirements of State Legislation which granted funding to the Flood Authority. The flood plan was developed by ESA over approximately one and a half years. The flood plan was made available on the Flood Authority website and public meetings were held in April in Rochester, Montesano, and Chehalis during which time citizens were encouraged to make comments on the plan. The intent is for all of the Flood Authority members to adopt this CFHMP for the Chehalis Basin. It incorporates no regulatory language and is a planning document similar to the existing Lewis County Comprehensive Flood Hazard Mitigation Plan. The plan itself incorporates a number of standards basin-wide with respect to flood mitigation. It is nothing more restrictive then the Counties existing flood hazard plan.

Commissioner Averill stated this plan was essentially developed by the Flood Authority and should a Flood Control Zone District be formed this document would be the starting basis for that district to develop its own basin-wide Flood Hazard Management Plan. It does not replace the individual Flood Hazard Management Plans of the eleven jurisdictions, it is purely a supplement that goes with that existing document with the intention that a basin-wide system or organization will be created and a new document will come from that.

Robert Johnson stated there were a number of technical meetings with floodplain managers and building people from all the communities involved. They prepared a

chart or matrix of the kinds of mitigation proposed within each of the jurisdiction's existing Comprehensive Flood Management Plans. They compiled those and this incorporates that information in a uniform manner.

Commissioner Averill stated there has been discussion down the basin about zero rise type solutions, if you do some fill in the floodplain then you have to compensate so there would be zero rise. The FEMA document is broader than that and allows that there be fill within the floodplain to a certain extent that it doesn't cause a rise up to one foot in the entire plain by virtue of that additional fill. He asked which one we're using.

Fred Chapman, Community Development, stated our planning documents the floodplain and flood modeling is all based off of one foot.

Commissioner Schulte stated we have a Lewis County Multi-Jurisdictional Hazard Mitigation Plan for the County and it cost around \$75,000.00 to create.

Robert Johnson stated the Multi-Jurisdictional Hazard Mitigation Plan is an Emergency Management plan that we are required to have and yes it cost us around \$75,000.00 and has to be renewed every five years.

Commissioner Schulte asked what the cost for the Lewis County Flood Hazard Mitigation Plan.

Robert Johnson stated he believes it was around \$200,000.00. It was done by a consultant Brown and Coldwell.

Commissioner Schulte stated so now we have a Lewis County Comprehensive Flood Mitigation Plan that we spent hundreds of thousands of dollars on and it pretty much says; you flood, flooding is bad, you should do something about it. We spend hundreds of thousands of dollars and it doesn't change anything, it is a waste of tax payer dollars. With all that time and effort, we come out with a very generic document that is at best a starting point for a basin-wide plan.

Robert Johnson stated the Lewis County Flood Hazard Mitigation Plan and the Multi-Jurisdictional Hazard Mitigation Plan are specific requirements for the County since we are members the NFIC. The Chehalis Basin CFHMP was required under the State enabling Legislation that authorized the funding for the Flood Authority. Lewis County money was not spent on this.

Commissioner Averill stated we could have gone into this document and gone down the basin stipulating projects and methodology for responding to certain critical areas and come back and tried to impose that upon the eleven jurisdictions involved. Finding unity and consensus within the Flood Authority is sometimes elusive and a decision had to be made on whether we would take this document and make it a

replacement for the eleven documents in the jurisdiction or make it a standard for future development when there is a Flood Control Zone District. The difference is instead of dealing with eleven different legislative bodies, at the time a Flood Control Zone District is formed, there would be one legislative body to which responses would have to be made. He agrees with Commissioner Schulte that on the surface it appears to be a waste of money but on the other hand there has to be a starting point from which the Flood Control Zone District would begin their effort of coming up with a document. That will be a requirement of the Flood Control Zone District.

Commissioner Grose stated on the one hand we are talking about a State mandated program funded by State dollars. We are then asked to do a State mandated plan using local control as our starting point so in theory this is a bottom up approach to the planning process. He asked if this is good for five years and nothing changes in that time why are we going to revise it in another five years? I can see us spending another two to four hundred thousand dollars in five years that is not necessary to spend. Do we have a previous Flood Hazard Management Plan on the books and if we do why would it cost us \$75,000.00 or \$250,000.00 to revise that for our new plan?

Robert Johnson stated the answer to this is the Federal and State requirements under State Emergency Management. They have a very specific and detailed process for revising All Hazard Management Plans and the Flood Hazard Mitigation Plans and it involves a considerable amount of public participation in addition to the technical work. So the answer in short, we have to follow their guidelines.

Commissioner Schulte stated his major complaint with this plan is it is so watered down to get consensus that for all practical purposes it is useless.

Robert Johnson stated the Flood Authority has no statutory jurisdiction over anyone and has no authority to tax, levy, fee, or to demand and regulate anything.

Commissioner Schulte stated the Flood Authority has a difficult time getting together and approaching this philosophically on how to approach flood hazard management in the Chehalis Basin. There are two definite camps and they are opposed to each other and if any attempt to get total consensus comes down as such a generalized watered down plan, then he doesn't see the value of it.

Robert Johnson stated he appreciates that however this plan is required by the Legislation. The Flood Authority did go through the exercise and did compile this into a Flood Hazard Plan. You're under no obligation to adopt it however, the Legislature will be looking at how the Flood Authority fulfilled their requirements for the initial funding and it might be judicious to adopt it even though it is not required.

Commissioner Averill pointed out the concept behind the plan, as adopted, is to be the basis for the Flood Control Zone District and he would hope that we wouldn't form a Flood Control Zone District that required consensus to get its decisions.

Therefore, this document will be taken by that body once formed and will be fleshed out with specific project and specific basin-wide approaches to various problems.

Commissioner Grose asked what is our currently flood rating with FEMA.

Fred Chapman stated we are currently a seven out of ten. We became a seven in 1999 and prior we were a ten. The lower number is around a \$15,000,000.00 saving to the region. The lower rating you have the more reduction you get under the NFIP program.

Commissioner Grose asked what happened during the time period to lower the rate to a seven.

Fred Chapman replied the way they do their documentation different, mapping capabilities have improved, we keep better records, and our programs are more aggressive in terms of getting people up and out of harm's way. There are a lot of structures in Lewis County that were built pre-program, those homes are subject to flooding. We have raised hundreds of homes County-wide and have acquired or condemned properties that have been substantially damaged. Everything we do is directed to reducing our flood risk.

Commissioner Grose stated this plan we are looking at adopting today spells out some of those measures that we have taken and will take in the future in order to mitigate flood damage.

Fred Chapman stated the Lewis County Mitigation Plan does that for the County and this plan does it on a generic basis for the Region. It is difficult to implement plans on a regional basis like this but to get this kind of unification the plan ends up being a little watered down. We need to be unified in our approach no matter what we are doing especially when dealing with the State and Federal Government. If we can't be unified as a community and a region, getting funding in the future may not be in the cards.

Commissioner Schulte asked if our largest risk if we didn't adopt this document today would be losing future funding for any kind of flood mitigation projects.

Fred Chapman stated he does not know that it would put us at risk but he thinks it would give us an opportunity to have funding come our way. If we are asked what we have done and what documents we have that point to this, we can say this is what we have done and this is where we stand, this is where we are unified. This is the first time that he has found any record of some type of unity in the basin and that is a step in the right direction.

Motion carried 3-0

HEARING

Hearing: Franchise to Skate Creek Terrace Community Club, Inc.

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

Larry Unzelman, Public Works, stated this hearing is to consider granting a franchise to Skate Creek Terrace Community Club, Inc. for the construction, operation, and maintenance of water system facilities on Valley View Ct, Terrace Way, Cascade Ct, and Belfair Ct rights of way located approximately 1.5 miles northwest of Packwood. The Community Club operates the water system within the Skate Creek Terrace Subdivision they recently completed a project to rebuild their water system part of which is located within the County road rights of way. Resolution 10-234, passed by the BOCC on September 20, 2010, set October 18, 2010 as the date for hearing on the matter. This nonexclusive franchise to construct, operate, and maintain the water system facility within these County road rights of way is being granted pursuant to and in conformance with RCW 36.55 and Lewis County Code 12.25 through 12.50. RCW 36.55 requires that no hearing be held on a proposed franchise grant until 5 days after the last publication date and 15 days after posting of the notice thereof in three public places. Publication must be twice in the official newspaper for publication in the County. Publication occurred on September 22 and 29, 2010 and the franchise was posted in three public places. The franchise with a five year term has been sent to the applicant Skate Creek Terrace Community Club for their review and they have accepted the terms of the franchise and have signed the document. It is the recommendation of the Public Works Department that this nonexclusive franchise be granted to the Skate Creek Terrace Community Club. If approved the Community Club has thirty days to pay the publication costs and provide proof of insurance as required in the franchise document.

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

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

Commission Grose stated this is a ARRA funded project or stimulus package project, Skate Creek Terrace Community Club came to Public Works early on in the process and said they were having trouble with some of the code requirement that we had and wanted some leniency granted to them. Representatives from Public Works met with Commissioner Grose and the Community Club representatives and examined this whole process and the project. This is an example of how we do, can, and try to work together with the community to try to get projects done.

Chairman Schulte asked if there are any other statements for public testimony. There were none. He closed the hearing and asked for a motion to approve Resolution No. 10-264.

Commissioner Averill made a motion to approve Resolution 10-264. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

Resolution No. 10-264 In the matter of a nonexclusive Franchise to Skate Creek Terrace Community Club, Inc. to construct, operate, and maintain water system facilities in Lewis County Rights-of-Way; and setting forth conditions accompanying a grant of a nonexclusive Franchise; and providing for County administration and regulation of the nonexclusive Franchise.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:48 a.m. on October 18, 2010. The next public meeting will be held Monday, October 25, 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