

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

April 26, 2004

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 26, 2004, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Dennis Morrisette were present. Also in attendance was Donna Caton, Clerk of the Board and Stew Menefee, Prosecuting Attorney.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of April 19, 2004 were approved as presented.

BIDS

Aberdeen Industrial Water Line – Phase 3: There was a bid opening for the Construction of a 48-inch diameter Industrial Water Line in the downtown area of the City of Aberdeen, Washington. The project is generally located along State Street between Division Street and K Street. The Engineer's Estimate for this project is \$1.7 million. The Clerk of the Board opened and read the following bids received with bid bond attached:

Buno Construction, Snohomish, WA	\$1,722,507.21
Stan Palmer Construction, Port Orchard, WA	\$1,825,598.01
D.D.J. Construction Company, Ravensdale, WA	\$1,873,572.81
James W. Fowler Company, Dallas, Oregon	\$2,035,984.95
Rognlin's, Aberdeen, WA	\$1,589,734.99
Quigg Bros., Aberdeen, WA	\$1,649,374.29

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

Construction Contract for Grays Harbor & Pacific Counties Food Bank

Distribution Center: There was a bid opening for a General Construction Contract, which includes electrical construction for Grays Harbor and Pacific Counties Food Bank Distribution Center. The Clerk of the Board opened and read the following bids received with bid bond attached:

Rognlin's, Aberdeen, WA	\$1,304,000.00
Quigg Bros., Aberdeen, WA	\$1,468,500.00

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

HEARINGS

Rezone Application Request by Robert Meyer of Shake & Shingle Sales, Inc.: There was a public hearing to consider Case #2004-0074. Robert Meyer applied to rezone the boundaries of the zones established on maps in Grays Harbor County Code Title 17. The rezone would change the zoning district on approximately 19.1-acres from Rural Residential (RR) to Industrial (I-2). The intent of the rezone is to allow space for a reload center with use of railroad services. The proposed rezone is located south of SR12, one-mile east of the City of Montesano, in the northwest quarter of the southwest quarter of Section 3, Township 17 N., Range 7 W of the Willamette Meridian, situated in the County of Grays Harbor, State of Washington. A Revised Mitigated Determination of Non-significance (MDNS), dated March 22, 2004 has been issued for this request. This means an Environmental Impact Statement will not be required. Chairman Morrisette asked for a staff report. Curt Crites, Grays Harbor County Planner, provided a staff report and addressed areas of concern and requirements resulting from his site visit and from public comment. Mr. Crites reported the applicant and the Board of County Commissioners were provided the following materials and requested that they be entered into the record without reading:

1. Record of Action containing the Planning Commission's adopted findings of fact, conclusions and Conditions of Approval, along with county staff's recommendations.
2. Attachments 1 thru 6.
3. Application for rezone, site plan and vicinity map.
4. SEPA Revised Mitigated Determination of Non-Significance (MDNS).
5. Environmental checklist.
6. Correspondence and hazardous site list for the Montesano Tar Pit.
7. Notice of public hearing.
8. Property owners of record within 300 feet of the proposal.
9. Affidavit of Publication from *The Vidette*.

Mr. Crites reported that the Planning Commission approved the request for a rezone, Case #2004-0074 based upon the following conclusions read into the record:

I.

The proposal will allow land-uses consistent with the surrounding area.

- a) The proposal is on undeveloped land, sandwiched between transportation corridors and existing industrial uses, with very few residential properties in close proximity. A 75 to 25 foot wide vegetation buffer will visually screen and help reduce noise levels on adjacent homes and properties.
- b) The 19.1 acres proposed for rezone is directly adjacent to lands zoned for, and used for industrial uses.
- c) The proposed property has direct access to Puget Sound and Pacific Railroad.

II.

The proposal will not be materially detrimental to the public welfare, or injurious to property or improvements in the vicinity and zone in which the subject property is located.

- a) Future uses associated with the proposal will not create a hazardous condition. The State Environmental Policy Act (SEPA) threshold review for this proposal resulted in a Mitigated Determination of Non-Significance (MDNS). The proposal, as conditioned through the use of mitigation measures, does not represent a probable significant adverse impact to elements of either the natural or built environment.
- b) The proposed rezone area is adjacent to existing industrial uses and industrial zoning districts.

III.

The proposal is consistent with the goals, objectives and policies of the Grays Harbor County Rural Lands Element, The Montesano Comprehensive Plan, and the Industrial Lands Study, as:

- a) Approval of the requested rezone encourages development of new industrial uses adjacent to existing and planned industrial areas.
- b) The proposed area is located near three major transportation routes. The property is sandwiched between Monte-Elma Road and State Route 12, and has direct access to the Puget Sound & Pacific Railroad.

- c) The proposed area is adjacent to the designated urban service area of Montesano, and commercial and industrial uses are located in the immediate vicinity.
- d) Inspection of the subject property showed no evidence of natural hazards, which would adversely, impact intended use.

IV.

Any future industrial development on this rezone property will be subject to additional environmental review, including opportunities for public comment. Although, locally adopted State Environmental Policy Act categorical exemption levels in Grays Harbor County Code 18.04.090 apply.

V.

Findings III, IV, V, XI, and XII show that the proposal will not be materially detrimental to the public welfare, or injurious to property or improvements in the vicinity and zone in which the subject site is located. The public interest would be met by granting this rezone.

Chairman Morrisette asked for public comment.

Testimony:

Mike Daniels of Pacific International Engineering in Olympia spoke on behalf of the applicant. He asked to respond to any testimony, stating that his company has reviewed all conditions. Mr. Daniels further stated that this area has been designated for urbanizing. The existing tar pit on the property is small, not migratory, and slated for removal. Mr. Daniels explained that water and drainage issues would be dealt with in compliance with best management practices and according to the Washington State Stormwater Management Manual. Traffic and access will be assessed prior to any development.

Steve Hepp, 419 Calder Street North, Montesano, owns property on Glenn Road. His concerns were with noise, traffic, and work hours.

Scott Fournier, lives across from the proposed rezone site. His concerns were with the environment and whether the existing site would be incorporated into the requirements for development. He asked when the plant buffer would be installed, what work hours were expected, and whether the access road was a County road. He emphasized that the reason there are fewer residents near this proposed rezone is that the parcels are large.

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Sharon O’Conner, #9 Glenn Road, testified that residential is not compatible with rail operations. She waited years to be able to improve her 13 acres.

Terry O’Conner, #9 Glenn Road, stated that he is for more industry. Years ago a similar application was considered for this property and about 100 people, during a straw poll, voted against the zoning change. People have moved to this area because of the (existing) zoning. He asked whether the tar would become more soluble and susceptible to invade wells if disturbed. Mr. O’Conner asked for several considerations: Dirt removal from this site was moved to a nearby swamp/wetland about six months ago; clean environment (air and water), the area has a high water table; aesthetics and (too much) lighting; whether requirements for buffers are adequate; whether tar can be removed without impacts.

Virgil Foster, #4 Glenn Road North, expressed concern that filling this property would put his property “in a hole”. He stated that people move out of town to get away from lights and expressed concern about destroying the quality of life in the area.

Pauline Foster, #4 Glenn Road North, emphasized that they moved to this area 30 years ago for the privacy. She further noted that a large tar pit is located on her property and, working with Department of Ecology, they decided not to remove the tar due to the huge expense. She further expressed concern about what would happen to her tar pit if the tar was disturbed on the applicant’s property. Lighting was also a concern.

Mike Daniels responded to the testimony. He expressed that the tar pits would be removed under State regulations and would not obligate adjacent property owners to remove tar. Access is by private easement and known by neighboring business Vaughn Pump. Potential buffers have been removed by the railroad and proposed buffers are well thought out. Earth removed from the property was stockpiled, not excavated. Air quality will be addressed under SEPA and Clean Air requirements. Lighting is now available that has less glare. Work hours would not be addressed under a re-zone application, but County staff would look at development applications that may trigger SEPA review. The operation would be under noise and air operating standard requirements by Olympic Region Clean Air Agency.

Pauline Foster further asked how Mr. Daniels could assure her that tar pits on her property would not be affected. Virgil Foster stated that the tar pit runs 2.5 blocks, that the depth is unknown, and that the railroad grade holds it together. Mike Daniels responded that he is not the expert, but removal would be according to Department of Ecology regulations. Another option would be to cap/cover the area.

Planner Curt Crites explained that he did not hear any new concerns that had not already been expressed at the Planning Commission hearing. The hearing was closed.

Action:

On duly carried motion, a decision on the rezone application was postponed for one week.

PRESENTATIONS

None

DEPARTMENTS

FAIR

Request Approval, For Fair Director to Sign An Entertainment Contract with NCE, the Pirate's Parrot Show: The Grays Harbor County Fair Entertainment Committee requested authorization to sign an entertainment contract with NCE, the Pirate's Parrot Show. The Pirate's Parrot show will consist of five (5) days of Parrot and Pirate Educational entertainment, August 11 – 15, 2004. A Pirate Ship will host the stage performances three times per day. In between performances the Pirate and parrots are available for fairgoers to learn about the birds and even hold the parrots. A motion was made, seconded and passed to approve the contract with NCE, the Pirate's Parrot Show.

PROSECUTING ATTORNEY

Request Approval, Settlement of Claim for Excess Vacation and Sick Leave/Chief Criminal Deputy: A motion was made, seconded and passed to approve a Settlement and Waiver of Claim for excess vacation and sick leave for the Chief Criminal Deputy. This relieves the County of any potential liability for a large amount of accumulated leave and recognizes the employee's dedication and service.

MANAGEMENT SERVICES

Request Approval, Set Emergency Budget Hearing/Fair Construction Fund #303-000-000 for May 10, 2004: May 10, 2004 is the date and time for an Emergency Budget Hearing for the Fair Construction Fund #303-000-000 for \$120,000 for interfund loan proceeds from Fund #117-000-000 Aberdeen Landfill Post-closure which is purchasing the investment.

Request Approval, Amend Contract with Manley Services HIPAA Contract: A motion was made, seconded and passed to approve an amended contract with Manley Services designating the appropriate HIPAA contracts for Grays Harbor County according to Grays Harbor County adopted HIPAA Policy. The HIPAA Policy was adopted by Resolution #03/35 and designates Grays Harbor County appropriate contact officials who are authorized and designated as employee protected health information (PHI) privacy handlers under Section XX page 29 of the policy.

Request Approval, Resolution Amending Fair Construction Fund #303-000-000: A motion was made, seconded and passed to approve **Resolution No. 2004-28 – Amending Resolution #03-22 Loaning Funds From Fund #117 Landfill Post-Closure Fund To Fund #303 Fair Construction Fund.** This resolution amends the Interlocal #303-000-000 Fair Construction Loan Resolution #03-22 to increase principal by \$120,000 and extend the loan repayment one-year at 3% interest rate. The Fund #117-000-000 Landfill Post-closure Fund has purchased the loan as an investment with reimbursement received through a long term lease with Brownfield Promotion contracts for annual rent of \$24,000 and the per person World of Outlaw ticket proceeds (approximately \$8,000). The balance of the \$68,073 annual payment is to be made from the Stadium Fund #112.

Request Approval, 2004 Municipal Services Agreement with Oakville Chamber of Commerce: A motion was made, seconded and passed to approve two copies of the 2004 Municipal Services Agreement between Grays Harbor County and the Oakville Chamber of Commerce. \$3,000 will be funded for the promotion of tourism in East County.

Request Approval, Second Quarter Certification of WSU USDA Food Nutrition Service Match: A motion was made, seconded and passed to approve the WSU Federal USDA Food Nutrition quarterly match certification that county dollars are used to match the program.

Request Approval, Set Hearing Date for a Supplemental Budget #001-000-022 Grays Harbor County Noxious Weed Control Board Quinault Gateway Weed Grant for May 10, 2004: May 10, 2004 at 2:00 p.m. is the date and time set for a public hearing for a Supplemental Budget request. The WSU Extension Noxious Weed Board would like to carryover funds from the Quinault Gateway Weed Grant from 2003 in the amount of \$6,291 for the 2004 budget year.

PUBLIC HEALTH AND SOCIAL SERVICES

Request Approval, Contract with 3 screens.com for a Multi-Medial Motivational Program: A motion was made, seconded and passed to approve the following contract

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for services to be provided at the May 26 Youth Prevention Convention at the Fairgrounds. 3screens.com will provide a multi-media motivational program. The cost is \$625 and will be billed to State substance abuse prevention funds.

Request Approval, Contract with Choice and Consequences for a Health Education

Program: A motion was made, seconded and passed to approve a contract for services to be provided at the May 26, 2004 Youth Prevention Convention at the Fairgrounds. Choice and Consequences will present a health education program featuring organs affected by tobacco, alcohol, and/or drug use. This presentation costs \$715 and will be billed to State prevention funds.

Request Approval, Agreement to Extend the Contract for Childbirth Education

Services with Grays Harbor College through December 31, 2004: A motion was made, seconded and passed to approve a letter of agreement extending the County's current contract for Childbirth Education services with Grays Harbor College through December 31, 2004.

PUBLIC SERVICES

Request Approval, Ocean City Water Works Transfer Agreement, Bill of Sale, and

Easement: A motion was made, seconded and passed to approve a Transfer Agreement, Bill of Sale and Easement to transfer ownership of the Ocean City Water Works to the County. The system will be connected to the Pacific Winds Water System that the County acquired as of April 1, 2004.

Request Approval, Seaview Estates Water System Easement: A motion was made, seconded and passed to approve an easement from the Seaview Estates Community Club which provides access for operating and maintaining the water system that services the plat, which the County acquired as of April 1, 2004.

ANNOUNCEMENT(S):

None

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

An e-mail dated April 26, 2004 was received from Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington. The subject is: "Fraud in all Variations, Common Law, Mail, Wire, etc. Because All Actors After Due Notice Continue to Ignore

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the Existing Law. Read on and Make Your Own Decision on My Conclusion.” The e-mail was accepted and placed on file and referred to the Prosecutor’s office.

A request was received from David Wamsley, South Sound Racing, Olympia, Washington. The request is for approval of the 2nd Annual Vance Creek Memorial Weekend Road Race. South Sound Racing proposes promoting a bicycle race Saturday, May 29, 2004 in the Vance Creek area of Elma. The race will consist of the 14-mile loop used in the past that starts and ends near Vance Creek Park. A motion was made, seconded and passed to approve the request subject to review and recommendation by the Sheriff’s Department, Risk Management and the Public Services Department.

PUBLIC COMMENT

Chairman Morrisette asked for public comment. Bill Messenger, local president of AWPPW for Weyerhaeuser in Cosmopolis, addressed a concern regarding the practice of outsourcing maintenance. Weyerhaeuser has steadily decreased the workforce in maintenance by attrition and it is being outsourced to subcontractors. Mr. Messenger reported that instead of hiring local residents, the company has made the decision to bring workers from Oregon and Idaho. There is concern because of the viability of the Grays Harbor economic situation. Mr. Messenger summarized and asked the Board of Commissioners for help.

Tom Shook, president of Carpenters Local 317 in Aberdeen, commented that the practice of outsourcing maintenance has been a problem in the past few years. In the past, local contractors were used for maintenance. Mr. Shook expressed concern with the loss of local jobs and asked the Board of Commissioners for a letter of support asking Weyerhaeuser to re-evaluate their practices.

There was no further public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, April 26, 2004, starting at 9:00 a.m. These staff meetings are advertised public meetings, held in the Commissioners’ Conference Room. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Paul Easter, Kevin Varness and Brian Shea, Department of Public Services.

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RESOLUTIONS

**No. 2004-28 Amending Resolution #03-22 Loaning Funds From Fund #117
Landfill Post-Closure Fund To Fund #303 Fair Construction
Fund**

ORDINANCE

None

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The meeting recessed at 3:36 p.m. and will reconvene at 6:00 p.m. for a Public Hearing on the Chehalis Basin Partnership draft plan for Watershed Management in the Chehalis Basin.

BOARD OF COMMISSIONERS

for Grays Harbor County

This _____ day of _____, 2004

BOB BEERBOWER, Commissioner, District 1

DENNIS MORRISETTE, Chairman

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Sharon Meier

Deputy Clerk of the Board