

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
FEBRUARY 14, 2011**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, February 14, 2011, at 10:00 a.m. **COMMISSIONERS RON AVERILL, P.W. "Bill" Schulte, and F. LEE GROSE** were in attendance. **Chairman Averill** 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, February 7, 2011. **Commissioner Schulte** seconded the motion.

Motion carried 3-0

EMPLOYEE RECOGNITION

Chairman Averill explained the employee recognition process and announced the 4th Quarter of 2010 Employee of the Quarter and Employee Above and Beyond.

Kevin Reetz 2010 4th Quarter Employee of the Quarter

Kevin Korpi 2010 4th Quarter Employee Above and Beyond

NOTICE

Commissioner Grose made a motion to approve Notice Agenda item one. **Commissioner Schulte** seconded the motion. Chairman Averill read the proclamation into the record.

- 1. Proclamation: Proclaiming February 23, 2011 as Rotary Day in Lewis County.**

Chairman Averill stated this proclaims February 23, 2011 as Rotary Day in Lewis County and encourages all citizens to join Lewis County in recognizing Rotary and its members for their 106 years of service to improving the human condition not only in our community but around the world.

Motion carried 3-0

Commissioner Grose made a motion to approve Notice Agenda items two through five. **Commissioner Schulte** seconded the motion. Candace Hallom read the items into the record.

- 2. Call for Bids: For County legal printing. Bids will be open on after 10:00 am on Monday, March 28, 2011. Resolution No. 11-041**

Chairman Averill stated this provides notice of a call for bids for county printing of legal notices. For bid instructions please see www.lewiscountywa.gov. The newspaper of publication must be established as one of "general circulation" within Lewis County. Sealed bids must be returned to the Lewis County Clerk of the Board before 9:30 am on Monday, March 28, 2011 and will be opened in a public meeting of the Board of County Commissioners on or after 10:00 am on that date.

3. Notice: Public auction of surplus county property will be held at 8:00 a.m. on March 8, 2011 at Ritchie Brothers in Olympia, Washington. A complete list of items is available from the Lewis County Department of Public Works, Fleet Division. Resolution No. 11-042

Tim Elsea, Director of Public Works, stated this is a notice of auction and notice of disposal at auction. The items listed in Exhibit "A" were declared surplus by Resolution #11-019 on January 24, 2011. All Lewis County cities were offered the opportunity to acquire this surplus equipment and did not want it. Therefore, we propose this surplus equipment be sold at auction on March 8, 2011. The advertising for surplus property and sale will be completed by Lewis County in accordance with the surplus property code (LCC 3.30). Items listed on Exhibit "A" will be sold at Ritchie Bros Auction, March 8, 2011.

4. Call for Bids: For the 2011 Countywide Base Stabilization Project. Bids will be opened on or after 10:00 am, on Monday, February 28, 2011. Resolution No. 11-043

Tim Elsea, Director of Public Works, stated this project is listed as number one on Lewis County's 2011 Six Year Transportation Improvement Program, adopted November 15, 2010 via Resolution 10-295. This contract provides for the repair of portions of Gore Road, Meier Road, Washington Way, Taylor Street, and Van Wormer Street; by pulverization, cement stabilization, and other work.

Commissioner Averill stated bidd will need to be turned in to the Clerk of the Board not later than 9:30 am on February 28, 2011.

5. Call for Bids: For the 2011 Gravel Proposal at various locations in Lewis County for the annual 3R and Chip Seal Program Project. Bids will be opened on or after 10:00 am, on Monday, February 28, 2011. Resolution No. 11-044

Tim Elsea, Director of Public Works, stated that the 2011 Gravel Proposal is a specific item proposal that is generated by Engineering using the Pavement Management System. This contract provides a crushed gravel product that meets WSDOT Standard Specifications for use in chip sealing and bituminous surface treatment (BST). This will provide "Off Season" work for local Rock Pits resulting in lower costs to Lewis County. The Call will be advertised in the East County Journal and The Daily Chronicle on February 16th and 23rd, 2011. Additionally this Call will be

posted on the County's Website. Public Works will mail out the 2011 Gravel Proposal Project Manuals for the suppliers on the Gravel Proposal mail list, and to any interested parties requesting a proposal package. Interested parties will have until 9:30 a.m. on Monday, February 28, 2011 to deliver their proposals.

Commissioner Grose stated in the past we have split this to allow for different locations. He then asked if we have to award the whole thing to one contractor.

Tim Elsea stated we have eleven different locations and the contract will be awarded to one contractor.

Motion Carried 3-0

CONSENT

Commissioner Schulte made a motion to approve Consent Agenda items six through nine. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

6. Resolution No. 11-045 Approval of warrants for payment

Chairman Averill stated this approves 152 warrants issued by the Auditor's Office for a total of \$495,694.13.

7. Resolution No. 11-046 Re-appointment of a member to the Boundary Review Board.

Chairman Averill stated this approves the reappointment of Steve Ward (Chehalis) to the Washington State Boundary Review Board for Lewis County. Mr. Ward's appointment expired in January 2011 and he has indicated a willingness to serve another term on the Board. His new term will expire on January 31, 2015.

8. Resolution No. 11-047 Approving an inter-local agreement with the City of Mossyrock for computer and software maintenance services.

Michael Strozyk, Director of Central Service, stated this approves inter-local agreements with the City of Mossyrock for our IT Department to provide computer support and maintenance through December 31, 2012. Lewis County 911 owns the public safety computer system that all the agencies share called Spillman. This inter-local will allow our IT Department to provide services to the City of Mossyrock to connect into Spillman. The rate is a minimum annual rate at \$110.00 and billed at \$55.00 per hour for labor on those units. Overtime or emergency callouts, when authorized by the agency, are billed at \$80.00 per hour.

9. Resolution No. 11-048 Appointment of a member and an alternate member to the Lewis County Water Conservancy Board

Robert Johnson, Director of Community Development, stated this is for the appointment of two alternate members to the Lewis County Water Conservancy Board. Ron Mauel intends to retire in which case one of these two members would be appointed to that full position. Currently, there are openings for two alternate members with the intent of training both to be full time members of the Water Conservancy Board. Both Brian Green (Chehalis) and Barbara Burton-Burris (Cinebar) have indicated a willingness to serve and will be appointed to six year terms.

Motion Carried: 3-0

HEARING

Hearing: Flood Control Zone District-Resolution 11-049

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

Robert Johnson, Director of Community Development, stated the purpose of this hearing is to consider the dissolution of all existing Flood Control Zone Districts (FCZD) within Lewis County, and the creation, initially, of a new FCZD for the Chehalis River Basin, and subsequently for the Cowlitz and Nisqually River Basins.

Glenn Carter, Prosecutors Office, explained the history of the FCZD and Sub-Districts. We have found flaws in how the previous FCZD were created, written, and prepared so in this process we have gone through and have done a yeoman's job of describing appropriately the Basin for the Chehalis River Basin FCZD. He stated there is an issue with respect to the Boundary Review Board (BRB). In 1989 when the FCZD statutes were amended establishing BRBs, it provided that all such decisions would be subject to BRB review. Ideally we would wait for the BRB to review the Notice of Intent and then create the district. Unfortunately, at the time the amendment was made, the Legislature did not read the rest of the statute where the BRB requires a period of 45 days, therefore, once there is a Notice of Intent to dissolve the district and form the new district there is only 30 days in which to hold this hearing and after today we only have 10 days in which to decide which action to take, which is a total of 40 days so we have a problem. The way we have addressed this problem in this Resolution is to form the district with a provision that if the BRB does have its jurisdiction invoked and if it does modify the proposal then the formation of this District will be null and void.

Chairman Averill stated we already have a FCZD. Our problem is we have too many of them and they cross boundaries. It is clear legislation doesn't allow for more than one FCZD to cover a specific area. This predominantly is a house cleaning measure by going in to take care of something that should have been done prior.

Robert Johnson stated this would also transfer any funds that are in the three existing sub-zone districts account to the Chehalis Basin FCZD.

Chairman Averill 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 & Robert Johnson asked that their previous comments be adopted into the record.

Michael L. Smell, Hamilton Road in Chehalis, stated in the proposed resolution abolishing the County-Wide FCZD, section 2 references exhibit B showing the Newaukum River and a portion of the Skookumchuck River as being within the boundaries of the proposed Chehalis River Basin FCZD. The next sentence only mentions the continuing flooding problem associated with the Chehalis River. This gives the impression we will be helping to finance projects for the Chehalis River and there will not be projects for the Newaukum River or the portion of the Skookumchuck River. He asked that that sentence be amended and add the Newaukum and Skookumchuck River. He then asked three questions;

1. If a Tri County FCZD is enacted by the State Legislature, will that dissolve the Lewis County FCZD; if it doesn't dissolve will all be taxed by two separate FCZD?
2. Will either District abolish the Chehalis River Basin Flood Authority?
3. How can he submit suggestions for projects to be undertaken for consideration by this new FCZD?

Chairman Averill explained the FCZD takes in the entire watershed in Lewis County. He stated the Newaukum is included in this and projects on the Newaukum should receive consideration as part of solutions to the flood mitigation problem.

Commissioner Grose stated it would be difficult to put every waterway throughout the basin into this resolution. The Chehalis River being the main stem by association includes all of its tributaries.

Chairman Averill answered Mr. Smell's questions stating yes, there is a piece of legislation before the Legislature at the present time, which is a very generic bill authorizing the establishment of a Multi-County FCZD. That legislation was written by a lawyer and legal advisory to a consultant that was paid for by the Flood Authority to help look at ways to convert the existing County FCZD into a Multi-County FCZD. This is basic legislation and in the process of developing this legislation we have generated interest from the Puget Sound Partnership and from several other groups and cross county endeavors that may use this. The Flood Authority is supposed to disappear in June. We would put districts together by inter-local agreement where they would work with each other. It is intended in the inter-local to coordinate projects on the River, the taxing base would still belong to the Counties. If you have suggestions for projects get them to the Community Development Department and we would be glad to add them.

Commissioner Schulte stated the second way you can suggest projects is when the FCZD is reformed you can attend their meetings and make suggestions to them.

Chairman Averill asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

Commissioner Grose made a motion to approve Resolution No. 11-049.
Commissioner Schulte seconded. Candace Hallom read the item into the record.

Hearing: Abolishing the County-Wide Flood Control Zone District and all Existing Sub-zone Districts, and Forming a Flood Control Zone District for the Chehalis River Basin.

Motion Carried: 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:54 am on February 14, 2011. The next public meeting will be held Monday, February 28, 2011, 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:

Ron Averill, Chairman

Clerk of the Board
Lewis County Commissioners

P.W. Schulte, Commissioner

F. Lee Grose, Commissioner