

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

August 14, 2006

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, August 14, 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. 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.

MINUTES

August 7, 2006: The minutes of the Commissioners' Meeting of August 7, 2006 were approved as presented.

BIDS

None

HEARINGS

1. **Supplemental Budget Hearing – Special Projects Fund:** There was a public hearing to consider a Supplemental Budget Hearing as follows: Special Projects Fund #101-000-000 in the amount of \$15,000. Notice of this hearing was advertised in the *Montesano Vidette* on August 3 and 10, 2006. Chairman Beerbower asked for a staff report. Rose Elway, Budget Director, reported that the supplemental budget hearing in the Special Projects Fund is for \$15,000 and is due to a grant received through the State of Washington Department of Ecology. The scope of work includes some completed tasks for the Chehalis Basin Partnership as part of the Phase IV grant contract with the Department of Ecology. Funding will be used to compile data that illustrates the quantity of water rights for the Group A water systems.

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. 2006-78 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000.

2. Open Space Hearing – Request by Paul D. Blake: There was a public hearing to consider a request by Paul D. Blake for reclassification as Open Space for real property tax purposes, for Grays Harbor County Parcel #160509410020, within the Northeast ¼ of the Southeast ¼ of Section 9, Township 16, Range 5 less the Easterly 327-feet. Notice of this hearing was advertised in the *Montesano Vidette* on August 3, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Director of Planning and Building, provided a staff report. Mr. Shea reported that the application for open space is submitted by the applicant, Paul Blake, resident of 13739 Rawlins Road, Mount Vernon, Washington. The size of the property being requested for reclassification for tax purposes is approximately 30 acres in size. The property is located within General Development 5-Acre (G-5). The property is designated Agricultural by the Grays Harbor County Comprehensive Plan Map. County staff reviewed the application request under Revised Code of Washington, the Grays Harbor County Zoning Code, Grays Harbor County Comprehensive Plan and the soil survey for Grays Harbor County from the US Department of Agriculture. Mr. Shea outlined staff's findings as contained in the staff report. Based on the information contained in the reclassification application and on the staff conclusions, it appears that the application, as presented, fails to satisfy the considerations in Revised Code of Washington Chapter 84.34.037(2) as necessary for the approval of the reclassification request to open space and should be denied. 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 deny the Open Space Classification request for the 30-acre site, as presented in the application by Paul Blake for property located at 1498 South Bank Road and having Grays Harbor County Property Tax Parcel Number 160509410020.

3. Open Space Hearing – Request by Green Crow Properties: There was a public hearing to consider a request by Green Crow Properties Incorporated for reclassification as Open Space for real property tax purposes, for Grays Harbor County Parcel #818100000001, within the Southwest 1/4 of Section 2, Township 16, Range 9 in the Plat of South Bay. Notice of this hearing was advertised in the *Montesano Vidette* on August 3, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Director of Planning and Building, provided a staff report. Mr. Shea reported that the application is from Green Crow Properties, PO Box 2439, Port Angeles, Washington. The size of the property being requested for reclassification for tax purposes is approximately 19.54 acres in size. The property is located within General Development 5-Acre (G-5). The property is designated Industrial by the Grays Harbor County Comprehensive Plan Map. County staff reviewed the application request under Revised Code of Washington, the Grays Harbor County Zoning Code, Grays Harbor County Comprehensive Plan and the soil survey for Grays Harbor County from the US Department of Agriculture. Mr. Shea outlined staff's findings as contained in the staff report. Based on the information contained in the reclassification application and on the staff conclusions, it is not

consistent with the reclassification criteria contained in Revised Code of Washington Chapter 84.34.037(2)(b) and Revised Code of Washington Chapter 84.34.037(2)(c). The request, therefore should be denied. 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 deny the Open Space Classification request dated May 27, 2006 by Green Crow Properties Incorporated for property located near John Cudany Lane and having Grays Harbor County Property Tax Parcel Number 818100000001.

4. **Open Space Hearing – Request by Green Crow Properties:** There was a public hearing to consider a request by Green Crow Properties Incorporated for reclassification as Open Space for real property tax purposes, for Grays Harbor County Parcel #161102330000, within the Southwest ¼ of the Southeast ¼ of Section 2, Township 16, Range 9 less the platted lots in the Plat of South Bay. Notice of this hearing was advertised in the *Montesano Vidette* on August 3, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Director of Planning and Building, provided a staff report. Mr. Shea reported that reported that the application is from Green Crow Properties, PO Box 2439, Port Angeles, Washington. The size of the property being requested for reclassification for tax purposes is approximately 21.77 acres in size. The property is located within General Development 5-Acre (G-5). The property is designated Industrial by the Grays Harbor County Comprehensive Plan Map. The property is located in an area designated as Management Unit 30 in the Grays Harbor Estuary Management Plan. The site is located within an area designated as Flood Zone C on the 1978 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). County staff reviewed the application request under Revised Code of Washington, the Grays Harbor County Zoning Code, Grays Harbor County Comprehensive Plan and the soil survey for Grays Harbor County from the US Department of Agriculture. Mr. Shea outlined staff's findings as contained in the staff report. Based on the information contained in the reclassification application and on the staff conclusions, it is not consistent with the reclassification criteria contained in Revised Code of Washington Chapter 84.34.037(2)(b) and Revised Code of Washington Chapter 84.34.037(2)(c). The request, therefore should be denied. 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 deny the Open Space Classification request dated May 27, 2006 by Green Crow Properties Incorporated for property located near John Cudany Lane and having Grays Harbor County Property Tax Parcel Number 161102330000.

5. Open Space Hearing – Request by S. Frank Rupert: There was a public hearing to consider a request by S. Frank Rupert for reclassification as Open Space for real property tax purposes, for Grays Harbor County Parcel #190926330000, within the Southwest ¼ of the Southwest ¼ of Section 26, Township 19, Range 9. Notice of this hearing was advertised in the *Montesano Vidette* on August 3, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Director of Planning and Building, provided a staff report. Mr. Shea reported that the application is from S. Frank Rupert, 950 Oak Street, Aberdeen, Washington. The size of the property being requested for reclassification for tax purposes is approximately 33.77 acres in size. The property is located northeast of the City of Aberdeen in central Grays Harbor County. Wishkah Road provides vehicle access to the property. The Wishkah River bisects the property. Approximately 33.77-acres of the 38.77-acres site is currently enrolled in the Open Space-Agricultural Land Tax Classification. It is for this portion of the property that the applicant has requested a change in tax classification from Open Space Agricultural Land to Open Space Open Space Land. The property is located within General Development 5-Acre (G-5) Zoning District. The property is designated Agricultural by the Grays Harbor County Comprehensive Plan Map. County staff reviewed the application request under Revised Code of Washington, the Grays Harbor County Zoning Code, Grays Harbor County Comprehensive Plan and the soil survey for Grays Harbor County from the US Department of Agriculture. Mr. Shea outlined staff's findings as contained in the staff report. The proposal is inconsistent with the Comprehensive Plan's Agricultural Element Objective 4, which supports efforts to keep agricultural land from being converted to non-agricultural uses. This tax reclassification request, based on the information contained in the reclassification application and on the staff conclusions, is not consistent with the reclassification criteria contained in Revised Code of Washington Chapter 84.34.037(2)(b) and Revised Code of Washington Chapter 84.34.037(2)(c). The request, therefore should be denied. 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 deny the Open Space Land Classification request dated May 22, 2006 by S. Frank Rupert for property located at 4356 Wishkah Road and having Grays Harbor County Tax Parcel Number 190926330000.

6. Open Space Hearing – Request by Marjorie R. Krier: There was a public hearing to consider a request by Marjorie R. Krier for reclassification as Open Space for real property tax purposes, for Grays Harbor County Parcel #190935320010, tax lot 10 within the Southwest ¼ of Section 35, Township 19, Range 9 less the Wishkah River. Notice of this hearing was advertised in the *Montesano Vidette* on August 3, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Director of Planning and Building, provided a staff report. Mr. Shea reported that the application is from Marjorie R. Krier, 21319 Southeast 32nd Street, Sammamish, Washington. The size of the property

being requested for farm and agricultural conservation land classification is approximately 41.57 acres in size. The property is located northeast of the City of Aberdeen in central Grays Harbor County. Hay Road provides vehicle access to the property. The Wishkah River is located in the eastern portion of the property. Approximately 19.64-acres of the 41.57-acres site is currently enrolled in the Open Space-Agricultural Land Tax Classification. It is for this portion of the property that the applicant has requested a change in tax classification from Open Space Agricultural Land to Farm and Agricultural Conservation Land. The property is located within General Development 5-Acre (G-5) Zoning District. The property is designated General Development by the Grays Harbor County Comprehensive Plan Map. County staff reviewed the application request under Revised Code of Washington, the Grays Harbor County Zoning Code, Grays Harbor County Comprehensive Plan and the soil survey for Grays Harbor County from the US Department of Agriculture. Mr. Shea outlined staff's findings as contained in the staff report. This tax reclassification request, based on the information contained in the reclassification application and on the staff conclusions, is not consistent with the reclassification criteria contained in Revised Code of Washington Chapter 84.34.037(2)(b) and Revised Code of Washington Chapter 84.34.037(2)(c). The request, therefore should be denied. 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 deny the Open Space Land Classification request dated May 23, 2006 by Marjorie R. Krier for property located at 26 Hay Road and having Grays Harbor County Tax Parcel Number 190935320010.

PRESENTATION

1. Jodi Reng, Timberland Library: Jodi Reng presented materials regarding the Timberland Regional Library. Ms. Reng highlighted the 2005 Annual Report. She reported that there are 329,317 Timberland library cards in use, an increase of 12,566 compared to 2004. Visitors to Timberland libraries this year were 2,680,345, an increase of 11,874. People who accessed the TRL web page were up 36% and online reference database usage was up 23%. Total in-person and online library visits were 5,625,919 or 15,413 per day. Ms. Reng reported that the library is being conducted in the most efficient way to gain the best use of taxpayer dollars. Ms. Reng provided results of the 2005 Program Highlight – Timberland Reads Together. Timberland's 2006 focus is Family Literacy. The concept of reading as a social activity will be a cornerstone of program planning.

COMMISSIONERS

1. Consideration of Annuity with Commonwealth Insurance: Jim Baker, Senior Deputy Prosecuting Attorney, reported that there are two documents for consideration

and approval. The first document is a Non-qualified Assignment and Release and contains the agreement between Commonwealth Insurance Company and Grays Harbor County. The other document is an Addendum to Release and Settlement Agreement. Mr. Baker reported that Steward Menefee, Prosecuting Attorney, has reviewed and approved the documents as to form and recommended the Board of Commissioners approve the documents. A motion was made, seconded and passed to approve the documents with Commonwealth Insurance Company as presented and to authorize Bob Beerbower to sign the documents.

The Clerk of the Board announced the following item received after the agenda was prepared.

2. **Brian Shea Report, Minimum Road Standards**: Brian Shea, Planning and Building Division Director, provided a status update regarding adjustments to the Grays Harbor County road standards. Mr. Shea made a presentation and outlined proposed road standard changes. The Public Works department will prepare drawings and make changes for review by Jim Baker, Senior Deputy Prosecuting Attorney. Mr. Baker will prepare the text of the ordinance authorizing the change. Mr. Shea estimated that it would take approximately 6-7 weeks for completion of the change.

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Resolution – Salary Amendment**: A motion was made, seconded and passed to approve **Resolution No. 2006-79 – Fixing Compensation Of Employees From And After January 1, 2006**. This resolution amendment reflects the promotions and reclassifications in the Public Services Department, Environmental Health Division and Planning and Building Division to be effective August 1, 2006. All changes have been reviewed and accepted by AFSCME Local #275 and the division department heads.

PUBLIC SERVICES

1. **Request Approval, Amendment to 2005 Law Enforcement Terrorism Prevention Program Grant**: A motion was made, seconded and passed to approve and authorize the Chairman to sign the 2005 Law Enforcement Terrorism Prevention Program Grant (LETPP) Amendment with Washington State Patrol. The amendment replaces the Approved Equipment List and adds an equipment approval and reimbursement process.

2. Request Approval, Local Agency Agreement Supplement #1 – Countywide

Curve Improvements: A motion was made, seconded and passed to approve and authorize the Board Chair to sign two (2) copies of the Local Agency Agreement Supplement #1 for the Countywide Curve Improvements, C-97250-13 project. This agreement requests federal funds for the construction phase.

3. Request Approval, Engineering Agreement Amendment – Coastal

Communities: A motion was made, seconded and passed to approve and authorize the Board Chairman to sign the Coastal Communities Engineering Agreement Amendment. The amendment has been prepared to provide for additional work by Pacific International Engineering in support of the coastal community's effort to address erosion and other issues on the Southwest Washington coast. As lead entity, Grays Harbor County administers the state grants and contracts for the communities group. These efforts are being funded by a grant from CTED in response to the State Legislature's funding of these efforts. The amendment provides for additional work to continue efforts to replace sand lost from the littoral drift at the mouth of the Columbia. In addition, work will also continue on Grays Harbor navigation, North and South Jetty's of Grays Harbor, Half Moon Bay, and issues at the mouth of the Willapa and at the Ports of Ilwaco and Chinook. The cost of the amendment is \$485,000.00. It will be funded from the CTED grant.

4. Request Approval, Utility Services Agreement – Seabrook Development:

A motion was made, seconded and passed to approve an updated Utility Services Agreement with Seabrook Development Company for water and sewer utility service at Pacific Beach. The original agreement was signed in early 2005. The amendment includes Seabrook's commitment to pay for additional planning, permitting, and design work as well as increasing their share of construction costs for the sewer plant expansion. The original agreement provided for 400 utility connections, and the amendment increases that to 600 connections. The agreement and amendment were both developed with significant review by the Prosecutor's Office.

5. Request Approval, Coordinated Prevention Grant Amendment –

Department of Ecology: A motion was made, seconded and passed to approve a Coordinated Prevention Grant Amendment between the County and the State Department of Ecology to provide up to \$35,903.00 of additional funding in the current grant cycle. These supplemental funds became available after the State Legislature restored previously reduced funds in their last session. The funds will be used to assist in the household hazardous waste collection activities and in the community education and outreach programs for recycling.

6. Request Approval, Request to Purchase one or more Broom-Vac Truck(s) and set bid opening date: A motion was made, seconded and passed to approve the purchase of one or more Broom-Vac Trucks and set September 11, 2006 at 2:00 p.m. as the date and time for the bid opening.

Chairman Beerbower announced that the Board of Commissioners would recess and adjourn as the Board of Health.

BOARD OF HEALTH

1. Request Approval, Environmental Health Division Revised Rate Resolution:

A motion was made, seconded and passed to approve Resolution No. 2006-80 – Resolution Authorizing Implementation Of A Revised Fee Schedule For Environmental Health Programs. Doug George, Director of Environmental Health, reported that this resolution has been prepared to add the “Nitrate” fee charged by the Environmental Health Division.

Chairman Beerbower announced that the Board of Health would adjourn and the Board of Commissioner would reconvene.

PROSECUTING ATTORNEY

1. Award and Approve Contract for Indigent Defense for Remainder of 2006:

Jim Baker, Senior Deputy Prosecuting Attorney, reported that the Prosecutor’s office received three proposals for the Indigent Defense contract for the remainder of 2006. After consulting with the Superior Court judges Mr. Menefee recommended that the Board select and approve Tamara J. Darst and Darst Law Office. A motion was made, seconded and passed to select Tamara J. Darst and Darst Law Office for the Indigent Defense contract for the remainder of 2006 and authorize the Board Chairman to sign the contracts.

ANNOUNCEMENT(S)

None

CORRESPONDENCE

1. An e-mail dated August 13, 2006, was received from Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington. The subject was: Notice of your failure to perform your common-law duty concerning your Public Official Bond with care, skill, etc. The e-mail was placed on file and available to the public for review.

PUBLIC COMMENT

Chairman Beerbower asked for public comment. Ron Armstrong, 2633 US Highway 101, Hoquiam, Washington commented on the changes in the rules for a road variance. Jim Baker responded to questions raised by Mr. Armstrong.

Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington, provided information regarding his e-mail message dated August 13, 2006.

There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday August 14, 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 and Paul Easter, Director of Department of Public Services.

RESOLUTIONS

- | | |
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| No. 2006-78 | Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000 |
| No. 2006-79 | Resolution Fixing Compensation Of Employees From & After January 1, 2006 |
| No. 2006-80 | Resolution Authorizing Implementation Of A Revised Fee Schedule For Environmental Health Programs |

ORDINANCES

None

INTERLOCAL AGREEMENTS

None

The meeting adjourned at 3:24 p.m. to Monday, August 21, 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