

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
December 17, 2012**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, December 17, 2012 at 10:00 a.m. **Commissioners F. Lee Grose, Bill Schulte, and Ron Averill** were in attendance. **Chairman Grose** 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, December 10, 2012. **Commissioner Averill** seconded the motion.

Motion Carried 3-0

PUBLIC COMMENT

Chairman Grose asked for public comment and there was no comment.

Commissioner Schulte asked to modify the agenda and asked to add a proclamation. **Commissioner Averill** seconded.

Chairman Grose read the proclamation into the record proclaiming December 17, 2012 as Ron Averill day.

Commissioner Averill thanked his fellow Commissioners and stated it has been a ride over the last six years. We have overcome some huge challenges from natural disasters to a bad economy. We have had the good fortune in his opinion of having some of the best qualified County staff in the State of Washington.

NOTICE

Commissioner Averill moved to approve Notice Agenda items one through three. **Commissioner Schulte** seconded the motion. Candace Hallom, Administrative Assistant, read the items into the record.

1. Notice: Pertaining to competitive bidding and dispensing with advertisement and formal sealed bidding with respect to purchases and leases under twenty-five thousand dollars (\$25,000.00). Resolution No. 12-401

Commissioner Averill stated this Resolution provides notice pertaining to competitive bidding (pursuant to RCW 39.04.190) with respect to purchases and leases valued between \$5,000.00 and \$25,000.00, dispensing with advertisement and formal sealed bidding, and notice of the existence of the vendor list and solicitation of names of vendors for that list. Authority for purchases or leases off of this list is effective for one year from the publication of notice and solicitation of vendors in a newspaper of general circulation and the county's official newspaper for legal notices.

2. Notice of Hearing: Regarding the proposed vacation of Johnson Creek Road East. Hearing will be held on or after 10:00 am, on Monday, January 14, 2013. Resolution No. 12-402

Tim Elsea, Director of Public Works, stated Resolution 12-334, passed by the BOCC on October 29, 2012, declared its intent to vacate Johnson Creek Road East, and instructed the County Engineer to examine the road and report his opinion on the vacation, as required by RCW 36.87.010. One property owner adjoins the entire length of the road on both sides and they have requested the vacation. Utility companies known to service the general area have been notified. Public Utility District No. 1 of Lewis County and CenturyLink do have utilities on the right of way. RCW 36.87.140 allows an easement for existing utilities to be retained over the vacated right of way which in my opinion is appropriate in this instance. The County Engineer has prepared his report on the matter, which is hereby submitted. If the report is accepted, passing the attached resolution would set a January 14, 2013 hearing date for consideration of the matter. RCW 36.87.150 requires publication at least once a week for two consecutive weeks preceding the date fixed for the hearing, in the county official newspaper and that a copy of the notice be posted for at least twenty days preceding the date fixed for hearing at each termini of the county road or portion thereof proposed to be vacated.

3. Notice of Hearing: Regarding a non-exclusive franchise to the Lakeview Terrace Water Group to construct, operate, and maintain water facilities on all roads within Lakeview Terrace Addition and Second Lakeview Terrace addition. Hearing will be held on or after 10:00 am, on Monday, January 28, 2013. Resolution No. 12-403

Tim Elsea, Director of Public Works, stated Lakeview Terrace Water Group has requested a franchise for the construction, operation and maintenance of water facilities on all county roads within Lakeview Terrace Addition and Second Lakeview Terrace Addition. This franchise would replace the existing franchise scheduled to expire on February 10, 2013. The franchise is proposed for a 5 year term. This resolution will set January 28, 2013 as the date for hearing on the franchise and call for required postings and publications by RCW 36.55.040.

Motion Carried 3-0

CONSENT

Commissioner Schulte moved to approve Consent Agenda items one through twenty one. **Commissioner Averill** seconded the motion. Candace Hallom, Administrative Assistant, read the items into the record.

4. Resolution No. 12-404 Approval of warrants for payment.

Commissioner Averill stated this Resolution approves 14 Special Purpose warrants (Vader Water System) for \$14,833.85 and 331 warrants issued by the Auditor's Office for \$1,442,539.56, totaling \$1,457,373.41.

5. Resolution No.12-405 Cancellation of warrants

Commissioner Averill stated this Resolution approves cancellation and reissue of two warrants issued by the Lewis County Auditor's Office totaling \$1,680.00 which were lost or destroyed.

6. Resolution No. 12-406 Approving the time and place for a tax foreclosure sale.

Commissioner Averill stated this Resolution approves a request from the Lewis County Treasurer's Office to use the Commissioners Meeting Room on the second floor of the Historic Courthouse Building for a Tax Foreclosure Sale on or after 9:00 am on Friday, January 18, 2013.

Gabe Hoiland, Treasures Office, stated the Treasurer's Office has obtained a Judgment and Order of Sale foreclosing upon its tax liens. Currently we have 48 parcels along with 26 tax title parcels that we will sell. The tax title parcels were address in resolution 12-306. RCW 84.64.080 requires that the County legislative authority direct the time and place of sale. We recommend 9:00 am on Friday, January 18, 2013 in the Commissioner Hearing Room for the time of the Tax Foreclosure Sale.

7. Resolution No. 12-407 Approving an inter-governmental cooperative purchasing agreement with the Department of Enterprise Services.

Commissioner Averill stated this Resolution Approves an intergovernmental cooperative purchasing agreement between Lewis County and the Washington State Department of Enterprise Services allowing Lewis County to purchase a variety of products and services from the cooperative at a discount rate. This agreement is for a six month period, through June of 2013, at a cost of \$1,500.00. Example products include such things as office supplies, janitorial supplies, and vehicles.

8. Resolution No. 12-408 Amending the County's Section 125 Cafeteria Plan.

Larry Grove, Auditors Office, stated the County's Section 125 Plan which is pre-taxed for medical related expenses for employees has historically had a cap of \$4800.00. Under the Federal Affordable Health Care Act that amount is being reduced to \$2500.00. We are amending our plan to conform to the Federal requirement.

9. Resolution No. 12-409 Approving local government redistricting altering precincts within the City of Centralia.

Commissioner Averill stated this Resolution approves adoption of Local Government Redistricting Altering Precincts within the City of Centralia. Centralia has 13 precincts contained in four Wards (Council Districts). As a result of the 2010 Federal census it was necessary to adjust the boundaries of the wards to proportionally equal populations and, subsequently, to alter the precincts within those boundaries. The City of Centralia has approved these changes and the Lewis County Public Works, GIS Division has produced new precinct maps pertinent to the City of Centralia. RCW 29A.16.050(4) requires the Board of County Commissioners to formally adopt the changes.

10. Resolution No. 12-410 Approving the initial placement of an extra help Appraiser II at Grad 18 on the Lewis County Salary Grid.

Archie Smith, Human Resources, stated when we look at casual employees the current existing grid has a limited range. When we get into technical position we generally present a resolution to go outside that casual grid and this is one of those situations. Due to the vacancy of a technical position the Assessor is moving employees around to cover those duties. The Assessor is requesting to hire a casual Appraiser II to fill the duties of an existing employee who is performing the higher classification work.

11. Resolution No. 12-411 Approving an inter-local agreement with the City of Centralia for Labor Relations Services.

Archie Smith, Human Resources, stated the County was contacted by the City of Centralia and asked to conduct Labor Relations Services for them on their existing contracts. The time frame for this agreement is October 1, 2012 through October 1, 2013. This will provide for approximately 10 hours of Labor Relations Services per month at a rate of \$63.00 per hour.

12. Resolution No. 12-412 Approving a contract with Lewis County Shelter Program to provide funding to support High Utilizer Services.

Danette York, Director of Health and Social Services, stated this funding is part of the sales tax that was implemented earlier this year. The Shelter will be adding four additional beds for single men and four additional beds for single woman at their shelter. The individuals that stay in the shelter can only stay for 90 days. This contract will go from November 1, 2012 through October 31, 2013 in the amount of \$85,000.00.

13. Resolution No. 12-413 Approving a contract with Reliable Enterprises to provide funding to support High Utilizer Services.

Danette York, Director of Health and Social Services, stated this is also a sales tax contract in the amount of \$65,000.00. This is a contract with Reliable Enterprises to provided funding in support of High Utilizer services. They provide case management and is a 9 month long process. This contract is for the period of September 1, 2012 through August 31, 2013.

14. Resolution No. 12-414 Approving contracts with Community Allied Behavioral Health, Eugenia Center, and Fresh Start for drug and alcohol treatment and prevention services.

Tara Smith, Social Services Manager, stated the purpose of these contracts is to make funding available to chemical dependency treatment providers in the local community for services to be delivered to low income and indigent individuals and families in Lewis County. The total contract amount is \$480,179.00. This contract is for July 1, 2012 through June 30, 2013.

- Community Allied Behavioral Health \$156,862.00
- Eugenia Center \$111,000.00
- Eugenia Center CJTA \$128,078.00
- Fresh Start \$84,239.00

15. Resolution No. 12-415 Approving the sixth (6) supplement to the Personal Services Agreement with West Consultants.

Lee Napier, Director of Community Development, stated the review and action today is concerning the sixth supplement to Personal Services Agreement between Lewis County, acting as the fiscal agent for the Chehalis River Basin Flood Authority, and WEST Consultants, Inc., the consultant retained to support the Flood Authority's Early Warning Program. Previously the Flood Authority Executive Committee reviewed a proposed scope of work and compensation for a fifth supplement to the Personal Service Agreement with WEST Consultants, Inc., (WEST) to provide maintenance service for the flood early warning system and to pay web subscription fees. Funds for the contract will come from fees charged to each member of the Flood Authority. Each member will be invoiced for their share of the cost as agreed by the Flood Authority. The member's proportional share is described on the attached "Commitment Tracking Sheet—current as of 9/20/2012." The services as agreed by contract with WEST Consultants, Inc. will be paid from said funds through Lewis County, acting as the fiscal agent for the Flood Authority. The existing agreements with WEST need to be supplemented and modified to include the additional work with additional \$53,585.00 compensation for the same.

The attached resolution will approve two actions.

1. Approve a sixth supplement to the Personal Services Agreement with WEST, authorize continued system maintenance, subscription fees, and compensation

2. Authorize the Director of Community Development to sign the contract on behalf of the County, acting as the fiscal agent for the Flood Authority.

16. Resolution No. 12-416 Approving a transfer station host fee agreement between the City of Centralia and Lewis County Solid Waste.

Tim Elsea, Director of Public Works, stated the City of Centralia, Lewis County and Lewis County Solid Waste Disposal District #1 entered into an Agreement dated March 28, 1994, establishing a Host Fee for Solid Waste Central Transfer Station Operations at the Centralia Landfill site. On June 26, 2006 an option to renew was exercised and will expire December 31, 2012. Lewis County, Lewis County Solid Waste District #1 and the City of Centralia have negotiated a new Transfer Station Agreement which will expire in 5 years, with an option to renew for an additional 5 years up to a maximum of 50 years. The rental/host fee for this agreement is equal to 4.75% per ton of the tipping fee, paid monthly, and based on outbound weight of solid waste processed at the Central Transfer Station. Solid Waste Disposal District also agrees to allow the City to dump up to 30 tons of municipal solid waste from special events or clean-up projects conducted by the City, at the Central Transfer Station, at no cost for the duration of this agreement.

17. Resolution No. 12-417 Approving the consultant selection for the structural design of Leudinghaus Bridge replacement.

Tim Elsea, Director of Public Works, stated the original 160-ft two-span steel truss Leudinghaus Bridge built in 1922 was completely destroyed during the December 3, 2007 flood event in Lewis County. This bridge connected county roads located immediately adjacent to the Chehalis River. The replacement bridge is proposed to be constructed approximately 0.5 miles upstream of the original location near Hatchery Road. This project is listed as Priority 17 in the current TIP and is funded by FEMA (75%), Washington State Department of Emergency Management (12.5%) and Lewis County (12.5%). The preliminary bridge construction estimate is \$3,200,000.00 for the new Hatchery Road location.

18. Resolution No. 12-418 Approving a name change of Winterroad Road near Winlock, WA to Winter Road.

Tim Elsea, Director of Public Works, stated Winterroad Road is a county road located just south of Winlock. The road was named after Frank Winterroad, one of the citizens who petitioned for the county road back in 1907. The fact that the word "road" is contained within the name, followed by "road" in the address has caused confusion and problems for the residents addressed off the road. For this reason, the residents have petitioned for a name change to Winter Road.

Motion Carried 3-0

HEARING

**Hearing: Comp Plan Amendments
Resolution No. 12-419
Ordinance 1241**

Chairman Grose announced the hearing and asked for a Staff Report.

Stan May, Community Development, stated the proposed action will amend the Comprehensive Plan land use maps, and the Lewis County Code Chapter 17.200.020(1), reflecting the zone changes requested by property owners pursuant to the Growth Management Act, RCW Chapter 36.70A and bring the county into compliance with RCW 36.70A.130(1)(d). He then explained the three zone change requests.

The Repeal of Ordinance 1219, Section 5 and Resolution 10-359, Section G (Forecastle)

(Forest Land of Local Importance to Forest Land of Long-Term Commercial Significance). The re-designation was appealed to the Growth Management Hearing Board who found the County not in compliance and then issued a final decision and order in August of 2011. The County filed its report of compliance and the Hearings Board found the County was still not in compliance. After discussion with the applicant Forecastle, the County it was decided the best course of action was to revert the property to its original designation of Forest Land of Long-Term Commercial Significants).

Commissioner Averill stated the original zoning was not found not in compliance. What was found not in compliance was that it created a new category that hadn't been opened to others in the County and we were asked to do that.

Glenn Carter, Prosecutors Office, stated the issue was the Board believes there are at least 30 other properties in the County that if this property is entitled to Land of Local Importance than those other 30 properties are also entitled to be in Land of Local Importance. However, to do so would require a great deal of study and a great deal of effort to go out to the properties and determine if they comply. Unless you do this uniformly then it is considered inconsistent.

Stan May explained the change request for MSC10-0102 (*Small Town Industrial to Small Town Mixed Use*) (*Hampton Lumber*). This was a property that in the original request it cut across three different parcels all owned by Hampton Lumber. They asked that the south portion be rezoned. Then they had agreed that they would also do a boundary line adjustment to match the rezone after the fact. What was approved were two of the parcel and this is coming back through to correct that. He then explained the change request for MSC10-0103 - *REMAND (Agricultural Resource Land to RDD-10)* (*Gastfield*). *This was remanded to the Planning Commission two years ago and the Planning Commission original recommended against rezoning fearing it would be seen as a spot zone. The Planning Commission took another look and found that the property is steep slopes and wetlands and only a minor portion is designated as prime*

soils. This means this property wouldn't be a spot zone since the property is different from the properties surrounding it.

Commissioner Schulte asked regarding the Mineral Lake Development, how much of that property would be able to be developed.

Glenn Carter stated originally about 830 acres that was rezoned and 1250 acres that was put into reserve. With this being rescinded all of the land is subject to 1 home per 80 acres zoning.

Ron Nilson asked is the DNS going to be null and void if the repeal stands

Glenn Carter stated the DNS which is the Determination of Non-significant was withdrawn by the County.

Ron Nilson stated did the Covenants Condition and Restriction (CCR) protect the 1200 acres.

Glenn Carter stated the CCR are still on file but are no longer required by the County if the County rescinds that ordinance. As to the legal effect of the CCR's it would be recommended to ask a lawyer since different lawyer have different opinions.

Chairman Grose 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.

Glenn Carter and Stan May asked that their previous comments be adopted into the record.

Commissioner Averill stated Mr. Gastfield has been very patient with us over the past two years. He apologies for it taking this long but we think you got what you were looking for when you came to us two years ago.

Ron Nilson submitted three letters for the record and read one of the letters into the record. His letter recommended the BOCC follow the recommendation of the Growth Management Hearings Board.

Roberta Church stated she is here to encourage the Board to repeal the Ordinance and put the Forecastle land back to the 1 home per 80 acres that it originally was. She added copies of the CCR's and the survey which she would like to make part of the record. Her concern is that the County does what it needs to do to make sure that the CCR's don't undermine what the Growth Management Hearing Board put into effect.

Chairman Grose stated since he has been on this Board we have tried our best to provide for the property rights for the individuals who own the property. Every decision made we have tried to look at the property owners to find out what they wanted to do

with their property.

Commissioner Averill stated when one owns a piece of property as long and they operate within the restriction mandated by the State they should be able to do what they want with the property as long as it doesn't hinder on the property rights of others. There are some people who believe there community should meet certain standards that are not dictated by law. The Forecastle property is owned by a group and this Board made its effort to provide protection for as much of that property as possible to keep it in its state. The law says that if you have Forest Land of Long Term Commercial significant you can divide it into 80 acre parcels and you can put a house on that 80 acre parcel. If the developer wants to have nice spaghetti lots then they will get more houses around that lake then the plan that we gave them.

Commissioner Schulte stated it has always bothered him when a small group of people and a board of unelected appointed officials interfere with an individual's right to develop their property under the law. You force the rescinded action of a legal, rational, and reasonable plan and what will come out of it will probably be worse that what the plan allows for.

Chairman Grose asked if there were any other statements for public testimony. There were none. He closed the hearing and opened the workshop to consider all the testimony and recommendations from the Planning Commission and Staff. He asked if there was any other discussion for the workshop. There were none. He closed the workshop and asked for a motion.

Commissioner Schulte moved to approve Resolution No. 12-419 and Ordinance No 1241. **Commissioner Averill** seconded the motion. Candace Hallow read the items into the record.

Resolution 12-419 Amending the Lewis County Comprehensive Plan by Modifying the Land Use Map to Reflect owner requested Changes in Land use designations consistent with the Growth Management Act, RCW 36.70A

Ordinance No. 1241: An Ordinance of Lewis County, Washington Amending Lewis County Code Chapter 17.200.020 Official Lewis County Zoning Map, To Reflect Zoning Changes requested by property owners, consistent with the Lewis County Comprehensive Plan.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 11:28 am on December 17, 2012. The next public meeting will be held Monday, January 7, 2013, 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

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

F. Lee Grose, Commissioner

Edna J. Fund, Commissioner