

MINUTES

BOARD OF COUNTY COMMISSIONERS MEETING

July 22, 2002

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, July 22, 2002, at 2:00 p.m. Commissioners Bob Beerbower and Dan Wood were present. Also in attendance was Sandra Daniels, Clerk of the Board and Jim Baker, Senior Deputy Prosecuting Attorney. Commissioner Morrisette was excused.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of July 15, 2002, were approved as presented.

PRESENTATION

Rick Lovely, Grays Harbor Public Utility District: Richard Lovely, Manager of Grays Harbor Public Utility District, thanked the Board for the opportunity to make a presentation. Mr. Lovely explained the Grays Harbor PUD have joined a coalition of utilities and municipal utilities that represents more than 1.3 million customers and businesses in the Pacific Northwest. The coalition is opposed to the federal government's proposal to bring California-style electricity market restructuring and further rate increases to the Northwest. Mr. Lovely explained the Federal Energy Regulatory Commission (FERC) is pursuing two changes. The Federal Energy Regulatory Commission promotes creating a new "regional transmission organization" known as RTO West, which would take control of the region's existing power grid. The other, known as standard market design (SMD), would change how power prices are regulated and induce utilities to purchase access to the transmission grid on the open market. Mr. Lovely commented he believes this proposal is inappropriate for our area. He explained it would force trading into the short-term, price volatile market and away from the predictable and low-cost long-term transmission contracts that have been the norm in the Northwest. He provided a summary of the costs and benefits of RTO West. It is estimated the new costs for Northwest consumers would be between \$421 - \$525 million. It is estimated the additional cost to the state of Washington is approximately \$120 million annually. He commented this restructuring would create an unnecessary and expensive bureaucracy that would be paid for by regional business and consumer ratepayers. Mr. Lovely explained the goal of the Northwest Power Works coalition is to give the regional delegation the capability to go to the Department of Energy and lobby against the Bonneville Power Administration (BPA) participating in RTO West. He asked for endorsement from the Board to join the Northwest Power Works coalition. Mr. Lovely reported the Grays Harbor County PUD, Economic Development Council, and the Grays Harbor Chamber of Commerce have endorsed the Northwest Power Works campaign. Chairman Beerbower requested the item be continued to the August 5th meeting when Commissioner Morrisette will return.

BIDS

Phase 2A, Aberdeen Industrial Waterline: There was a bid opening for the construction of a 48-inch diameter Industrial Water Line in the Port of Grays Harbor area of the Cities of Aberdeen and Hoquiam, Washington. The project is located along Port Industrial Road and adjacent to railroad tracks between 28th Street and Division Street. The Engineer's Estimate for this project is \$4.5 million. The Industrial Water Line is Federally assisted by the Economic Development Administration which has requirements specific to this funding source, one of which that all work performed on this project will be subject to the higher of prevailing state or federal wage rates. Other funding sources include the Old Growth Diversification Fund, Department of Community Trade and Economic Development, Community Economic Revitalization Board (CERB), and local funds. Attendance at one of two mandatory pre-bid meeting was required.

The Clerk of the Board announced the following bids were received. She opened and read the following bids received with bid bond attached:

D.D.J. Construction Company, Issaquah, WA	\$5,755,583.23
Stan Palmer Construction, Port Orchard, WA	\$4,307,673.55
J.H. Kelly Building Trust, Longview, WA	\$4,124,177.17
Strider Construction Company, Bellingham, WA	\$3,424,696.63
Kerr Contractors Inc., Tualatin, Oregon	\$4,472,903.06
James W. Fowler Company, Dallas, Oregon	\$4,818,917.36
Rognlin's, Aberdeen, WA	\$3,535,135.28
Quigg Brothers, Aberdeen, WA	\$3,294,568.82
RCI Construction, Sumner, WA	\$3,117,545.50
Tapani Underground, Inc., BattleGround, WA	\$3,992,742.34

The bids were referred to the Department of Public Services for review and recommendation.

HEARINGS

Chairman Beerbower reported the process for the public hearing as follows: (1) the Clerk of the Board read the notice; (2) a staff report by County staff; and (3) an opportunity for the public to speak. The public comment section of the hearing was closed and action by the Board of Commissioners was taken.

Appeal of Planning Department Decision/Rezone Application: There was a public hearing to consider the appeal by Larry Birindelli of the decision of the Planning Commission to deny his application to rezone approximately 12 acres of land that is

currently zoned Rural Residential (RR), to General Residential (R-2). The Board of County Commissioners considered the closed record of the Planning Commission, which was limited to testimony and evidences presented to the Planning Commission in making its determination. The proposal is located on Monte Elma Road, approximately two miles west of Elma, on the property having Assessor's parcel #180632140050, within the southeast quarter of the northeast quarter of Section 32, Township 18 N., Range 6 W.W.M., Grays Harbor County, Washington. A SEPA Determination of Non-Significance (DNS), dated August 14, 2001 was issued under WAC 197-11-340. The Clerk of the Board reported a letter was received from the applicant, Larry Birindelli, requesting a 45-day extension to allow him time to gather additional information. Chairman Beerbower asked for public comment. There was no public comment. September 16, 2002 at 2:00 p.m. is the date and time set to consider the appeal.

Application for Right-of-Way Vacation: There was a public hearing to consider a request that Grays Harbor County has initiated a right-of-way vacation pursuant to R.C.W. 36.87.010 regarding the following road: Vacating all right-of-way over and across the County Road known as Workman Creek Branch Road, #64840, located in section 16, Township 17N, Range 6, W.W.M., from milepost 0.106 to 0.384. The Clerk of the Board announced the hearing notice was incorrectly published and the Board will be asked to reschedule the hearing. Chairman Beerbower asked for public comment. There was no public comment. August 5, 2002 at 2:00 p.m. is the date and time set for the hearing.

Request Amendment to Zoning Ordinance #241: There was a public hearing to consider the following: Grays Harbor County has petitioned to amend Grays Harbor County Comprehensive Zoning Ordinance #241, Subsection 13.04.090 (Permitted uses in the Industrial Zoning District (I-2)). In summary, the text amendment would allow commercial establishments providing food and convenience services intended to serve workers in the surround industrial zone. This amendment would have effect in any I-2 zoning district countywide, either as currently existing or as rezoned in the future. A Determination of Non-Significance (DNS), dated June 25, 2002, has been issued for this request. This means an Environmental Impact Statement will not be required. Jane Hewitt, County Planner, provided a staff report. Ms. Hewitt requested the following materials be entered into the record without reading:

1. Formal hearing date form and notice of hearing.
2. Record of Action for Text Amendment Case #2002-0786 containing findings of fact and conclusions.
3. SEPA Determination of Non-Significance and SEPA Checklist.
4. Affidavits of publication.
5. Correspondence received.

Chairman Beerbower asked for public comment. Mike Daniels, consultant for the Public Development Authority, reported he represented the application before the County Planning Commission. Mr. Daniels spoke in support of the text amendment. Mr. Daniels reported for the record the Public Development Authority is in full support of the proposed text amendment. There was no further public comment and the hearing was closed.

A motion was made, seconded and passed to approve **Ordinance No. 293 – An Ordinance Amending The Grays Harbor County Comprehensive Zoning Ordinance No. 241 Approving A Petition For Case #2002-0786.**

Request Amendment to Zoning Ordinance #241: There was a public hearing to consider the following: Grays Harbor County has petitioned to amend Grays Harbor County Comprehensive Zoning Ordinance #241, subsection 13.04.150 (Conditional Uses in the Resort Residential District (R-3)). In summary, the text amendment proposed would allow convenience stores as a conditional use in the R-3 zoning district and establish the specific conditions under which these uses would be conducted. This amendment would have effect in any R-3 zoning district county-wide, either as currently existing or as rezoned in the future. At the current time, the R-3 zoning district is located exclusively along the ocean beach areas both North and South of the Grays Harbor mouth. A Determination of Non-Significance (DNS), dated June 24, 2002, has been issued for this request. This means an Environmental Impact Statement will not be required. Chairman Beerbower asked for a staff report. Curt Crites, Grays Harbor County Planner, reported prior to the hearing the applicant, Grays Harbor County, was provided the following materials and requested they be entered into the record without reading:

1. Formal hearing date form, and notice of hearing.
2. Record of Action for Text Amendment Case #2002-0429 containing findings of fact, conclusions and staff recommendations.
3. Application for text amendment (letter form).
4. SEPA Determination of Non-Significance (DNS).
5. Environmental checklist.
6. Affidavit of Publication from *The Daily World* of both the notice of hearing and Determination of Non-Significance.

Mr. Crites reported the request was initiated by Grays Harbor County and on July 1, 2002, the Grays Harbor County Planning Commission concluded a public hearing on the application to make a text-amendment to the Grays Harbor County Comprehensive Zoning Ordinance #241, specifically to allow convenience stores as a conditional use in

the Resort Residential District (R-3). He reported the Planning Commission voted to recommend the text-amendment. Mr. Crites answered questions and explained specific conditions were established under which these uses would be conducted. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

A motion was made, seconded and passed to approve **Ordinance No. 294 – An Ordinance Amending The Grays Harbor County Comprehensive Zoning Ordinance No. 241 Approving A Petition For Case #2002-0429.**

PUBLIC COMMENT I

Chairman Beerbower asked for public comment. There was no public comment.

CORRESPONDENCE

The Clerk of the Board reported a letter was received from the Administrative Board of the Grays Harbor E9-1-1 Communications Center requesting assistance in ensuring a continued resource for funding.

A letter was received from the Grays Harbor Communications E911 Operating Board urging the Grays Harbor County Board of Commissioners to increase cell phone bills by implementing an additional (25) cent tax to ensure the continued funding for Grays Harbor County.

Peggy Fouts, Director of the Grays Harbor E9-1-1 Center, explained two boards oversee the agency. The Administrative Board consists of mayors and a County Commissioner. The Operating Board consists of the Police and Fire Chiefs and the County Sheriff. Ms. Fouts explained the Legislature amended R.C.W. Chapter 82.14B to allow county legislative authorities to increase an excise tax of twenty-five (25) to fifty (50) cents per month on each radio access line (cell phone) to fund the emergency services communications system. This increase would be paid by cell phone users only. The law is specific in that local government must enact this increase before additional funding from the state can be requested. Ms. Fouts explained with the additional funding, the Center would move towards implementing Phase I and Phase II services for the citizens and tourists passing through Grays Harbor County. With Phase II service implemented, the dispatcher would be able to plot on a map the exact location of the caller to within 20 feet. Ms. Fouts explained this as a necessary service due to the remoteness of Grays Harbor County. Ms. Fouts reported that during the past ten years the Grays Harbor E9-1-1 Center has received \$2.9 million in state funding in support of the implementation and operation of the center. Losing this type of funding would impact all 39 agencies

involved in the Consolidated 911 Center. As an example, the 2002-2003 request for \$294,000 would be denied, causing those monies to be funded by the local agencies. A motion was made, seconded and passed to set August 26, 2002 at 2:00 p.m. as the date and time set for public hearing to consider implementation of this additional (25) cent tax to ensure the continued funding for Grays Harbor County.

DEPARTMENT OF PUBLIC SERVICES

Request Approval, Continuation of Design Work/Olympic View Drive Realignment

Project: The Olympic View Drive Realignment C-96350-01, Lambert Road Et. Al, TCSP Grant Project is the second phase of the Federal TCSP Grant received by the Grays Harbor Public Development Authority, which the County is administering for the PDA. The first phase, Lambert Road is presently under construction. The Washington State Department of Transportation has authorized the County to sole source KPFF Consulting Engineers of Seattle to continue with design work for this phase. A motion was made, seconded and passed to authorize the Public Works Department to negotiate a consulting agreement with KPFF Engineers. It is estimated the cost range for consulting services to be between \$100,000-\$150,000. This is 100% reimbursable from the grant.

Request Approval, FCAAP Grant: A motion was made, seconded and passed to approve a Joint Funding Agreement between the United States Department of the Interior, U.S. Geological Survey and the County. The agreement includes installation of temporary stream gauge and planning additional gauge upgrades in the lower Chehalis Basin. The proposed work is a component of the Phase II Comprehensive Countywide Flood Planning effort funded through the Flood Control Assistance Account Program (FCAAP) grant.

Request Approval, Resolution Authorizing Director to Negotiate w/WSDOT

Regarding SR12-Keys Road: A motion was made, seconded and passed to approve **Resolution No. 02-61 – Authorizing Public Services Director to Negotiate w/WSDOT, Intersection Improvements, Funding Agreement, SR12 & Keys Rd.** The resolution authorizes the Director of Public Services to negotiate with WSDOT on improvements to the intersection at SR12 and Keys Road on behalf of the Board of County Commissioners. A funding agreement will be developed and brought to the Board for approval.

Request Approval, Interlocal Agreement w/Coastal Communities: A motion was made, seconded and passed to approve the 2002 Interlocal Agreement Among the Coastal Communities for the Study and Analysis of Coastal Processes along the Southwestern Washington Coast. The City of Ilwaco has been added to the membership. The Department of Public Services recommended approval of the agreement.

Request Approval, Award Bid and Sign Contracts for Jail HVAC and Roof

Improvement Project: The bid opening last Monday for the Jail project produced one bid. The bid was submitted by Rognlin's Inc. of Aberdeen in the base bid amount of \$2,079,000. The Department of Public Services reviewed the bid with their engineering and architectural consultants and recommended that the Board award the bid to Rognlin's Inc. in the amount of the base bid and bid/alternates one and two for a total contract price of \$2,095,900 plus sales tax. A motion was made, seconded and passed to approve the contract documents for the project.

Planning and Building Director: Paul Easter, Director, Department of Public Services, announced that Brian Shea, the City of Aberdeen's Planning and Development Department Director for the past 10 years has accepted the position as Grays Harbor County's Planning and Building Director. Mr. Shea will replace Paul Rogerson, who resigned in June. Mr. Shea will begin employment with Grays Harbor County on August 5, 2002.

DEPARTMENTS:

FORESTRY:

Request Approval, Acceptance of Timber Contract Completion: A motion was made, seconded and passed to accept the Timber Contract for the Lytle Creek No. 6 Timber Sale as complete and release the performance bond as posted by Lone Rock Timber Company for this sale. Lone Rock Timber Company has satisfactorily completed all the terms and conditions of the contract for the Lytle Creek No. 6 Timber Sale.

MANAGEMENT SERVICES:

Request Approval, Set Hearing Dates, Supplemental Appropriations (3): August 12, 2002 at 2:00 p.m. is the date and time set for a supplemental budget hearing for \$16,700 in the Grays Harbor County Fair fund due to revenues received from a bull riders event to be held August 10, 2002 at the Grays Harbor County Fair Pavilion. This event is co-sponsored by the Grays Harbor Mounted Posse who have entered into an Interlocal Agreement with the County and signed by the Board on May 13, 2002. Grays Harbor County will be responsible for ticketing, selling sponsorship, emergency medical personnel, advertising and insurance.

August 12, 2002 at 2:00 p.m. is the date and time set for a supplemental budget hearing in the General Fund in the amount of \$121,412 for department salary increases. Unanticipated revenue has been received from sales tax on the Duke Energy construction

project. The funds are necessary for salary increases totaling \$121,412 in the following departments:

001-011	Auditor	\$ 5,722	001-018	Facilities	\$18,202
001-013	Civil Service	\$ 150	001-024	District Court	\$ 8,645
001-014	Clerk	\$10,252	001-026	Juvenile	\$39,285
001-015	Commissioner	\$ 7,441	001-030	Prosecutor	\$18,946
001-016	Env. Health	\$ 4,571	001-033	Superior Ct.	\$ 3,792
001-017	Coroner	\$ 1,866	001-034	Treasurer	\$ 2,540

Department budgets not included have been funded through vacancies/attrition within the existing budget.

August 12, 2002 at 2:00 p.m. is the date and time set for a Supplemental Budget hearing date to be set in the Sheriff's Department budget for \$1,000 due to a Washington State Military Department grant for improvements to the tsunami web page.

Request Approval, Interagency Agreement, DNR, Noxious Weed Control Board: A motion was made, seconded and passed to approve an Interagency Agreement with Grays Harbor County Noxious Weed Control Board and the Department of Natural Resources. The purpose of this Agreement is to provide formal commitment between the agencies as partners implementing a \$15,000 grant from the Department of Ecology to manage purple loosestrife and parrotfeather. \$5,000 in cash and in kind donations will be the DNR and Grays Harbor County Noxious Weed Board's share of costs.

Request Approval, Amending Salary Resolution: A motion was made, seconded and passed to approve **Resolution No. 02-62 – Amending Resolution No. 02-05 and Fixing Compensation of Employees From and After January 1, 2002.** The salary resolution reflects the promotion of a Building Inspector to Building Inspector/Certified from a Range 14 to a Range 15. Funds are available in the budget due to vacancies within the office.

Request Approval, Amending Resolution/Change Fund: A motion was made, seconded and passed to approve **Resolution No. 02-63 – Transferring Items In The Grays Harbor County Miscellaneous Fund Special Projects #101-000-000.** The resolution authorizes the transfer of \$34,596 from the DCTED CDBG Microenterprise Loan II Fund. \$34,000 needs to be transferred to the WSDCTED Cerb Rail project in order to complete funding for the Junction City Rail Spur project. \$1,396,000 was budgeted for 2002 and the total project is anticipated at \$1,430,000. \$596 needs to be transferred to the Fish and Wildlife Salmon Recovery Project in order to finalize this

project. Budget is available from the DCTED Microenterprise Loan II fund as this project has expired.

Request Approval, Amending Resolution/Change Fund: A motion was made, seconded and passed to approve **Resolution No. 02-64 – Amending Resolution #99-110 Authorizing and Establishing A Temporary Change Fund Within the Grays Harbor County Fair Fund #103-000-000**. This resolution amends original resolution “Authorizing and Establishing a Temporary Change Fund in the Fair Fund”. This resolution will change the custodian of the Change Fund to Debbie Adolphsen and increase the amount from \$5,000 to \$7,500 for the fair in August.

PUBLIC HEALTH AND SOCIAL SERVICES:

Request Approval, Revised Fee Schedule: A motion was made, seconded and passed to approve a revised fee schedule for services provided by the Public Health and Social Services Department. These changes are effective July 1, 2002. Many of the fees charged are based on the cost of medications and supplies at the time of purchase, which may vary more or less over time. Other fees are established by outside sources, such as the State Department of Health and the federal Health Care Finance Administration. At this point, there are only minor changes from previous fees. Most fees are subject to the sliding fee scale developed according to the federal poverty level guidelines published annually in the federal register.

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

From Stanley Trohimovich, an e-mail received on Monday, July 22, 2002. The Clerk of the Board read from the e-mail the following:

Subject: Malfeasance, Misfeasance, and Nonfeasance as applied to your official bonds & a true & faithful performance of your official duties.

APPOINTMENT:

Mental Health Advisory Board:

A motion was made, seconded and passed to appoint Evelyn M. Long to the Mental Health Advisory Board. This appointment would bring the total membership to eleven.

Grays Harbor Public Facilities:

A motion was made, seconded and passed to appoint Brian Shay of McCleary to position 1 for a 4-year term on the Public Facilities District.

PUBLIC COMMENT II

Chairman Beerbower asked for public comment. There was no public comment.

ANNOUNCEMENT

None

RESOLUTIONS

The following resolutions were approved and signed by the Board:

- | | |
|---------------|---|
| #02-61 | Authorizing Public Services Director to Negotiate w/W.D.O.T., Intersection Improvements, Funding Agreement, SR12 & Keys Rd. |
| #02-62 | Amending Resolution No. 02-05 and Fixing Compensation of Employees From and After January 1, 2002 |
| #02-63 | Transferring Items In The Grays Harbor County Miscellaneous Fund Special Projects #101-000-000 |
| #02-64 | Amending Resolution #99-110 Authorizing And Establishing A Temporary Change Fund Within The Grays Harbor County Fair Fund #103-000-000 |

The meeting adjourned at 3:12 p.m. to Monday, July 22, 2002 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
This _____ day of _____, 2002

BOB BEERBOWER, Chairman

excused

DENNIS MORRISETTE, Commissioner

DAN WOOD, Commissioner

ATTEST:

Sandra Daniels
Clerk of the Board