

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

July 10, 2006

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, July 10, 2006, at 2:00 p.m. Commissioners Bob Beerbower, Mike Wilson and Al Carter were present. Also in attendance was Donna Caton, Clerk of the Board. Steward Menefee, 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

June 19th, June 22nd and June 30th, 2006: The minutes of the Commissioners' Meeting of June 19, June 22 and June 30, 2006 were approved as presented.

BIDS

- 2006 Culvert Supply Contract:** There was a bid opening for the construction of the following project: 2006 Culvert Supply Contract. The contemplated work to be performed under this contract consists of the fabrication and delivery of 600 L.F. of Polymer Coated Steel Culvert Pipe 0.079" thick, 18" diameter and 600 L.F. of Polymer Coated Steel Culvert Pipe 0.079" thick, 12" diameter. All materials furnished shall conform to the 2006 Standard Specifications for Road, Bridge and Municipal Construction, WSDOT. Plans and specifications were available from the Grays Harbor County Public Services Department, Administration Building, 100 West Broadway, Suite 31, Montesano, Washington. Notice of this advertisement for bid was published in the *Montesano Vidette* on June 8 and June 15, 2006. The Clerk of the Board announced that no bids were received. Chairman Beerbower referred the item to the Department of Public Services.
- Bridge Construction Project – Brooklyn Road and Dekay Road:** There was a bid opening for the construction of the following project: Bridge Construction Project, Brooklyn Road, M.P. 3.2/C-68900-05, Dekay Road, M.P. 1.83/C-43920-05. The work to be performed under this contract consists of replacing culverts with bridges on Brooklyn Road and Dekay Road. Plans and specifications were available from the Grays Harbor County Public Services Department, Administration Building, 100 West Broadway, Suite 31, Montesano, Washington. Notice of this advertisement for bid was published in the

Montesano Vidette on June 22 and 29, 2006. The Clerk of the Board opened and read the following bids received with bid bond attached:

Quigg Bros., Aberdeen, Washington	\$559,149.00
Rognlin's, Aberdeen, Washington	\$582,803.00

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

PRESENTATION

1. **Resolution Honoring Lane Youmans, Sheriff's Department:** A motion was made, seconded and passed to approve **Resolution No. 2006-62 – Honoring Lane Youmans for 29 Years of Service to Grays Harbor County.** Under Sheriff Rick Scott expressed appreciation to Detective Youmans for his work with the Sheriff's Department. Chairman Beerbower thanked Detective Youmans and congratulated him on his retirement.
2. **Resolution Honoring Rod Johnson, Sheriff's Department:** A motion was made, seconded and passed to approve **Resolution No. 2006-63 – Honoring Rod Johnson for 28 Years of Service to Grays Harbor County.** Under Sheriff Rick Scott reported that Detective Johnson was unable to attend the meeting. He expressed appreciation for Detective Johnson's work with the Sheriff's Department. Chairman Beerbower expressed appreciation to Detective Johnson for his work and dedication to the Sheriff's Department.

HEARINGS

1. **Application by SeaPort Development, LLC, Long Subdivision with Planned Unit Development:** There was a public hearing to consider an application by SeaPort Development, LLC. The applicant plans for a Long Subdivision with Planned Unit Development to develop the existing 40-acres of land into 189-lots and associated recreation-areas. The property is located on an existing gravel-road off State Route 109 (between milepost 19 and 20), on the property having Assessor's parcels #191234420010 and #191234420020, one-mile North of the town of Ocean City, within the West half of the Southeast quarter of Section 34, Township 19 N., Range 12 WWM, Grays Harbor County, Washington. Notice of the hearing was advertised in the *Montesano Vidette* on June 29, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Planning and Building Division Director, provided a staff report. Mr. Shea reported that the Grays

Harbor County Planning Commission recommended approval of subdivision referred to as Ocean City Planned Unit Development, Case #2006-0648. The applicant and the Board of County Commissioners were provided the following materials prior to the public hearing. The materials below were entered into the record, by reference without reading, at the public hearing:

1. Record of Action of the Planning Commission containing the Findings of Fact, Conclusions, and Staff Recommendations.
2. 2005 Aerial Photo.
3. National Wetlands Inventory Map.
4. Application.
5. Environmental Checklist.
6. Mitigated Determination of Non-Significance (MDNS).
7. Letter received in response to the MDNS.
8. Notice of Public Hearing, and list of property owners receiving the notice.
9. Affidavit of Publication of the Notice of Application in *The Vidette*.
10. Letters received in response to the public notice.
11. Photographs of existing and proposed housing types.
12. Preliminary-plat plans and maps.

Mr. Shea reported the plan is to develop the existing 40-acres of land into 189-lots and associated recreation-areas.

Mr. Shea reported comment was received from the Law Office of Snure, Regeimbal and Burke and is the firm representing Grays Harbor County Fire Protection District No. 7. They want to insure that the developer will work and collaborate with the fire district to determine the impacts resulting from the development and develop a mitigation plan to assist the district in meeting the needs created by the new development. Mr. Shea reported that the request from the attorney was included as a condition of permit issuance for this case. Mr. Shea reported correspondence was received from Richard Hamer regarding tsunami warnings and evacuation and the impact from the development project. Correspondence was received from Anne Sullivan, Grays Harbor County Emergency/Risk Management Director, regarding the tsunami hazard mitigation plan. Correspondence was received from Richard Tinder requesting information regarding the development. Correspondence was received from Penny LeGate, with KIRO TV, expressing concerns with impacts on air and water quality and general degradation to the environment that would be connected to the development.

Mr. Shea provided additional information regarding the application. He reported that prior to the development being recorded the applicant is required to go to the State and obtain approval for the water systems and septic or sanitary sewer systems. Approval must be granted and the systems constructed or bonded prior to the recording of the subdivision and sale of the lots. Mr. Shea reported that the Planning Commission recommended approval subject to the conditions contained in the Planning Commission staff report. Mr. Shea outlined the Conditions of Approval.

Phil Martinson, engineer for the developer made a power-point presentation. Mr. Martinson outlined a map of the proposed development and discussed development plans. He explained the sewage treatment utilizing a MBR treatment process (Membrane Bio-Reactor) with an expandable and phased plant.

Chairman Beerbower asked for public comment. Darrell Lee, PO Box 132, Medina, Washington, and an adjoining property owner spoke in support of the development. Morris Rasciner, PO Box 543, Copalis Beach, Washington, reported he lives directly across the street from the access to the proposed development. Mr. Rasciner commented regarding the wastewater treatment system and water quality. Mr. Shea clarified that the applicant is proposing to develop a sewer system and have it approved by the state. The County may consider taking over the system however there is no guarantee that the County will assume responsibility for the system. There was no additional public comment and the hearing was closed.

Action: A motion was made, seconded and passed to approve this Long Subdivision with Planned Unit Development Permit – Case #2006-0648.

2. **Application by Mike Folkers, Road Variance:** There was a public hearing to consider an application submitted by Mike Folkers for a road variance in connection with a conditionally approved 2-Lot short Plat, Case #2005-1606. The project is proposed on the property having Assessor's Parcel #171005330080 within the Southwest Quarter of Section 05, Township 17N., Range 10 WWM, Grays Harbor County, Washington. Notice of the hearing was advertised in the *Montesano Vidette* on June 29, 2006.

Chairman Beerbower asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, reported the application is for a road standard variance in connection with a preliminarily approved Short Plat, Case #2006-0868. Ms. Hewitt entered into the record the following:

- Exhibit 1: Staff report containing findings of fact, conclusions and staff recommendations.
- Exhibit 2: Application for variance and supporting documentation.
- Exhibit 3: Notice of public hearing and mailing list.
- Exhibit 4: Hearing date request.
- Exhibit 5: Affidavit of publication from *The Vidette*.
- Exhibit 6: Personalized notice of application and public hearing to owners of subject property.
- Exhibit 7: Written comment received to-date.
- Exhibit 8: Configuration of the access of County road (Breckinridge Road) and accompanying photograph.

Ms. Hewitt reported the applicant is requesting to vary from the Adopted County Road Standards for all substandard elements of an existing road associated with Short Plat #2005-1606. Ms. Hewitt explained that staff examined the criteria set forth by Grays Harbor County Code for granting a variance. Ms. Hewitt outlined the following conclusions:

1. No extraordinary conditions or unusual circumstances peculiar to the property not the result of the action of the applicant exist on the subject property.
 - A roadway conforming to Ordinance #190 complying with the Adopted Private Road Standards could be installed to serve conditionally approved Two-Lot Short Plat, Case 2005-1606. No impediments such as grade, easement width, or horizontal alignment exist to prevent widening the private lane to 20 feet wide terminating in a 35-foot radius cul-de-sac.
2. A literal enforcement of the regulations would not result in unnecessary or undue hardship.
 - The applicant was informed of the infrastructure improvements required for the proposed short plat at a Pre-Application Conference.
 - Denial of some or all of the elements of the road variance does not deprive the applicant of rights enjoyed by others in the same zone; Ordinance #190 requiring minimum road standards in connection with a subdivision applies to all subdivision applications throughout unincorporated Grays Harbor County.
3. The public interest will be secured by granting of a suitable variance.

- The roadway, as proposed, is at minimum consistent with the Fire Apparatus Access Road Standards, Grays Harbor County Code Chapter 15.12.
- The roadway is not proposed for dedication to Grays Harbor County and will remain a private road.

Ms. Hewitt reported that staff recommended that the following elements of the variance be granted:

- (A) Retain the existing paved twelve-foot private lane.

Ms. Hewitt reported that staff recommended that the following elements of the variance request be denied:

- (A) Retain the existing substandard road access from Breckinridge Drive to the private lane.

The road access at the approach from Breckinridge Drive to the private lane shall be improved to multi-access standard as required by Road Access permits 2004-2184 and 2006-0367 and Short Plat Case 2005-1606.

- (B) Relief from the requirement to terminate a private subdivision road in a 35-foot radius cul-de-sac.

The private lane shall terminate in a 35-foot minimum radius cul-de-sac at the driveway serving proposed Lot 2. The cul-de-sac may be 12 inches of gravel base with 2 inches crushed top course.

Chairman Beerbower asked for public comment.

Mike Folkers, resident of 29 Breckinridge Drive, provided background information regarding the area and the road. Mr. Folkers discussed the two elements of the variance denied. He commented that no public purpose is served by requiring a 70-foot diameter cul-de-sac.

Ron Armstrong, 2633 US Highway 101, Hoquiam, Washington, commented that he is experiencing the same situation as Mr. Folkers regarding road requirements. Mr. Armstrong reported that he is trying to have the existing law changed to avoid unnecessary expenses to individuals.

Brian Shea reported that County road standards are based on best management practices and best design practices and they have been used throughout the County. Mr. Shea explained the intention of the road standards being applied in the case is to have a level of uniform construction that provides for safe vehicular traffic throughout the County on both private and public roads. The County road engineers reviewed this application and determined that road improvements should be constructed to the County standards.

Bob Bonnell, resident of 710 Holm Avenue, Montesano, Washington, made comment regarding governmental requirements versus practical application. Mr. Bonnell discussed the possibility of a variance being granted for this situation. He suggested a site visit would be beneficial in this case.

There was no additional public comment and the hearing was closed.

Action: A motion was made, seconded and passed to postpone a decision to July 24, 2006 to allow an opportunity to visit the site.

3. Resolution Adopting Six-Year Transportation Improvement Program: There was a public hearing to consider the adoption of the Six-Year Transportation Improvement Program for the period of 2007-2012. Notice of this public hearing was advertised in *The Montesano Vidette* on June 29, 2006. Chairman Beerbower asked for a staff report. Russ Esses, County road engineer, reported that the Six-Year Transportation Improvement Program has forty-four projects listed. The first eleven are bridge projects and the following seven are railroad projects. There are twenty-six road projects. The total cost of the projects is approximately \$30 million. There are plans to secure state and federal grants to fund the projects over the next six years. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

Action: A motion was made, seconded and passed to approve Resolution No. 2006-64 – Resolution Adopting The Six Year Transportation Improvement Program (TIP) 2007-2012 For Grays Harbor County, Washington.

COMMISSIONERS

1. Appointments to the Public Facility District: Brian Shay, LeRoy Tipton, Terry Veitz: A motion was made, seconded and passed to appoint Brian Shay to a four-year term to serve on Public Facility District 1 of Grays Harbor County. The term ends July 2010.

A motion was made, seconded and passed to appoint LeRoy Tipton to a four-year term to serve on Public Facility District 1 of Grays Harbor County. The term ends July 2010.

A motion was made, seconded and passed to appoint Terry Veitz to a four-year term to serve on Public Facility District 1 of Grays Harbor County. The term ends July 2010.

Chairman Beerbower announced the Board would recess to executive session to discuss a settlement agreement with Commonwealth Insurance regarding earthquake damage for an estimated thirty minutes. There would be no decisions made and no action would be taken. The Board recessed at 3:24 p.m.

The Board reconvened at 3:55 p.m. Chairman Beerbower announced there was discussion with the attorneys regarding an agreement with Commonwealth Insurance.

1. Agreement with Commonwealth Insurance, Courthouse Earthquake Settlement: Stu Menefee, Prosecuting Attorney, reported that during executive session a proposed Release and Settlement Agreement was presented. The agreement sets forth the basics of the settlement that was mediated on June 29, 2006 between parties. The provisions of the proposed settlement agreement have been reviewed with the Board. Mr. Menefee asked the Board to consider approval of the Release and Settlement Agreement and authorize the Chairman to sign the document on behalf of the Board. A motion was made, seconded and passed to approve the Release and Settlement Agreement entered as a result of the June 29, 2006 settlement mediation before Judge Terry Lukens (ret.) in the insurance coverage lawsuit arising out of the Satsop earthquake damage to the Grays Harbor County Courthouse, entitled *Commonwealth Insurance Company of America v. Grays Harbor County*, bearing Pacific County Superior Court cause no. 00-2-00460-2 (the "Lawsuit"). For the record it was noted that Chairman Beerbower was authorized to sign the agreement on behalf of the Board of County Commissioners.

DEPARTMENTS

FORESTRY

1. Set Date for Bid for Pre-Commercial Thinning Project: August 7, 2006 at 2:00 p.m. is the date and time set for the opening of sealed bids on a Pre-Commercial Thinning Project. The project is approximately 243 acres on portions of County property.

MANAGEMENT SERVICES

1. Request Approval, Resolution – Reimbursement for Use of Personal Vehicle:

A motion was made, seconded and passed to approve **Resolution No. 2006-65 – Resolution Authorizing Use Of Private Vehicle For County Business**. This resolution is to provide for the reimbursement of the private use of the Public Services Director's vehicle for County purposes.

2. Request Approval, Set Hearing Date, Supplemental Budget, Crime Victim

Witness Fund: July 24, 2006 at 2:00 p.m. is the date and time set for a public hearing to consider a supplemental budget request in the amount of \$18,256 due to a one-time allocation from the Department of Community Trade & Economic Development for an increase in victim witness personnel by .5 FTE. Funding will be used to increase a Victim Witness Records Clerk position from .17 to .67.

3. Request Approval, Set Hearing Date, Supplemental Budget, Special Projects

Fund: July 24, 2006 at 2:00 p.m. is the date and time set for a public hearing to consider a supplemental budget in the Special Projects Fund for \$16,627 due to an agreement with the Thurston County Emergency Management. Funding will be used to provide local agencies with the ability to address the unique equipment, exercise, training, planning and administration needs of local emergency responders.

PUBLIC HEALTH AND SOCIAL SERVICES

1. Request Approval, Contract Amendment – State DSHS/Mental Health

Division: A motion was made, seconded and passed to approve an amendment to the County's contract with the State DSHS/Mental Health Division for mental health services provided with non-Medicaid funding. This amendment corrects errors in the previous amendments monthly payment amount.

2. Request Approval, Contract Amendment – DSHS related to Interpreter

Services: A motion was made, seconded and passed to approve an amendment to the County's Agreement with DSHS related to Interpreter Services. Through this Agreement the Department is able to bill for the federal portion of interpreter expenses (50%) provided to Medicaid recipients. This amendment makes language changes to administrative requirements.

3. Request Approval, Contract Amendment – Evergreen Counseling Center: A

motion was made, seconded and passed to approve an amendment to the County's contract with Evergreen Counseling Center (ECC) for Mental Health services. This amendment makes decreases to funding that reflect the decline in money received from DSHS beginning July 1.

4. Request Approval, Contract Amendment – Behavioral Health Resources: A motion was made, seconded and passed to approve an amendment to the County's contract with Behavioral Health Resources (BHR) for Mental Health services. This amendment makes decreases to funding that reflect the decline in money received from DSHS beginning July 1.

PUBLIC SERVICES

1. Request Approval, Local Agency Agreement Supplement No. 1 – Stamper Road Cloquallum Creek Bridge Rehabilitation Project: A motion was made, seconded and passed to approve two (2) copies of the Local Agency Agreement Supplement No. 1 requesting \$753,600 of Federal Funds for this Bridge Rehabilitation Project. This agreement supplement was previously executed by the board on June 19, 2006. Due to market condition, the Department believes the previous estimate needs to be increased by approximately \$100,000. This agreement includes this additional funding.

2. Request Approval, Transfer Equipment to GH Communications E 9-1-1: A motion was made, seconded and passed to authorize the transfer of equipment listed in a provided document to Grays Harbor Communications E 9-1-1. Grays Harbor County purchased the equipment according to Homeland Security grant guidelines. The equipment is public safety radio related and has been installed at various sites throughout the County. As per grant requirements, Emergency Management will monitor the equipment status for a period of six years. This action authorizes the transfer of ownership of the equipment to Grays Harbor Communications E 9-1-1.

3. Request Approval, Bid Rejection and Request to Purchase Excavator from State Contract: A single bid for a Cat 312 excavator was received on June 12th and was higher than expected. A motion was made, seconded and passed to approve a request to reject the bid of \$166,971.00 submitted by N.C. Machinery Company, and approve the request to purchase a Cat 315 excavator from the State contracts. The purchase of this equipment will increase the fleet and will be paid for from Road Department funds. This is not in the 2006 Road Fund Budget.

4. Request Approval, Right-of-Way Deeds for Middle Satsop Road Alignment

Project: A motion was made, seconded and passed to approve six (6) right-of-way deeds from Marcy, etal and one right-of-way deed from Gleason-Skok L.L.C. for the Middle Satsop Road Realignment, CRP-97250-11.

5. Request Approval, Declare Equipment Surplus: A motion was made, seconded and passed to declare the following vehicles surplus with a minimum bid price as follows:

#1, a 1992 Ford Taurus VIN #1FACP50U3NG233772 – minimum bid of \$1,050.00.

#30, a 1991 Ford Taurus VIN #1FACP55U3MG169871 – minimum bid of \$1,200.00.

#52, a 1996 Ford Taurus VIN #1FALP52U4TG223245 – minimum bid of \$1,400.00

#141, a 1996 Ford F150 4x4 pickup VIN #1FTHF26H5TLB52532 – minimum bid of \$3,100.00.

This equipment was replaced in the normal replacement cycle and is no longer required by Grays Harbor County.

6. Request Approval, 2006-2008 Lease Agreement with Elma Cooperative

Preschool: A motion was made, seconded and passed to approve the June 1, 2006 through May 31, 2008 agreement with the Elma Cooperative Preschool located at 420 East Young Street, Elma, Washington. The monthly lease amount remains the same, \$200.00 per month. This is a renewal of the existing lease agreement.

7. Request Approval, Purchase pre-cast Communications Building for

Weatherwax Ridge: A motion was made, seconded and passed to approve the purchase of one pre-cast concrete communications building for Weatherwax Ridge. Funding is from the 2006 radio shop budget. Building is on State contract number 09802. Total for the delivered building is \$18,807.40.

INFORMATIONAL ONLY – 2005 Traffic Accident Report

The Clerk of the Board announced that the 2005 Traffic Accident Report was received and distributed.

SHERIFF

1. **Request Approval, Surplus .45-caliber Handgun:** A motion was made, seconded and passed to approve the request to surplus the following –

1-.45-caliber handgun – serial #EDP497US

This item is worth under \$500 and has exceeded its useful life.

ANNOUNCEMENT(S)

None

CORRESPONDENCE

1. A motion was made, seconded and passed to grant permission to use the parking lot at the Grays Harbor Chamber of Commerce for an Aberdeen High School fundraiser on Saturday, September 16, 2006. A Certificate of Insurance naming Grays Harbor County as additionally insured will be provided.

PUBLIC COMMENT

Chairman Beerbower asked for public. Bob Bonnell, resident of 710 Holm Avenue, Montesano, Washington, asked for the general terms of the settlement agreement with Commonwealth Insurance. Stu Menefee summarized the terms of the settlement. The settlement includes a payment of approximately \$6.3 million to the County in response to a claim by the County of slightly more than \$7 million. Mr. Bonnell made comments regarding the LTGO Bonds for the courthouse repair sold in May 2002. He asked questions regarding interest collected from Commonwealth during the past six years. Mr. Menefee explained that the settlement is a compromise between the disputed amount that the parties argued over. When the settlement agreement was reached the County did not receive everything that they wanted and the insurance company did not get everything they wanted. Mr. Menefee reported that the settlement saves the County future litigation. It was confirmed that all courthouse repair expenses have been paid. The Board explained that they would consider the best use of the money for Grays Harbor County.

Ron Armstrong, resident of 2633 West Highway 101, Hoquiam, Washington, commented on road variance requirements and current regulations. Chairman Beerbower reported that there have been discussions regarding Mr. Armstrong's situation.

There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, June 10, 2006, 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 Maryann Welch, Director of Public Health and Social Services, Debbie Adolphsen, Fair and Tourism Director and Paul Easter, Kevin Varness, Jane Hewitt, Brian Shea and Russ Esses, Department of Public Services.

RESOLUTIONS

- | | |
|--------------------|--|
| No. 2006-62 | Honoring Lane Youmans For 29 Years of Service To Grays Harbor County. |
| No. 2006-63 | Honoring Rod Johnson For 28 Years of Service to Grays Harbor County. |
| No. 2006-64 | Resolution Adopting The Six Year Transportation Improvement Program (TIP) 2007-2012 For Grays Harbor County, Washington |
| No. 2006-65 | Resolution Authorizing Use Of Private Vehicle For County Business |

ORDINANCES

None

INTERLOCAL AGREEMENTS

None

The meeting adjourned at 4:23 p.m. to Monday, July 17, 2006 at 2:00 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2006

BOB BEERBOWER, Chairman
Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board