

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
February 2, 2015**

The Board of County Commissioners (BOCC) for Lewis County, Washington, met in regular session on Monday, February 2, 2015, at 10:00 a.m. **Commissioners Edna J. Fund, P.W. “Bill” Schulte, and Gary Stamper** were in attendance. **Chair Fund** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Schulte** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, January 26, 2015. **Commissioner Stamper** seconded the motion.

Motion Carried 3-0

EMPLOYEE RECOGNITION

The BOCC recognized those who assisted the Lewis County Historic Celebration.

Chair Fund announced Lewis County Employee Milestone Recognition.

5 Years Recognition- Rosalia Gustin, Melody Nelson, Don Carney, Wayne Chase, Bill Garrison, Erik Martin, Keith Muggoch, Robert Smith, and Terry Swanson

10 Years Recognition- Scott Mattoon, Michael Strozyk, Nicole Davis, Curt Atkinson, Justin Bushnell, Arlie Champ, Adam Cooper, JR Metzenberg, Rexanne Vandiver, Ona Felker, Stanley Langland, Julia West, Vern West, and Amber Wilson

15 Years Recognition- Ruth Allison, Tammy Bliss, Elizabeth Casteel, Kate Rico, Michelle Schlect, Gale Sobolesky, Sherry Tyler, Reggie Kain, Tony Kinswa, Bob Morehouse, Ed Oliphant, Keith Ritchey, Lanette Scapillato, Bruce Kimsey, Kevin Dickey, Jason Mauermann, and Whitney McMahan

20 Years Recognition- Laura Hanson, Paul Brooks, Kenneth Lindh, Matt Mohney, Shon Phillips, Robert Nelson, Gary Nuss, Shawn Heppe, Judge Richard Brosey, and Kristen Buckman

25 Years Recognition- Kathy Brack, Michael Ekstedt, Dave Haviland, Debbie Knecht, and Helen Buda

30 Years Recognition- Renee Shepherd, Jeri Lux, Dale Davidson, Jack Haskins, and Steve Mansfield

35 Years Recognition- Steve Dobosh, Jeff Hammill, Herb Harmanson, and Lori Mohney

Commissioner Fund announced last quarters Above and Beyond Award goes to Bill Teitzel. She then announce the Employee of the Quarter Meredith Jones

CONSENT

Commissioner Schulte made a motion to approve the Consent Agenda items one through five. **Commissioner Stamper** seconded the motion.

1. Resolution No. 15-041 Approval of warrants for payment.

Chair Fund stated this Resolution approves 282 regular warrants for a total payment against the County in the amount of \$1,343,314.72.

2. Resolution No. 15-042 Bid award for the retrofitted containers to be used for waste oil collection tanks.

Tim Elsea, Director of Public Works, stated this resolution will award the retrofitted cargo containers to be used for used waste oil collection tanks to the lowest responsible bidder, Affordable Storage Containers, Inc.. This contract provides for purchase of five (5) retrofitted cargo containers to be used to contain used waste oil collection tanks. A Call for Bids was made on December 22, 2014. The project was advertised for two consecutive weeks in The Chronicle and The Daily Journals of Commerce, Seattle and Portland. The project was also listed on Lewis County's website. Public Works received 3 responsive bids and one non-responsive bid for this project on January 20, 2015. Affordable Storage Containers, Inc., provided the lowest responsive bid of \$56,633.04 The Engineer's Estimate for this purchase was \$54,000.00. The lowest responsive bid is less than 5% over the Engineer's Estimate. Public Works staff recommends acceptance of the low bid provided by Affordable Storage Containers, Inc.

3. Resolution No. 15-043 Approving a Cell Phone Stipend Policy.

Steve Wohld, IT Services, stated this the County uses cell phones extensively in operations and most employees have personal cell phones. In order to balance the cumbersome management required when carrying multiple cell phones and reduce costs to the taxpayers, this policy will allow designated key personnel to receive a monthly stipend based upon the type of cell phone data plan used while conducting County business. Each employee choosing to receive the monthly stipend would be required to sign a "Personal Device Use Agreement" and a "Personal Mobile Device Stipend Agreement". The purchase, all monthly payments incurred, maintenance and replacement of the mobile device used in lieu of a County provided device would be the responsibility of the employee. The device would remain the property of the employee upon leaving employment with the County.

4. Resolution No. 15-044 Appointment to the Lewis County Airport System Advisory Board.

Lee Napier, Director of Community Development, stated the Lewis County Airport System Advisory Board recommends reappointment of Marshall Whipp and Sandy Floe. Marshall Whipp and Sandy Floe have agreed to continue their service as a Lewis County Airport System Advisory Board.

5. Resolution No. 15-045 Appointing Members to Serve as the Board of Directors of the East Lewis County Public Development Authority.

Chair Fund stated this Resolution appoints F. Lee Grose, Bill Lotto, Ken Rankin, Blake Griffith, and C. Gerald Monkman to the Board of Directors of the East Lewis County Public Development Authority.

Motion Carried 3-0

HEARINGS

Hearing Ordinance 1261: Repealing and Replacing Lewis County Code Title 5.15 Music Festivals

Chair Fund announced the hearing and asked for a staff report.

Lee Napier, Director of Community Development, stated the hearing considers the adoption of proposed Ordinance 1261 which repeals and replaces the code provisions found in Lewis County Code Title 5.15 Music Festivals. The language that has been amended includes definitions such as the Music Festival. We have made some modifications to the basic provisions and the applications process. The application no longer comes to the BOCC and is now reviewed by Community Development. There are a few changes to the requirement section providing better guidance that promotes health, safety, comfort of the patrons and also the community. She discussed comments that she has received. One comment relates to a change in text. It is on page 7 of the Ordinance section 5.15.070 section 11 waiver of rights for inspection. There is a statement related to the consent to enter upon land and to conduct a search. The third paragraph of that section and last sentence says the “the search may include either a search for evidence of the mere presence of law enforcement or county employees”. The intent was to say or the mere presence. Comments were received from the Washington Blue Grass Organization. A copy of their correspondence has been provided to the Clerk.

David Finn, Prosecutor's Office, stated the Music Festival provisions of the Lewis County Code came to be applied for the first time when an application to hold a music festival was filed and processed in September and October of 2014. Based on that experience, county staff discovered certain provision of the code that were not perfect. The present Ordinance is intended to remedy these provisions. Other conditions in the Music Festival chapter appeared to set up inadequate protections to the health and safety of attendees.

Commissioner Schulte commented on the Scribner's error stating it would read better saying either a search from evidence or the presence of law enforcement.

David Fine stated this language was recommended based on research of court decisions. The intent of the draft was to say the search either could be a search for evidence or it could merely be the presence of law enforcement or county employee.

Commissioner Schulte stated he prefers that language.

Ron Averill, Centralia, asked the valleys are narrow and the music tends to be bothersome. Do we have any provision that restrict the period that they can disturb the public.

Lee Napier section 5.15.120 music may only be presented between the hours of 8 am and sun down unless there has been compliance with the lighting requirements in which instance music may be presented until 10:30 pm.

Chair Fund asked if there were any questions. There were none. She closed the question and answer portion of the hearing and opened the formal hearing.

Lee Napier and David Fine asked that their previous comments be adopted into the record.

Fred Hart, Chehalis, stated he is here representing the Blue Grass Association. He explained a letter that he submitted to the BOCC. The Director of Community Development has assured us that we are exempt under 5.15 the previous chapter and under Ordinance 1261 presumed to be exempt. Mr. Hart had concerns that the association would need to comply with many of these requirements that would be cost prohibitive. He asked for a specific exemption or written confirmation from Community Development that the association was exempt.

Gary Stamper asked if we had addressed the concerns that events like the Blue Grass will continue to take place without impact.

Lee Napier stated she believes that this has been addressed. A historical community event such as a well-established blue grass festival that was exempt from the code previously would continue to exempt from the music festival code.

David Finn explained two other exemptions relative to the Blue Grass Festival.

Fred Hart stated the association didn't feel that it was clearly stated it was exempt.

Commissioner Schulte stated from the county's definitive statement from the civil attorney, he feels that the Blue Grass festival was exempt.

Chair Fund asked if anyone else would like to testify. There was none. She closed the hearing and asked for a motion.

Commissioner Schulte moved to approve Ordinance No. 1261 with changes proposed. **Commissioner Stamper** seconded.

Ordinance No. 1261 An Ordinance of Lewis County, Washington, Repealing and Replacing Lewis County Code Title 5.15 Music Festivals.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:32 a.m. on February 2, 2015. The next public meeting will be held Monday, February 9, 2015.

Please note that minutes from the BOCC's meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' Office.

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

ATTEST:

Edna J. Fund, Chair

**Karri Muir, CMC, Clerk of the Board
Lewis County Commissioners**

P.W. Bill Schulte, Vice-Chair

Gary Stamper, Commissioner