

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
April 18, 2011**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, April 18, 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, April 11, 2011. **Commissioner Schulte** seconded the motion.

**Motion carried 3-0**

<b>NOTICE</b>
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**Commissioner Schulte** made a motion to approve Notice Agenda items one and two. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

**1. Notice: Publication of 2010 County Forces construction costs. Resolution No. 11-128**

**Rod Lakey, Public Works**, stated pursuant to RCW 36.77.070, the Board of County Commissioners is required to publish in a newspaper of general circulation, a brief description of the work together with an accurate statement of the true and complete cost of construction projects completed by County Forces in 2010, where the cost of the work exceeds \$10,000. Construction by County Forces is defined in WAC 136-18-020 as construction work performed by personnel carried on the county payroll using county owned, leased or rented equipment. Publication of the executed resolution will fulfill the requirements of RCW 36.77.070.

**Chairman Averill** stated the County is limited in using County Forces for construction projects exceeding \$1.2 million in costs. This meets our statutory requirement to publish the specific projects and their cost.

**2. Request for Proposals: For Debt Collection Services for Lewis County Superior Court. Proposals will be opened on or after 10:00 am, on Monday, May 9, 2011. Resolution No. 11-129**

**Kathy Brack, Lewis County Clerk**, stated last year there was a change in the way the billing was done for the State of Washington. To save money Substitute Senate Bill SSB 5423 has change the wording from monthly bill to periodic billing. The people that go before the Court are transient in nature with addresses that change frequently. The revenue will continue to decrease due to not being able to get in contact with these people. In addition to the various cost like attorney fees and fines there is also restitution to victims that is collected in the Clerk's office. The statue requires the money to be received in the Clerk's office but does not require the Clerk actively pursue collections on these people who are not paying. She feels

it is an obligation rendered to them by the Superior Court and therefore should be done, so they would like to contract with a collection agency. The request for proposal will be published in the East County Journal on April 20, 2011 and April 27, 2011.

**Chairman Averill** stated project information packets may be obtained at [www.lewiscountywa.gov](http://www.lewiscountywa.gov), from the Lewis County Clerk of the Court, or by calling (360) 740-1287. Sealed requests for proposal must be received by the Clerk of the Lewis County Board of County Commissioners prior to 9:30 am on May 9, 2011. Proposals will be publicly opened on or after 10:00 am on that date during the regular meeting of the Board of County Commissioners.

### **Motion Carried 3-0**

<b>CONSENT</b>
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**Commissioner Grose** made a motion to approve Consent Agenda items three through seven. **Commissioner Schulte** seconded the motion. Candace Hallom read the items into the record.

### **3. Resolution No. 11-130 Approval of warrants for payment.**

**Chairman Averill** stated this approves 7 Special Warrants (Vader Water System) for a total of \$4,385.24 and 202 other warrants issued by the Auditor's Office for a total of \$622,378.86. The TOTAL of all warrants is \$626,764.10.

### **4. Resolution No. 11-131 Approving an inter-local Cooperative Purchasing Agreement with Thurston County and the City of Tumwater.**

**Tim Elsea, Director of Public Works**, stated this Resolution will allow Lewis County, Thurston County and the City of Tumwater to enter into Inter-local Cooperative Purchasing Agreements. The Counties and City perform many of the same public works programs and annually purchase many of the same products and materials. A Cooperative Purchasing Agreement is beneficial for the Agencies in that it allows an agency to "piggyback" a bid awarded by the other agency for the purchase of identical materials used by the Agencies. This type of Agreement is allowable by Washington State law under RCW 39.34 – Inter-local Cooperation Act. The term of the Agreement will be for a period of 5 years. It appears to be in the best public interest to authorize the execution of said Inter-local Agreements.

**Chairman Averill** stated we are doing two agreements as part of this Resolution one with the City of Tumwater and one with Thurston County.

### **5. Resolution No. 11-132 Proposed acquisition of additional right of way for Placid Road, Randle, Washington.**

**Larry Unzelman, Public Works**, stated Placid Rd, southwest of Randle will require a culvert replacement. This project will require additional right of way from three property owners. The attached resolution would grant authority to the Public Works Department to acquire the necessary additional right of way for the culvert replacement project. Procedures approved by the Board for acquiring necessary right of way adopted by Resolution No. 09-381 will be followed in the acquisition process.

**6. Resolution No. 11-133 Approving an inter-local agreement with the City of Vader.**

**Dawna Truman, Budget Director**, stated as the City of Vader water system was put into receivership as of October 29, 2010 and Lewis County became responsible for the care and maintenance of the system as of January 1, 2011 there is need of an inter-local agreement identifying separation of responsibilities. As Lewis County is not the owner of the system but will need to perform tasks and collect utility taxes on behalf of the City it is necessary to charge the City for services rendered. This resolution would, if approved, clarify specific obligations of each party.

**7. Resolution No. 11-134 Accepting the amended program agreement with the Department of Social Health and Services, Division of Developmental Disabilities.**

**Danette York, Director of Health and Social Services**, stated this amendment will decrease the total by \$39,677.00 from \$1,459,703.00 to \$1,420,026.00. The purpose of this contract is to fund employment and related services for people in our county with developmental disabilities.

**Motion Carried: 3-0**

<b>HEARING</b>
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**Hearing: Open Space**

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

**Susan Johnson, Assessor's Office**, stated as an enticement to get property owners to grow timber rather than subdivide and develop property for housing, in 1970 the Washington Legislator passed a law allowing land in this program to be taxed as timber land rather than at market value. Then they gave the responsibility for making that decision to the Board of County Commissioners. We have a number of applications to considered but fewer than usual. A person who wishes the special taxation must apply to the Assessor's office and pay the application fee. Then the property is inspected to ensure there is timber on the property and the property qualifies for the program. Then it comes to the Board for final decision.

**Chairman Averill** asked what the rules are for the program.

**Susan Johnson** stated the land must be devoted to growing, harvesting, or replanting commercial timber. When initially put into the program the timber must be there or have been recently harvested. There must be a minimum of five acres for the program.

**Commissioner Grose** stated this is not related to zoning.

**Chairman Averill** asked if the Assessors office goes out to check these applications to ensure they comply.

**Susan Johnson** confirmed the Assessor's office does verify the applications.

**Commissioner Grose** asked if there has to be a harvest.

**Susan Johnson** stated there has to be a harvest; there are no regulations about when there has to be a harvest. If someone never plans to harvest they cannot be in the program. The timber must be harvested before the trees lose healthy value or while it is still economically feasible to harvest it.

**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.

**Susan Johnson** asked that her previous comments be adopted into the record.

**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 Schulte** made a motion to approve Resolution No. 11-135.

**Commissioner Grose** seconded the motion. Candace Hallom read the item into the record.

### **Resolution No. 11-135 Application for Classifications of Various Land Parcels Under RCW 84.34.**

**Motion Carried: 3-0**

### **Hearing: ORDINANCE 1220**

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

**Larry Unzelman, Public Works**, stated the Board of County Commissioners passed Lewis County Ordinance 1165 on November 8, 1999, codified as Lewis County Code 12.12, which provides procedures for administrative granting of Easements of Necessity to allow for improved ingress and egress to private property by using unimproved county road rights of way. On June 11, 2007 Ordinance 1194 was passed, codified as Lewis County Code 12.60, which set standards for all privately constructed roads, thereby diminishing the need for county code

specifically regulating road construction on unimproved county road rights of way. On March 28, 2011, the BOCC passed resolution 11-098 which set April 18, 2011, as the date for hearing to consider repealing Lewis County Code 12.12. Required publications have been done since that time. If a decision is made to proceed this Ordinance would repeal Lewis County Code 12.12 and rescind all existing Easements of Necessity.

**Chairman Averill** stated we are not changing the ability to use an easement to build a road. We passed an Ordinance that established LCC 12.60, which rules apply to what we were doing previously in LCC 12.12. Since LCC 12.12 is no longer needed we are eliminating it from the Code.

**Chairman Averill** asked if there were any more questions.

**Eugene Beauregard, Seattle**, stated he owns property in Lewis County and asked for the definition between diminished and unnecessary.

**Chairman Averill** stated diminished would indicate you still had a need for something but was less than required. Unnecessary means the regulation is adequately covered in another section of the code and therefore unnecessary for it to be in the code twice.

**Eugene Beauregard** asked if that means that everything that was in LCC 12.12 is in LCC 12.60.

**Larry Unzelman** stated the primary intent of LCC 12.12 was to regulate the standard the roads would be built to. LCC 12.60 does define those standards.

**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.

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

**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 Ordinance 1220. **Commissioner Schulte** seconded the motion. Candace Hallom read the item into the record.

**Ordinance 1220: An Ordinance of Lewis County, Washington, repealing chapter 12.12 of LCC which provided procedures for granting easements of necessity to improve and use roadways on unimproved County road rights of way.**

**Motion Carried: 3-0**

There being no further business, the Commissioners' public meeting adjourned at 10:35 am on April 18, 2011. The next public meeting will be held Monday, April 25, 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:**

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Ron Averill, Chairman

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Clerk of the Board  
Lewis County Commissioners

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P.W. Schulte, Commissioner

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F. Lee Grose, Commissioner