

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
June 28, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, June 28, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Averill** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, June 21, 2010. **Commissioner Grose** seconded the motion.

Motion carried 3-0

NOTICE

Commissioner Grose made a motion to approve Notice Items one through three. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.

**1. Notice of Acceptance: For the 2006 Hadaller Road Slide Repair Project.
Resolution No. 10-164**

Tim Elsea, Public Works, stated Lewis County is in receipt of all closeout documentation and Public Works has certified the completion of the contracted work. The final contract amount is \$392,342.57. All work met contractual obligations of the project specifications and drawings. Public Works recommends the BOCC of Lewis County, accept the project and issue a Certificate of Completion for the Hadaller Road Slide Repair Project, CRP 2127.

Commissioner Averill stated we have had two slides on this road, one of them occurred in 2006 and one in 2009. We started repairing one and the other slide occurred. The road has been closed to one way traffic since the first slide. The next resolution is to start the repair on the 2009 slide damage.

**2. Call for Bids: For the Hadaller Road Slide Repair Project. Bids will be
opened on or after 10:00 a. m., on July 12, 2010. Resolution No. 10-165**

Tim Elsea, Public Works stated this project is listed as number nine on Lewis County's 2010 amended Six Year Transportation Improvement Program. The contract will provide for the improvement of 0.07 miles of Hadaller Road in Lewis County by constructing a gravity block wall, culverts, ditches, placing large woody debris, placing rip rap, placing guardrail, paving with hot mix asphalt, placing shoulder rock, and other work.

This project was funded through the FEMA Public Assistance Program. Emergency repairs were conducted for public safety. The Federal participation for this project for the construction phase is 75%. The State and Lewis County are responsible for the

remaining 25% equally. This contract will be available for viewing on Lewis County's Web Site after the successful execution of the bid call.

Commissioner Averill stated the bids are due to the Clerk of the Board by 9:30 a.m., July 12, 2010, and will be opened on or after 10:00 a.m. that same day.

3. Call for Bids: For the Pe Ell McDonald Road Rehabilitation Project. Bids will be opened on or after 10:00 a. m., on July 12, 2010. Resolution No. 10-66

Tim Elsea, Public Works stated this project is listed as number four on Lewis County's 2010 amended Six Year Transportation Improvement Program. The contract will provide for the improvement of 2.9 miles of Pe Ell McDonald Road in Lewis County by treating the base with cement, adding crushed surfacing base and top course, planing, applying tack coat, hot mix asphalt overlays, approach transitions, shoulder finishing, placing pavement markers, installing flexible guide posts, traffic control, constructing culverts, constructing rock walls, placing guardrail, and other work. This project was funded through FHWA. The Federal participation for this project for the construction phase is 86.5%. Lewis County is responsible for the remaining 13.5%. This contract will be available for viewing on Lewis County's Web Site after the successful execution of the Bid Call. Bids are due to the Clerk of the Board by 9:30 a.m., July 12, 2010, and will be opened on or after 10:00 a.m. that same day.

Motion carried 3-0

CONSENT

Commissioner Averill made a motion to add Resolution No. 10-171 to the Consent Agenda. **Commissioner Grose** seconded the motion.

Motion carried 3-0

Commissioner Averill made a motion to approve Consent Items four through eight **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

4. Resolution No. 10-167 Repealing Resolution No. 09-364 and canceling the \$800,000 loan to the East Lewis County Public Development Authority (ELCPDA).

Roy Koegan, Koegan Edwards LLP, stated in November of 2009 the Board took action to make a loan to the ELCPDA and have that loan be repaid from the Distressed Counties Funds. No money has been advanced under that loan. Since November there have been discussions between the County Auditor, Treasurer, and the BOCC and it was determined that it would be better to cancel that loan and make a direct grant from the Distressed County contingency amount. This resolution and the following resolution accomplish both things. Resolution 10-167 cancels the loan and authorizes the Board to document that cancellation.

Commissioner Averill clarified that both of these actions were planned by using Distressed County Funds. Our first attempt at this was to provide the loan to the ELCPDA and use the Distressed County Funds to pay off that loan. This is legal, but it looks like we are using the same funds to pay that we are drawing from. As a result there was a question whether that was the appropriate way to do this. We decided we could accomplish the same objective by what we are doing now. Resolution 10-167 cancels the original proposed loan and Resolution 10-168 will allow us to withdraw out of the reserves that we have for the Distressed County Funds to pay the ELCPDA for the new building in Packwood. Then as we get money into that fund we are using the 45% of the proceeds to repay what we have used out of the contingency fund.

Commissioner Grose stated the fund that Commissioner Averill refers to is a balance in that fund which is maintained for major projects. This was deemed a major project and an emergency type of project, especially since we were already committed to Silver State Armory and had a building being built. The amount that goes into that contingency fund had been set at 30% of all proceeds until it reached \$1 million dollars. With this drawdown we have made the commitment that we would up that to 45% until it reached \$1 million dollars again.

5. Resolution No. 10-168 Awarding of a grant of \$800,000 from Distressed Counties Money to the East Lewis County Public Development Authority.

Roy Koegan, stated this is Distressed County money we are taking to make the \$800,000.00 grant. Instead of the 30% set aside, it is up to 45% until the contingency fund is replenished to \$1 million dollars.

6. Resolution No. 10-169 Approving a contract with the Washington State Liquor Control Board.

Tara Smith, Social Services, stated this contract is for \$3,000.00 and it is to work in coordination with local law enforcement and the Liquor Control Board to conduct compliance checks on liquor license holders in Lewis County, to provide the minor decoys with payment, and for training for establishments throughout the County. This is a continuation of the East County Reduced Underage Drinking activities.

Commissioner Averill pointed out that what we used to call RUAD funds ran out and we are now using the excise taxes from liquor to continue this project, which is very important for us. Some of the young people who will be working for us as interns will go in and see if the establishments are complying with the regulations.

Ms. Smith stated the liquor excise tax are restricted funds and can only be used for prevention and treatment of alcohol issues.

7. Resolution No. 10-170 Approving a letter of commitment between Lewis County and the Cowlitz Indian Tribal Housing concerning construction of a large on-site sewer treatment facility at the South County Airport.

Donna Olson, Community Development, stated this resolution is to authorize the Chairman of the Board to sign a letter of commitment between Lewis County and the Cowlitz Indian Tribal Housing regarding the construction of an on-site sewer treatment facility at the South County Airport.

Commissioner Grose stated the \$20,000.00 in this resolution is Lewis County's Share; the Cowlitz Tribe indicated in order for the HUD Housing project to proceed and for the tribe to receive the money from HUD, they would need cash contributions from the County. This contribution from the County is to further this project.

Commissioner Averill stated this is an area where we are accomplishing a number of objectives. The first one is important to the County and the Cowlitz Tribal Housing and is to provide a sewer system that serves the Tribal Housing and the airport. We have the room at the airport to do this, and this agreement with the Tribe, provides both of us benefit. The Tribe is getting access to the HUD funding. A second part to this is the discussions we are having on the South County Sub-area Plan, this project will connect to the regional water and sewer plan in that area when completed.

8. Resolution No. 10-171 Approving the inter-local agreement between Lewis County and the City of Chehalis to retain services of technical and related experts to help with the FEMA mapping comment and appeal process.

Commissioner Averill stated this resolution will approve the inter-local agreement between Lewis County and the City of Chehalis and will designate the City of Chehalis as the lead agency in a multi-jurisdictional challenge to recently released FEMA maps of the Chehalis River Basin in Lewis County. The parties to the agreement challenge the validity of the data used to prepare those maps and are committed to obtaining legal, technical and congressional lobbying support to get this data and studying it to determine whether that data is adequate and should be challenged and if it should be we will go forward with the action to challenge the data. The term of the agreement is through December 2012. Lewis County has agreed to provide up to \$50,000.00 toward the cost, and the City of Chehalis will provide \$75,000.00 toward the project and there are several other parties that are concerned about the data including the Chehalis/Centralia Airport, Chamber of Commerce, Industrial Commission and the Port of Chehalis, who have all provided money. This is the community working together. We discussed this and recognized that we had to have three elements to achieve this project as following:

Study the hydrology,

Legal backing,

Congressional backing. We had to use congressional pressure to get the data from FEMA to begin with, which Lewis County paid for in an earlier project.

As a result all of the entities are working with each other in this project. The City of Chehalis is passing this inter-local agreement at their Council meeting tonight.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:25 a.m. on June 28, 2010. The next public meeting will be held Monday, July 12, 2010, 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

Clerk of the Board
Lewis County Commissioners

Ron Averill, Commissioner

F. Lee Grose, Commissioner