

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
December 9, 2013**

The Board of County Commissioners for Lewis County, Washington, met in regular session on Monday, December 9, 2013 at 10:00 a.m. **Commissioners Bill Schulte, Edna J. Fund, 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, December 2, 2013. **Commissioner Fund** seconded the motion.

**Motion Carried 3-0**

<b>Public Comment</b>
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**Bob Guenther, Chehalis**, stated a couple weeks ago he testified about bio solids, the applications in Lewis County, and the fact that the County has very little regulatory authority over bio solids being shipped in the county. He just left his house less than 30 minutes ago and stopped in front of the entry to the Fire Mountain Farms bio solids and there were four trucks within 15 minutes and each truck had about 20,000 to 40,000 pounds of bio solids. The County should be aware of the amount of tonnage that is being dumped on that land over a period of time. We need to be thinking about running some legislation so that the County could get better control of what is being dumped in there county.

<b>NOTICE</b>
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**Commissioner Fund** made a motion to approve the Notice Agenda item one. **Commissioner Grose** seconded the motion.

- 1. Call for Bids- Regarding the 2014 Chip Rock Proposal. Bids are due on or before 11:00 a.m. to the Clerk of the Board on January 7, 2014. Resolution No. 13-559**

**Tim Elsea, Director of Public Works**, stated this resolution will give notice that a Call for Bids has been issued for the 2014 Chip Rock Proposal. This contract will allow Lewis County to purchase Chip Rock for the 2014 3R Program. This project is listed as number 3 on Lewis County's previously adopted 2014 Six-Year Transportation Improvement Program. This material purchase will allow Lewis County crews to complete the following work this year:

- 72 miles of chip seal Countywide

Chip Rock material will be purchased under Fund 506 (Pits & Quarries) and will be charged to the appropriate County Road Project Number, Special Maintenance Number or Reimbursable Work Number as needed for the various construction/maintenance

activity. Sealed bids for the 2014 Chip Rock shall be submitted to the Clerk of the Board of Lewis County Commissioners (351 N.W. North Street, Room 210, CMS-01, Chehalis, Washington 98532), by or before 11:00 a.m. on Tuesday, January 7, 2014 and will be opened on or after 11:30 a.m. on January 7, 2014.

**Motion Carried 3-0**

<b>CONSENT</b>
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**Commissioner Grose** made a motion to approve the Notice Agenda items two through eight. **Commissioner Fund** seconded the motion.

**2. Resolution No. 13-560 Approval of warrants and payroll for payment.**

**Commissioner Grose** stated this Resolution approves 195 regular warrants for a total payment against the County in the amount of \$944,034.97. This Resolution also approves 201 Payroll/Benefits warrants and 450 Automatic Deposits dated December 5, 2013 for a total payment against the County in the amount of \$3,271,986.45.

**3. Resolution No. 13-561 Cancellation of warrants.**

**Commissioner Grose** stated this resolution cancels one warrant to ESCO Pacific Signs Inc. in the amount of \$116.01.

**4. Resolution No. 13-562 Initiating County Road Projects and assigning County Road Projects (CRP) numbers.**

**Tim Elsea, Director of Public Works**, stated pursuant to RCW 36.75.050, the Board of County Commissioners shall by resolution, and not otherwise, order the survey, establishment, construction, alteration, or improvement of county roads; the county road engineer shall prepare all necessary maps, plans, and specifications; therefore, showing the right-of-way widths, the alignments, gradients, and standards of construction. All county road projects scheduled for design and/or construction in 2014 have been adopted as part of the 2014 Annual Construction Program (ACP) and 2014-2019 Six Year Transportation Improvement Program (TIP), by Resolution 13-542 on November 18, 2013. The 2014 Annual Construction Program represents the first year of the 2014-2019 TIP. The signing of the attached resolution will establish official County Road Project (CRP) numbers and authorize the preliminary engineering, right-of-way, and construction improvements of those projects that are new under the 2014 Annual Construction Program. Previously established CRP numbers will follow a project through completion.

**5. Resolution No. 13-563 Approving an administrative agreement for the acquisition of additional right of way for Skate Creek Bridge.**

**Tim Elsea, Director of Public Works**, stated this Resolution 13-367, passed by the Board of County Commissioners on May 20, 2013, instructed the County Engineer to acquire right of way from Leo G. Gellings and Linda L. Lewis for the Skate Creek Road

Bridge Bank Scour Mitigation Project. An offer was made to them for \$24,900.00 for easements required for the project north and south of the bridge. Mr. Gellings and Ms. Lewis accepted the County's offer for the easement south of Skate Creek Road S., however; counter offered to sell their entire 3.24 acres north of Skate Creek Road S. for the County's appraised value of \$42,200.00 plus \$19,120.00 for the timber.

**6. Resolution No. 13-564 Re-appointing members to the CD-MH-TC Sales Tax Advisory Board.**

**Danette York, Director of Health and Social Services**, stated this Resolution reappoints three members Dr. Tre Normoyle represents the Mental Health Profession, Ruth Gutierrez represents the Housing, and Neal Kirby is a Member-at-Large to the CD-MH-TC Sales Tax Advisory Board. All three terms expired on September 30, 2013 and this Resolution will reappoint them through September 30, 2016.

**7. Resolution No. 13-565 Approving a consolidated Homeless Grant contract with the WA State Department of Commerce to provide housing assistance.**

**Danette York, Director of Public Health and Social Services**, stated the commissioners would consider approving Consolidated Homeless Grant Contract between Lewis County and Washington State Department of Commerce to provide housing assistance. This contract provides funds for emergency shelter and services to families and individuals at-risk of or experiencing homelessness in Lewis County. Lewis County Public Health & Social Services is the lead agency for the CHG (Consolidated Homeless Grant). Lewis County contracts with local service providers to provide shelter and services to homeless and at-risk persons and families in Lewis County. Funding will come from the Department of Commerce to Lewis County and be distributed to local service providers throughout the county.

**8. Resolution No. 13-566 Awarding CD-MH-TC .1 of 1% Sales and Use Tax funds to local agencies to provide prevention of and assistance of mental health and chemical dependency services.**

**Danette York, Director of Public Health and Social Services**, stated in June 2011, Lewis County Board of County Commissioners adopted Ordinance 1224 creating a new chapter to Title 3 of Lewis County Code to impose an additional sales and use tax for chemical dependency treatment, mental health treatment, and therapeutic court programs and services. Resolution 11-293 established an advisory board to advise and make recommendations to the BOCC on how to best allocate funds from the .1 of 1% sales tax. A General Request for Proposals was released by the CD-MH-TC Sales Tax Advisory Board in July 2013. Written and oral proposals were presented to the review sub-committee of the Advisory Board. The Advisory Board made recommendations to the BOCC for community-based projects which provide prevention of and assistance of mental health and chemical dependency services for persons and their families. A resolution to approve the recommendation of the Advisory Board for the amount of

\$205,600 per year for two years is necessary.

\$600.00 NAMI - Lewis County  
\$90,000.00 Fresh Start LLC, Larry Meade  
\$30,000.00 Centralia College Child & Family Studies, Cristi Heitschmidt  
\$30,000.00 Winlock & Napavine School Districts (with Cascade), Matt Patten  
\$15,000.00 Chehalis School District (with Cascade), Matt Patten  
\$40,000.00 Eugenia Center, Niston Franco

**Motion carried 3-0**

<b>HEARING: Ordinance 1248-Enhanced 911 Excise Tax</b>
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**Chairman Schulte** announced the hearing and went over the procedures. He asked staff for a report.

**Michael Strozyk, Director of Central Services**, stated this Ordinance would impose the Excise Tax on prepaid wireless cell phones. In 1981, the Washington State Legislature authorized counties to impose Excise Tax on telephone lines to fund emergency communications. In 1991, the voters approved Referendum 42 imposing a uniform statewide tax on landlines to support the E-911 system. In 1994, we started developing the cell phone technology and the Washington State Legislature extended the excise tax to cell phones. In January 1, 2013, the Legislature extended tax to all radio access lines in the State of Washington. As a result of the changes the Washington State Department of Revenue sued the track phone company which was a major provider of the prepaid telephone systems. The State Supreme Court says the Excise Tax needs to be applied uniformly on all phones. This Ordinance will amend Lewis County Code 3.40 to allow for collection of Excise Taxes now required by law. We are not sure how much this will generate but we are hearing anywhere from 22 to 28 percent of additional wireless revenue, which is approximately \$120,000.00.

**Chairman Schulte** asked if anyone would like to speak. There were none. He closed the question and answer period and opened the formal hearing **Michael Strozyk** asked that his previous comments be adopted into the record.

**Chairman Schulte** asked if anyone would like to speak. There were none. He closed the formal hearing and asked for a motion.

**Commissioner Fund** moved to approve Ordinance No. 1248. **Commissioner Grose** seconded the motion.

**Ordinance No. 1248 An Ordinance of the County of Lewis Amending Chapter 3.40, Enhanced 911 Excise Tax, of the Lewis County Code and Adopting Retail Transactions.**

**Motion Carried 3-0**

**HEARING: Ordinance 1249-Moratorium upon establishments involved in the production, processing, and retail of marijuana and related products.**

**Lee Napier, Director of Community Development**, stated Initiative 502 (I-502), passed at the November 2012 General Election and became effective on December 6, 2012. With the passage of I-502, the Washington State Liquor Control Board (WSLCB) was directed to develop rules and regulations to determine the regulatory measures for producing, processing, and selling marijuana for non-medical purposes. As the Board is fully aware, the WSLCB developed such rules, and that County Staff are concerned that marijuana-related land uses could become established that are inconsistent with or conflict with the WSLCB rules (state) as well as local rules. Are current land use controls adequate? No, it is the opinion of staff that the marijuana-associated land uses and business practices do not appear to be the same as retail or commercial establishments currently described in County Codes. Therefore, additional time is needed to study existing and potential land use impacts and a moratorium is suggested. As the Board is aware, moratoria adopted pursuant to the authority of RCW 36.70.795 are methods by which local governments may preserve the status quo. The County will need at least a six-month period to conduct an appropriate analysis and to develop appropriate recommendations for the Lewis County Planning Commission to consider potential impacts from marijuana-associated land uses such as:

- Conversion of residential uses into marijuana cultivation and processing facilities, removing valuable housing stock in a community;
- Degrading neighborhood and commercial district aesthetics due to offensive odors;
- Increased night-time traffic; parking issues; loitering from potential purchasers; environmental damages from chemicals being discharged into surrounding and off-site soil and storm and sanitary sewer systems;
- Serious risk of fire hazard due to overloaded service connections used to operate grow lights and fans;
- Improper ventilation leading to high levels of moisture and mold;
- Illegal structure modifications;
- Criminal issues such as home invasions, burglaries of marijuana-associated facilities, theft and property damage;
- Unintended and uncontrolled dispersion of marijuana in agricultural areas.

Staff recommends that Lewis County Board of County Commissioners declares a moratorium upon:

1. The submission, acceptance, processing or approval of any permit applications or licenses by or for any establishment involved in the sale, use, growing, manufacture or processing of marijuana, including but not limited to performance spaces, private clubs, open-to-the public night blubs/cabarets/ taverns or similar establishments.
2. The creation by an owner or operator of any land or building of any new use of such land or buildings for the sale/use/growing, distribution, manufacturing, or processing of marijuana and related products.

The moratorium adopted by this Ordinance is effective immediately upon adoption and shall remain in effect for six (6) months, unless subsequently extended by the Board pursuant to state law.

**Chairman Schulte** asked if anyone would like to speak. There were none. He closed the question and answer period and opened the formal hearing.

**Lee Napier** asked that her previous comments be adopted into the record.

**Chairman Schulte** asked if anyone would like to speak. There were none. He closed the formal hearing and asked for a motion.

**Commissioner Grose** moved to approve Ordinance 1249. **Commissioner Fund** seconded the motion.

**Ordinance 1249- An Ordinance of Lewis County, Washington Adopting a Moratorium Upon Establishments Involved in the Sale, Manufacturing, Distribution or Use of Marijuana Related Products.**

**Motion Carried 3-0**

There being no further business, the Commissioners' public meeting adjourned at 10:34 a.m. on December 9, 2013. The next public meeting will be held Monday, December 16, 2013.

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:**

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P.W. Schulte, Chairman

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

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F. Lee Grose, Commissioner

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Edna J. Fund, Commissioner