

MINUTES

BOARD OF COUNTY COMMISSIONERS MEETING

May 19, 2003

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 19, 2003, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Sandra Daniels, Clerk of the Board and Stew Menefee, Prosecuting Attorney.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Special Meeting of May 5, 2003 at 5:00 p.m. were approved as presented.

BIDS

2003-2004 County Sand Removal Contract: There was a bid opening for the construction of the following project: 2003-2004 County Beach Approach Sand Removal Project. The work to be performed under this contract consists of removing surplus sand from the County beach approaches. A set of plans and specifications for the project were available from the County Road Engineer's office in Montesano, Washington. Informational copies of maps, plans, and specifications were on file for inspection in the office of the County Road Engineer, Montesano, Washington. The Board of County Commissioners expressly reserves the right to reject any and all bids or part thereof without cause. The Clerk of the Board opened and read the following bids received with bid bond attached:

South Beach Construction, Grayland

Item #1	\$301.00
Item #2	no bid

Auto Equipment (John Andrews), Hoquiam

Item #1	no bid
Item #2	\$1,000.00

Chairman Morrisette referred the bids to the Department of Public Services for review and recommendation.

Elma-McCleary Road Vertical Realignment: There was a bid opening for the following project: Elma McCleary Road Vertical Realignment C-97400-16. The work to be performed under this contract consists of reconstructing 0.16-mile of road. Major bid items include Roadway Excavation (15,000 CY); Embankment Compaction (150 CY); Gravel Borrow (310 ton), Asphalt Concrete Pavement (890 tons); CSTC (680 tons); Gravel Base (4,600 tons); Beam Guardrail Buried Terminal Type 2 (437.5 LF); and

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other work in accordance with the plans, these Special Provisions, and the 2002 WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction, English Units, Division 1 APWA Supplement. Plans and Specifications were available from the Grays Harbor County Public Services Department, Administration Building, 100 West Broadway, Suite 31, Montesano, Washington. Informational copies of maps, plans, and specifications were on file for inspection in the office of the County Road Engineer, Department of Public Services, Public Works Division, 310 West Spruce, Montesano, Washington. The Board of County Commissioners expressly reserves the right to reject any and all bids or part thereof without cause.

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

Quigg Brothers, Inc., Aberdeen	\$311,330.70
Bruch & Bruch Construction, Inc., Port Angeles	\$254,137.63
Rognlin's Inc., Aberdeen	\$278,761.30
Wilder Construction Co., Olympia	\$265,499.35

Chairman Morrisette referred the bids to the Department of Public Services for review and recommendation.

County Printing Contract: There was a bid opening for the Grays Harbor County legal publications contract for the printing and publication of Commissioners' proceedings, legal notices, and all other advertising of Grays Harbor County, as required by law to be published in the official newspaper of the county, from July 1, 2003 through June 30, 2004. The Board shall let the contract to the best and lowest responsible bidder, giving consideration to the question of circulation in the awarding of the County Printing Contract, to give said legal publications to the widest publicity. All bids must state price per column inch for the first insertion of solid six-point type, full-width column and solid eight-point type, full width column; also price per column inch for subsequent insertion. The successful bidder shall deliver two affidavits of publication within fourteen days of the final publication of the notice. The Clerk of the Board opened and read the following bid received with bid bond attached:

Montesano Vidette (Individual prices included in bid as specified)

Chairman Morrisette referred the bid to the County Auditor and Commissioners for review.

HEARINGS

Ordinance Adopting Title 14 Regulating Forest Practices: There was a public hearing to consider an ordinance adopting a new title to the Grays Harbor County Code that provides for review and enforcement of releases from development moratoriums for unincorporated areas pursuant to the Washington State Forest Practices Act, RCW 76.09. The following summary provides a brief description of the ordinance presented to the Board of Commissioners of Grays Harbor County for consideration: An Ordinance Adopting Title 14 Regulating Forest Practices Within Unincorporated Grays Harbor County. Grays Harbor County has authority under RCW 76.09 in the public interest to evaluate and release the six-year moratorium associated with a previous forest harvesting activity, to ensure that conversions of forest land are consistent with county development regulations, and to protect public resources. The proposed ordinance will establish a new Title 14, Forest Practices, in the Grays Harbor County Code, providing for applications and review procedures for forest practices permits, including conditions, inspections, release of development moratorium, appeals and enforcement to ensure compliance with this title.

The Board of Commissioners of Grays Harbor County will accept comment on the above-referenced issue. A full text of the proposed ordinance was available at the County Commissioners Office, Suite 1, County Administrative Building, 100 West Broadway, Montesano, Washington, 98563, for review, and was available to be mailed upon request. Written comments could be mailed to the Clerk of the Board of County Commissioners prior to this meeting or submitted at the County Commissioners' Office, Administration Building, Montesano, Washington, or submitted at the public hearing.

Chairman Morrisette asked for a staff report. Suresh Bhagavan, County Planner reported that prior to this hearing the County Commissioners were provided with the following documents and requested that they be entered into the record:

1. Proposed Ordinance
2. Record of Action of the Planning Commission
3. Application
4. Determination of Non-Significance
5. Environmental Checklist
6. Comments received in response to the DNS

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Mr. Bhagavan reported that staff recommended that the Planning Commission approve Case #2002-1608. The Planning Commission approved Case #2002-1608.

Chairman Morrisette asked for public comment. Terry Franklin, resident of McCleary, commented regarding a Comprehensive Development Plan. Ms. Franklin spoke in opposition to the proposed ordinance. Jim Longacker representing Neilson Brothers Inc. located in Wahkiakum County spoke in support of the proposed ordinance. Chairman Morrisette asked for further public testimony. There was no additional public testimony and the hearing was closed. Commissioner Carter made a motion that a decision be tabled to allow additional time for review. There was no second and Chairman Morrisette seconded the motion to table a decision to allow more time for review. Commissioner Carter voted yes, Chairman Morrisette voted yes and Commissioner Beerbower voted no. The motion was made, seconded and passed to table a decision regarding a proposed Ordinance Adopting Title 14 Regulating Forest Practices Within Unincorporated Grays Harbor County .

Intent to Vacate Right-of-Way: There was a public hearing to consider 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 on Bayview Road #15573 from the Section line common to Sections 9 and 16 (milepost 1.080) and going South to the Northerly line of Pirates Way County Road #15520 (milepost 1.245) situated in Section 16, Township 16N., Range 11 W.W.M. Any person desiring to express their views or request additional information could contact John R. Kirkwood, Administrative Engineer, Department of Public Works, 100 W. Broadway, Suite 31, Montesano, Washington. Chairman Morrisette asked for a staff report. Paul Easter, Director, Department of Public Services, reported that the request for a vacation was forwarded by the Public Services Department. Upon further review of the proposed vacation Mr. Easter requested that the Board deny the Public Services vacation request at this time. The request to deny will allow additional time to consider adjacent properties issues as well as community based issues in the general area. Chairman Morrisette asked for public comment. Dana Farley, resident of 81 Bayview Road, spoke in support of the vacation. There was no further public testimony and the hearing was closed. Commissioner Carter made a motion to deny the request. Chairman Morrisette seconded the motion and it was approved to deny the request.

Supplemental Appropriation, Health and Social Services: There as a public hearing to consider Supplemental Appropriation as follows: Public Health and Social Services Fund #001-000-029 in the amount of \$20,620. Chairman Morrisette asked for a staff report. Rose Elway, Budget Director, provided a staff report. Ms. Elway reported that this one time only grant in the amount of \$20,620 has been received from the March of Dimes to help improve access of childbirth education in Grays Harbor County. Funding

will be used in Professional Services. Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed. A motion as made, seconded and passed to approve **Resolution No. 03-45 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Public Health & Social Services Department #001-000-029.**

Emergency Appropriation, Prosecuting Attorney: There was a public hearing to consider Emergency Appropriation as follows: Prosecutor's Fund #001-000-030 in the amount of \$9,500.00. Chairman Morrisette asked for a staff report. Stew Menefee, Prosecuting Attorney, reported that the Emergency Request is for Budget Change for the Prosecutor's Office Criminal budget. Due to the Borst arson trial, the office has experienced professional services expenses in excess of \$4,600, and the balance remaining in the criminal professional services budget is \$3,313.81, after payment of part of May billings. The billing for the services relating to preparation for and testimony at trial of Richard Carman, Carman Investigations, Fire Origin & Cause, is \$3,584.34. The bill for the expert testimony of Daniel Selove, M.D. is \$1,050.00, for a total of \$4,634.34. The murder in the first degree trial of David Schimelpfenig is scheduled for July, 2003. That trial will involve testimony regarding DNA evidence as well as the mental capacity of the defendant, and will likely result in costs similar to, if not greater than, the Borst trial. Mr. Menefee requested that the budget be set at \$9,500.00 as they have a current balance of \$3,313.81 in criminal professional services to pay the Carman and Selove expenses totaling \$4,634.34. They anticipate additional professional services expenses relating to the Schimelpfenig trial as well as the usual criminal professional services expenses during the remainder of the 2003 budget year. Chairman Morrisette asked for public comment. There was no public testimony and the hearing was closed. A motion was made, seconded and passed to approve **Resolution No. 03-46 – Authorizing An Emergency Appropriation In The Budget Of The Grays Harbor County General Fund Prosecutor's Office #001-000-030.**

PRESENTATION

None

DEPARTMENT OF PUBLIC SERVICES

Request Approval, Set Hearing Date, Rezone Hearing: Lynn and Scott Green have submitted an application to rezone approximately two acres of land that is currently zoned General Commercial (C-2), to General Residential (R-2). On May 5, 2003, the Planning Commission recommended approval of this application. June 2, 2003, at 2:00 p.m. is the date and time set for a public hearing to consider Case #2003-0471.

Request Approval, Set Hearing Date, Amendment to Zoning Code: On May 5, 2003, the Planning Commission concluded a public hearing on the above-referenced application to amend the text of the Zoning Code Title 17, by adding R.V. Parks as a Conditional Use in the RR zone. The Planning Commission recommended approval of the amendment. June 2, 2003 at 2:00 p.m. is the date and time set for a public hearing to consider Case #2003-0559.

Request Approval, Grant Application, Drug Lab Investigations: A motion was made, seconded and passed to approve the grant application to DOE for 2003-3004 Drug Lab Investigations. The current funding expires June 30, 2003, and this application repeats the funding request for the period July 1, 2003 to June 30, 2004, in the amount of \$15,000. The Department of Public Services recommended approval of the application and grant documents upon arrival.

Request Approval, Set Date, Open Bids, Sheriff's Department Vehicles: June 23, 2003 at 2:00 p.m. is the date and time set for bid opening for the following vehicles. These vehicles were approved for purchase in the 2003 Budget.

- Two (2) Full size, rear wheel drive, four (4) door sedan, Police Pursuit Vehicles.
- Two (2) Passenger vehicle, midsize, four door, 6 cyl., sedans.
- Two (2) Medium size, four door, 4x4 Sport Utility Vehicles.

Request Approval, Change Order, Juvenile Detention Roof Project: A motion was made, seconded and passed to approve the change order prepared for the use of an upgraded composition shingle in place of the type originally specified. The new shingle has a 10 year longer warranty and should last much longer than the other. The cost of the change order is \$7,009.20 and is within the project budget. The Department of Public Services recommended approval of the change order.

Request Approval, Joint Funding Agreement, USGS: A motion was made, seconded and passed to approve the Joint Funding Agreement between the United States Department of the Interior, U.S. Geological Survey and the County. The agreement continues the work authorized under Agreement No. WA0212900, which focused on the planning and installation of a temporary stream gage on the Humptulips River. The current agreement provides for the installation of the permanent gauging station for enhanced flood warning capability and documentation of flows on the Humptulips River. The proposed work (and source of the matching funds) is a component of the Phase II

Comprehensive Countywide Flood Planning effort funded through a Flood Control Assistance Account Program (FCAAP) grant. The Department of Public Services recommended approval of the Joint Funding Agreement.

Request Approval, Change Order, Aberdeen Industrial Waterline Project: A motion was made, seconded and passed to approve a change order to reflect additional work and adjustment to bid quantities for Phase 2 of the Industrial Waterline Project. Additional work includes:

1. Costs associated with addressing contaminated soils in the Port area.
2. Added costs of installing the casings and waterline under the railroad tracks in three places.
3. Additional quantities of asphalt needed to restore streets and driveways.
4. Relocating a City of Aberdeen water main that was in conflict with the alignment of the new industrial line.
5. Additional quantities of various types of rock backfill needed in areas of very poor soils.

The cost of this change order is \$289,946.93, which is approximately 7% of the contract. This work is being funded by state and federal grants and loans. The Department of Public Services recommended approval of the change order.

Request Approval, Right-of-Way Deed, Wynooche Valley Road Project: A motion was made, seconded and passed to approve one (1) Right-of-Way deed for the Wynooche Valley Road CRP#59190-13. The Department of Public Services recommended approval of the right-of-way deed.

Request Approval, CRP Resolution, Mooney Road LBST: A motion was made, seconded and passed to approve one (1) CRP Resolution to apply a double shot of Light Bituminous Surface Treatment to the Mooney Road LBST C-58520-02 project, 0.664 miles by 13 feet wide. Authorization was granted to complete this project under the Annual Construction Fund Item No. 21. The Department of Public Services recommended approval of the CRP Resolution.

Request Approval, Dedication, Mooney Road Right-of-Way: A motion was made, seconded and passed to approve a Right-of-Way Deed for Mooney Road No. 58520, dedicating additional property to the County. The Department of Public Services recommended approval of the right-of-way deed.

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Request Approval, 2003 Emulsified Asphalt Contract: A motion was made, seconded and passed to approve four (4) sets of contracts for the 2003 Emulsified Asphalt Contract project that was awarded to Chevron Products Co., Inc. for the amount of \$457,728.48.

Request Approval, Set Hearing Date, 2004-2009 Six-Year Transportation Improvement Plan: June 23, 2003 at 2:00 p.m. is the date and time set for a public hearing to review and adopt the 2004-2009 Six Year Transportation Improvement Program for Grays Harbor County.

DEPARTMENTS

AUDITOR

Request Approval, Agreement Between County and Worksource Grays Harbor: A motion was made, seconded and passed to approve an Agreement between Grays Harbor County and WorkSource Grays Harbor relating to a grant of funds for the purpose of providing transportation for Washington Veterans in Grays Harbor County. This agreement shall take effect upon signing of the agreement by all parties and shall be in effect until December 31, 2003, or until the authorized grant funding provided for is exhausted, whichever occurs first. The County grants the sum of Eight Hundred Three Dollars and Ninety-five Cents (\$803.95) to WorkSource to be used solely for the purpose of obtaining gasoline purchase cards and bus tokens for distribution to needy and indigent Veterans for transportation necessary to obtain or maintain employment. All costs incurred for this purpose exceeding this grant amount shall be assumed by WorkSource.

TREASURER

Resolution Setting 2003 Tax Foreclosure Sale: A motion was made, seconded and passed to approve **Resolution No. 03-47 – Resolution Setting The Time And Place For The Sale Of Real Property Pursuant To The Real Estate Tax Foreclosure.** The time and place for the sale of real property pursuant to the tax foreclosure provision of Title 84 RCW is scheduled for December 12, 2003 at 9:00 a.m. in the Commission meeting room.

HEALTH AND SOCIAL SERVICES

Request Approval, Agreements w/7 Cities, RUAD Grant: A motion was made, seconded and passed to approve Agreements with seven cities. Through these Agreements, the cities will be reimbursed for law enforcement services to perform party emphasis patrols and liquor purchase age compliance checks. These activities are part of the RUAD (Reduce Underage Drinking) Grant from the Washington State Patrol and these federal grant funds will be used to reimburse the overtime costs for officers

involved in these activities. The Sheriff's Department will also be participating in party emphasis patrols and will have costs covered through this grant.

COMMISSIONERS

Proclamation: A motion was made, seconded and passed to approve a Proclamation declaring the week of June 23 – 29, 2003 as Amateur Radio Week for Grays Harbor County. The Proclamation is in recognition of this important emergency preparedness exercise and citizens are asked to pay appropriate tribute to Grays Harbor Amateur Radio Operators.

ANNOUNCEMENT

The Clerk of the Board announced that Monday, May 26, 2003 is a holiday and there will be no meeting. The next meeting will be held on Monday, June 2, 2003 at 2:00 p.m.

PUBLIC COMMENT

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

CORRESPONDENCE

None

APPOINTMENT

None

STAFF MEETINGS

The Board held staff meetings on Monday, May 19, 2003, starting at 9:00 A.M. These staff meetings are public meetings, held in the Commissioners' Conference Room. The purpose is for information and discussion only. No decisions are made, nor any action taken at staff meetings. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with the Public Services Director. Staff meetings will be held during the week.

RESOLUTIONS

The following resolutions were approved and signed:

**#03-45 Authorizing A Supplemental Extension In The Budget Of The
Grays Harbor County General Fund Public Health And Social
Services Department #001-000-029**

**#03-46 Authorizing An Emergency Appropriation In The Budget Of
The Grays Harbor County General Fund Prosecutor's Office
#001-000-030**

**#03-47 Resolution Setting The Time And Place For The Sale Of Real
Property Pursuant To The Real Estate Tax Foreclosure**

ORDINANCES

None

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The meeting adjourned at 2:56 p.m. to Monday, June 2, 2003 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
This _____ day of _____, 2003

BOB BEERBOWER, Commissioner, District 1

DENNIS MORRISETTE, Chairman

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Sandra Daniels
Clerk of the Board