

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

May 23, 2005

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 23, 2005, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Also in attendance was Donna Caton, Clerk of the Board. Jim Baker, Senior Deputy Prosecuting Attorney was present.

CALL TO ORDER AND FLAG SALUTE

Chairman Beerbower called the meeting to order with the pledge of allegiance to the flag of the United States of America being recited.

MINUTES

May 16, 2005: The minutes of the Commissioners' Meeting of May 16, 2005 were approved as presented.

BIDS

None

HEARINGS

1. **Vote-by-Mail - continued:** This public hearing was a continuation from the May 16 meeting to consider whether to establish Grays Harbor County as a vote-by-mail county. If approved by the Board of Commissioners to establish Grays Harbor as a vote-by-mail county, the Auditor would be authorized to undertake any and all actions required to conduct all Grays Harbor County elections by mail in accordance with state law. For the record the Clerk of the Board submitted a list of "Vote by Mail Public Comments" received between May 16 and 23. The following individuals submitted public comment:

Jill Lagergren, 91 Porter Creek Road West, Elma, Washington (opposed)
Janet Toy, Ocean Shores, Washington (support)
Betty Smith, Ocean Shores, Washington (support)
Arthur Grunbaum, 1128 State Route 105, Aberdeen, Washington (support)
Allan Kalar, PO Box 1975, Elma, Washington (unknown)
Ron & Edith Higginbotham, 570 Wynoochee Valley Road, Montesano, Washington (opposed)

Marilyn Madison, Elma, Washington (opposed)
Becky Durr, Washington (opposed)
Brady Engvall, Washington (support)
Velma Cozzutto, 1029 Fordney, Aberdeen ((opposed)
Tom Seguin, Sr. (support)
Paul Youmans, 1452 Hudson Street, Longview, Washington (support)
Lisa Johnson (support)
Naomi McDougall (opposed)
Wolter & Anneka vanDoorninck, 15 Nancy Lane, Copalis Beach, Washington (support)
Jane Lauzon, 64 Levtz Road, Aberdeen, Washington (support)
Mary Weed, 52 Panhandle Road, Hoquiam, Washington (support)
Jesse M. Turner (questions)
Christine Oestreich, 133 North River Road, Aberdeen, Washington (opposed)

Chairman Beerbower asked for new testimony.

Suzanne Potter, resident of 1610 Westport Road, Aberdeen, asked questions regarding the one voting machine and if it was available for all. Ms. Potter reported that she is an advocate for the elderly and disabled. She reported that they are confused and unhappy about getting to the voting poles. She reported problems regarding voter registration. Ms. Potter summarized and expressed support of vote-by-mail (VBM). Vern Spatz, Grays Harbor County Auditor, reported that there are plans for at least 5 voting machines and possibly 6 machines to be located throughout the County for the public to use.

Herb Welch, resident of 4813 Wishkah Road, Aberdeen, expressed confusion by comments. Mr. Welch discussed concerns regarding the integrity of votes and the process to register to vote. He asked if there would be illegal votes with the current registration system. Mr. Welch commented that face to face contact is another checkpoint in the integrity of the voting system. Mr. Welch summarized and stated that until a system is in place for guaranteeing the integrity of the registration system and the voting process he is opposed to VBM. Vern Spatz responded that drop off sites are subject to the technology available. He explained that Federal law rules on voter registration. Mr. Spatz reported that at the end of this year there will be a state-wide centralized voter registration data base system and every voter will be required to go through that system. All newly registered voters will be required to submit the last 4 digits of their social security number and/or their drivers' license on their voter registration form. Mr. Spatz verified that Grays Harbor County has its own database to correct mistakes or issues presented regarding voter registration.

There was no additional public comment and the hearing was closed. Commissioner Carter commented that a problem with electronic ballot machines is that there is no paper trail. He supports verifiable ballots and believes that VBM will strengthen the voting system. 55% of Grays Harbor County voters now VBM and over 70% in the state VBM. Commissioner Carter reported that VBM saves money now and in the future. He moved to approve Grays Harbor County as a vote-by-mail county, and authorize the Auditor to undertake any and all actions required to conduct all Grays Harbor County elections by mail in accordance with state law.

Commissioner Wilson reported that he believes there is more to be gained by approving the VBM proposal. He commented that during the public comment last week some who spoke against the proposal reported that they too VBM. Commissioner Wilson explained that money is a factor and federal money is still taxpayer money. It is important to look at the savings and it is not a partisan issue. He reported that he studied Oregon's VBM history and in reality VBM does not change political support for either Democrats or Republicans. Commissioner Wilson summarized that VBM makes sense and is a good idea and it is possible to teach children at home.

Commissioner Beerbower reported that he agrees with the other Commissioners. He commented that the problem started with the 2000 national election. The problem needs to be corrected at the national level and can not be done locally. Commissioner Beerbower agrees that there are problems with the current voter registration process. He believes a new voter should be required to appear in person to register to vote.

▪ **Resolution:** A motion was made, seconded and passed to approve **Resolution No. 2005-40 – State of Washington, County of Grays Harbor – Authorization to Conduct all Grays Harbor County Elections as Vote-By-Mail.**

2. **Supplemental Appropriation – Special Projects Fund:** There was a public hearing to consider Supplemental Appropriation as follows: Special Projects Fund #101-000-000 in the amount of \$1,000,000. Notice of this hearing was advertised on May 12 and May 19, 2005. Chairman Beerbower asked for a staff report. Marilyn Lewis with the budget office reported that the \$1,000,000 supplemental budget is in the Special Projects Fund. The Washington State Legislature has provided a state funded supplemental budget of \$500,000 to be expended by June 30, 2005 for coastal erosion. Additionally, the legislature has funded \$1,500,000 in the 2005-2007 biennium with Grays Harbor County acting as lead entity. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

- **Resolution:** A motion was made, seconded and passed to approve **Resolution No. 2005-41 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000/WSDCTED Coastal Erosion.**

3. Supplemental Appropriation – Special Projects Fund: There was a public hearing to consider Supplemental Appropriation as follows: Special Projects Fund #101-000-000 in the amount of \$21,340. Notice of this hearing was advertised on May 12 and May 19, 2005. Chairman Beerbower asked for a staff report. Marilyn Lewis, with the budget office reported that the \$21,340 supplemental budget is in the Special Projects Fund #101-000-000. The supplemental budget is due to amendment #4 received from the Department of Ecology for the Chehalis Basin Watershed Planning grant. This amount is the retainage due from the Phase II and Phase III portion of the grant. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

- **Resolution:** A motion was made, seconded and passed to approve **Resolution No. 2005-42 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000/WSDOE Chehalis Basin.**

4. Text Amendment GHCC Chapters 16 & 17: There was a public hearing to consider a text-amendment of Grays Harbor County Code Chapters 16, governing subdivisions and 17 governing zoning. Notice of this hearing was advertised on May 12, 2005. The proposed amendment was published in *The Montesano Vidette* as required by law. Chairman Beerbower asked for a staff report. The Board of County Commissioners was provided with the following materials prior to the public hearing. The following materials were entered into the record:

1. Record of Action of the Planning Commission containing the Findings of Fact, Conclusions, and Staff recommendations.
2. Application.
3. Determination of Non-Significance.
4. Environmental Checklist.
5. Notice of the public hearing.

Brian Shea, Director of Planning and Building Division, reported the proposed ordinance changes the text of Titles 16 and 17 of the Grays Harbor County Code. Mr. Shea provided background information and reported the proposed ordinance addresses the A-2 (Agricultural Zoning) district. Mr. Shea outlined proposed changes of Grays Harbor County Code Title 16:

The proposed Long-term Agricultural Use District (A-2) has a minimum lot-size requirement of forty acres, or one-sixteenth of a section or larger. This change will allow for County review of subdivisions in the A-2 District that create lots up to 40 acres in size.

Proposed changes of Grays Harbor County Code Title 17 were outlined as follows:

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|---------------|-----|--|
| Chapter 17.12 | A-1 | Agricultural Use District One – The amendment reflects the Purpose of this District. |
| Chapter 17.16 | A-2 | <u>Long-term</u> Agricultural Use District Two – The amendment reflects the Purpose of this District. |
| Chapter 17.48 | I-1 | <u>Light</u> Industrial Park District – The amendment reflects the Purpose of this District. |

The proposed text-amendment promotes the public necessity, convenience and general welfare. The purpose and objectives of the comprehensive-plan and parts thereof are furthered by the proposed changes.

Staff recommended that Case #2005-0521 be approved. The Planning Commission approved the Findings of Fact and Conclusions, as written, for Case #2005-0521. The Planning Commission approved Case #2005-0521.

Chairman Beerbower asked for public comment.

Terry Willis, 83 Willis Road, Montesano, Washington testified on behalf of the members of Olympic View Dairy. Ms. Willis reported that this issue is important to the agricultural community and expressed support for the proposed ordinance.

Mark Vetter, resident of 686 East Satsop Road, Montesano, expressed opposition to the proposed ordinance. Mr. Vetter commented on conditional use and the removal of recreation from the category. He reported that he lives on the fringes and interfaces with GD-5 and he does not see it as a bad thing. He commented that for his farm there is potential for recreational use and eco-tourism and it is not found on a farm that is not tremendously mechanized. He explained that with his large acreage he would like to explore the possibility of doing something involving tourism or recreational such as horse

trails and walking trails and have it interface with his farmland. Mr. Vetter commented that he is aware that he will be denied the tool of dividing his property into 20-acre parcels. He reported that he wants the recreational aspect left in the agricultural rules so that people like him and on the fringes have a tool to work with. He requested that there be consideration for fringe properties.

Commissioner Carter asked questions regarding ways for Mr. Vetter to rezone his property. Brian Shea responded that Mr. Vetter's property is a perfect example and if his property is not prime farmland he could petition for a rezoning of a portion of the property to allow for the use of recreational types of activities.

Jill Lagregan, resident of 91 Porter Creek Road West, Elma, spoke regarding the recommendations of Brian Shea to put the verbiage back as it originally stood in the ordinances. Ms. Lagregan commented that the notification was for verbiage correction and update and she would like follow through on the original intent. She explained that if there is a need for further consideration at a later time that it should go through the regular public process.

Lisa Dilley, resident of Montesano, commented that she is a small farmer on a 65-acre parcel. Ms. Dilley expressed support for the proposed ordinance changes. She reported that she intends to graze animals and needs larger acreage. Ms. Dilley expressed support for the agricultural industry and AG-2.

- **Ordinance:** A motion was made, seconded and passed to approve **Ordinance No. 336 – An Ordinance Amending The Text Of The Grays Harbor County Code Titles 16 and 17, Approving A Petition For Case #2005-0521.**

COMMISSIONERS

None

DEPARTMENTS

FORESTRY

1. **Request Approval, Accept Contract as Complete – Right of Way Sale:** Quality Resource Management, Inc. has satisfactorily completed all the terms and conditions of the contract for the Traham Creek, Wishkah 3380, Grayland and Pacific Beach Right-of-way. The Department of Forestry recommended that the County accept

the contract as complete and release the performance bond as posted by Quality Resource Management. A motion was made, seconded and passed to accept the contract as complete and release the performance bond as posted by Quality Resource Management.

MANAGEMENT SERVICES

1. **Request Approval, Resolution to Transfer within Miscellaneous Funds, Tourism Fund:** The Tourism Fund carried over \$49,000 to the beginning fund balance, above the budgeted amount. The Stadium Fund is experiencing a revenue decline in 2005 and has been utilized to make improvements to capital items such as the Pavilion and Raceway Park. It is requested that \$42,000 be transferred from the Tourism Fund ending fund balance to cover obligations to various visitor information centers in the county. This transfer would cover the balance of contracts outstanding for the visitor centers to promote tourism. Funds are available. A motion was made, seconded and passed to approve **Resolution No. 2005-43 – Transferring Items In The Grays Harbor County Miscellaneous Fund Tourism Fund #112-000-100.**

2. **Request Approval, Set Public Hearing -- Emergency Budget – Facility Services:** June 13, 2005 at 2:00 p.m. is the date and time set for a public hearing to consider an Emergency Budget in the General Fund Facility Services. This request is necessary to cover temporary extra help in the custodial and maintenance divisions. The Facility Services budget was reduced two FTE positions in the 2005 budget. The Emergency Budget is needed to cover the additional summer projects and vacations.

3. **Request Approval, Set Public Hearing -- Supplemental Budget – General Fund Extension Weed:** June 13, 2005 at 2:00 p.m. is the date and time set for a public hearing to consider a Supplemental Budget for the 2004 carry over grant, US Forest Service Quinault Weed Project, in the amount of \$5,901. The funds will be used for part time and extra help on the grant in the Quinault area.

PUBLIC SERVICES

1. **Request Approval, Reconfiguration of Intersection of SR 12 and Central Park Drive/Aberdeen Lake Road:** Washington State Department of Transportation has identified this intersection as a high accident location and is proposing to reconfigure the Aberdeen Lake Road approach to SR 12. This safety improvement would reduce the access to the Lake Aberdeen Road side of this intersection to permit a right-in only (from eastbound SR 12 onto Lake Aberdeen Road). A W.S.D.O.T letter discussing this proposal along with a map of the reconfigured intersection was submitted. LeMay's has

been informed of this proposal and supports this change, as it would help them enforce safety issues they have been trying to abide by at this intersection. After this project is implemented, all traffic on the Lake Aberdeen Road would use the west end of the Lake Aberdeen Road to access the State Highway. Paul Easter, Director of Public Services, reported that the Department of Transportation has funds available and if they are used within the next few months they can be used for intersection improvements at this location. Mr. Easter reported that this is an opportunity for intersection improvements where deemed unsafe. Steve Bennett, Traffic Operations Engineer for DOT, reported that this is a high accident location. Mr. Bennett explained that they have developed a restriction of movement at the intersection of SR-12 and Central Park Drive/Aberdeen Lake Road at MP 3.49. This proposal will reduce the access to the Lake Aberdeen Road side of this intersection to permit a right-in only, from eastbound SR-12 onto Lake Aberdeen Road. It is .7 mile to the other intersection on the west end. This will prohibit crossing from Central Park Drive to Lake Aberdeen and will prohibit left turns out of Lake Aberdeen east toward Montesano. Mr. Bennett reported that the proposed modification would allow a 4-foot buffer between the acceleration lane and the west bound through lane and will add additional safety. A motion was made, seconded and passed to approve the proposed Safety Improvement Project as outlined.

2. Request Approval, CRP Resolutions for 2005 Light Bituminous Surface Treatment: A motion was made, seconded and passed to approve CRP Resolutions to shape and double shoot the following gravel roads with a Light Bituminous Surface Treatment:

78870	Stillson Branch Road	m.p. 0.00-0.12
79170	Wildcat Road	m.p. 0.35-0.575

The Department of Public Works recommended approving the resolutions.

3. Request Approval, Agreement – Ecology Litter Grant: A motion was made, seconded and passed to approve an Agreement to provide up to \$101,749.00 to the County Solid Waste Fund for litter control activities for the 2005-2007 biennium. A portion of the grant, \$61,749.00, is provided for litter pickup by the Jail crew. The funds are used to pay a portion of the supervision of the crew. The remaining \$40,000 is to be used to purchase a new dump truck for the litter program. It will be a smaller truck to replace the 20+- year-old one that is currently used.

4. Request Approval, Law Enforcement Terrorism Prevention WSP

Agreement: A motion was made, seconded and passed to authorize the Chairman to sign FFY-2004 Law Enforcement Terrorism Prevention WSP Agreement #C051012FED. This Interagency Agreement between State of Washington Washington State Patrol and Grays Harbor County is for a grant in the amount of \$35,709. The funds from this grant will be used to purchase equipment which will improve countywide communications for law enforcement.

5. Request Approval, Grant Amendment with CTED – Coastal Communities:

The recent legislative session authorized an additional \$500,000 for coastal communities activities related to coastal erosion and regional sand management in this current biennium. Grays Harbor County acts as lead entity for the coastal communities of Southwest Washington. This funding will be used to continue activities on sand management at the mouth of the Columbia River and at the lower Washington ports on the Columbia and Grays Harbor. A motion was made, seconded and passed to authorize the Chairman to sign the CTED Grant Amendment.

6. Request Approval, Amendment to Engineering Services Agreement –

Coastal Communities: The proposed Amendment to the County engineering services agreement with Pacific International Engineering has been prepared to provide for additional work on coastal erosion and sand management activities as funded by the recent state supplemental construction budget that was signed by the Governor this week. The Amendment provides for additional work to continue the coastal communities efforts in replacing sand to coastal beaches that has been lost due to Corps dredging methods at the mouth of the Columbia. Additional work is also planned for the lower ports on the Columbia and Grays Harbor. The Amendment raises the contract amount by \$500,000. It is funded by a state grant. A motion was made, seconded and passed to authorize the Chairman to sign the Coastal Communities Engineering Services Agreement as described.

7. Request Approval, Right-of-Way Deeds – Ocean Beach Road Hazard

Elimination Project: A motion was made, seconded and passed to approve purchase prices for four (4) right of way parcels necessary for the Ocean Beach Road Hazard Elimination Project, Project No. C-94230-36. These right-of-ways have been successfully negotiated in accordance with adopted right of way procedure. It is anticipated that the deeds will be received within the next week and they will be signed upon their receipt.

8. Request Approval, Resolution to Set A Hearing Date of June 20, 2005 –Intent

to Vacate/Lambert Road: A motion was made, seconded and passed to approve **Resolution No. 2005-44 – Resolution Of Intent To Vacate (R.C.W. 36.87.010)**. This resolution sets a hearing date for June 20, 2005 at 2:00 p.m. to consider the vacation.

SHERIFF

1. **Request Approval, Federal Equitable Sharing Agreement:** A motion was made, seconded and passed to approve a Federal Equitable Sharing Agreement. The Federal Equitable Sharing Agreement is for the term of October 1, 2005 through September 30, 2008. This agreement allows the Sheriff's Department to receive a portion of the funds seized and forfeited when they are assisting federal agencies on cases. This is continuing the current agreement which expires September 30, 2005.

TREASURER

1. **Request Approval, Resolution Setting 2005 Tax Foreclosure Sale:** A motion was made, seconded and passed to approve **Resolution No. 2005-45 – Resolution Setting The Time and Place For the Sale Of Real Property Pursuant To The Real Estate Tax Foreclosure**. This resolution directs the Grays Harbor County Treasurer to sell real properties at the hour of 9:00 in the morning on December 9, 2005.

ANNOUNCEMENT(S)

None

CORRESPONDENCE

None

PUBLIC COMMENT

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

STAFF MEETINGS

The Board held staff meetings on Monday, May 23, 2005, 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 Debbie Adolphsen, Fair and Events Manager,

Extension Office Staff, Rose Elway, Budget Director, Ed Prkut, Assessor and Paul Easter, Department of Public Services.

RESOLUTIONS

- No. 2005-40** **State of Washington, County of Grays Harbor – Authorization to Conduct all Grays Harbor County Elections as Vote-By-Mail**
- No. 2005-41** **Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000/WSDCTED Coastal Erosion**
- No. 2005-42** **Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000/WSDOE Chehalis Basin**
- No. 2005-43** **Transferring Items In The Grays Harbor County Miscellaneous Fund Tourism Fund #112-000-100.**
- No. 2005-44** **Resolution Of Intent To Vacate (R.C.W. 36.87.010)**
- No. 2005-45** **Resolution Setting The Time and Place For the Sale Of Real Property Pursuant To The Real Estate Tax Foreclosure**

ORDINANCES

- No. 336** **An Ordinance Amending The Text Of The Grays Harbor County Code Titles 16 and 17, Approving A Petition For Case #2005-0521.**

The meeting adjourned at 2:58 p.m. to Monday, June 6, 2005 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
this _____ day of _____, 2005

BOB BEERBOWER, Chairman
Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board