

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

January 22, 2007

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, January 22, 2007, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Steward Menefee, Prosecuting Attorney was present. Also in attendance was Donna Caton, Clerk of the Board.

CALL TO ORDER AND FLAG SALUTE

Chairman Carter called the meeting to order with the pledge of allegiance.

MINUTES

January 8, 2007: A motion was made, seconded and passed to approve the minutes of the Commissioners' Meeting of January 8, 2007.

BIDS

1. **Stamper Road Cloquallum Creek Bridge Rehabilitation:** There was a bid opening for the construction of the following project: Stamper Road Cloquallum Creek Bridge Rehabilitation, M.P. 2.71 to M.P. 2.77, C-76730-01, BHOS-2014(063). The work to be performed under this contract consists of rehabilitation of the existing bridge. 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 bid was advertised in *The Montesano Vidette* on December 21 and January 4, 2007. The Clerk of the Board opened and read the following bids received with bid bond attached:

Quigg Bros., Inc. Aberdeen, Washington	\$676,760.00
Rognlin's Inc., Aberdeen, Washington	\$797,740.00

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

2. **Indigent Defense and Juvenile Defense Contracts:** There was a bid opening for contracts for public defense for juvenile court. Steward Menefee, Prosecuting Attorney reported that applications were accepted for indigent defense contract for district court and for the conflict indigent contract for juvenile court. Two applications were received for the district court contract. One application was from the Darst Law Office and the second application was from the Wheaton Law Firm. Both candidates qualify and have previously provided services to the county. The Wheaton Law Firm has one of the other

contracts for district court. The Darst Law Office does not currently have a contract for district court. The recommendation was to assign the contract to the Darst Law Office. Mr. Menefee recommended that the juvenile court indigent conflict defense contract be reset for February 5 to allow additional time for response. A motion was made, seconded and passed to reset the bid opening for the juvenile court indigent conflict defense contract to February 5, 2007 at 2:00 p.m. A motion was made, seconded and passed to award the indigent defense contract for Grays Harbor County District Court to Darst Law Office for \$2,798.60 per month. In addition to the monthly payment, the Attorney shall receive a flat one time fee of \$97.80 for each case assigned in excess of the limit set in section 7 of the agreement, in any event not to exceed seventy-five additional cases.

HEARINGS

1. Road Variance application – Keith McMaster: There was a public hearing to consider an application submitted by Keith McMaster for approval of Road Variance Case 2006-2387 to allow the use of an existing sub-standard road for a private subdivision road to serve two lots in connection with a preliminarily approved 2-lot Short Plat. The subdivision is proposed on the property having Assessor's Parcel #170521130010 in the Southwest quarter of the Northeast Quarter of Section 21, Township 17 N., Range 5, W.W.M., Grays Harbor County, Washington. Notice of this hearing was advertised in *The Montesano Vidette* on January 11 and 18, 2007. Chairman Carter asked for a staff report. Jane Hewitt, County Planner reported that the applicant and the Board of County Commissioners were provided a packet containing the following materials prior to the public hearing. The materials below were entered into the record, by reference without reading, at the public hearing:

- Exhibit 1: Staff report containing the findings of fact, conclusions, and staff recommendations.
- Exhibit 2: Application for variance and supporting documentation.
- Exhibit 3: Administrative Decision for Short Plat 2006-1451.
- Exhibit 4: Notice of public hearing and mailing list.
- Exhibit 5: Hearing date request.
- Exhibit 6: Affidavit of Publication of *The Montesano Vidette*.
- Exhibit 7: Personalized notice of application and public hearing to owners of subject property.
- Exhibit 8: Written comment received to-date.

Ms. Hewitt reported that staff examined the variance criteria set by Grays Harbor County Code Section 16.40.030 providing that variances may be granted when the following findings are made:

1. There exists extraordinary conditions or unusual circumstances peculiar to the property and not the result of the action of the applicant;
2. A literal enforcement of the regulations would result in unnecessary and undue hardship;
3. Justice could be done and the public interest secured by granting of a suitable variance;
4. The variance conforms to the provisions of Revised Code of Washington 58.17 as amended.

Ms. Hewitt outlined the conclusions as follows:

1. Extraordinary conditions or unusual circumstances peculiar to the property, not the result of the action of the applicant, exist on the subject property, as:
 - The subject property and the existing single-family residences are approximately 100-feet to 120-feet in elevation above Porter Creek Road.
 - The existing roadway, which has served two residences since 1999 traverses the face of the bluff.
2. A literal enforcement of the regulations would result in unnecessary or undue hardship, as:
 - The applicant sought all applicable permits for the development of the existing single-family residences on the property. Grading the road to 14% maximum grade would require extraordinary cutting, filling and blasting and may result in adverse impacts that would outweigh the life and safety value of the improvement.
3. The public interest will be secured by the granting of a suitable variance, as:
 - The roadway has adequately served the existing dwellings for many years. No additional impact to the public would be anticipated.

Ms. Hewitt outlined the conditions of approval as following:

1. The applicant shall submit a Road Maintenance Agreement to Grays Harbor County for review and approval. This document shall set forth rights and responsibilities for the maintenance of the roadway between the owners of

Proposed Lot 1 and Proposed Lot 2 of Short Plat 2006-1451. Upon approval of this document, it shall be recorded with the Grays Harbor County Auditor.

2. Subsequent development of either proposed Lot 1 or Proposed Lot 2 shall require improvement of the existing road or provision of an alternate means of access meeting Adopted Road Standards.

Chairman Carter asked for public comment. Terri Franklin, resident of Elma, commented regarding unstable soils on the proposed property. Ms. Franklin spoke in support of the variance request. Keith McMaster, the applicant, made comment supporting the variance request. There was no additional public comment and the hearing was closed.

Action: A motion was made, seconded and passed to approve the variance (Case #2006-2387) from the subdivision-road standards (Ordinance #190) as presented.

PRESENTATION

1. **Lourdes Alvarado-Ramos, Deputy Director of Dept. of Veterans Affairs:** Ms. Alvarado-Ramos made a presentation outlining benefits, services and programs offered through the Washington State Department of Veterans Affairs. Ms. Alvarado-Ramos encouraged veterans to utilize the services and resources available.

COMMISSIONERS

1. **Re-appointment to Civil Service Commission:** A motion was made, seconded and passed to reappoint Al Izatt to serve on the Grays Harbor County Civil Service Commission for the term of February 1, 2007 to February 1, 2013.
2. **Appointment to Mental Health Advisory Board:** A motion was made, seconded and passed to appoint Emily Colgrove to the Mental Health Advisory Board for a three year term.

DEPARTMENTS

FAIR

1. **Request Approval, Authorize Director to Sign Entertainment Contract with The Rhinestone Roper Show:** A motion was made, seconded and passed to authorize the fair director to sign an entertainment contract with The Rhinestone Roper Show. The Rhinestone Roper Show will provide up to three performances a day on

Sunday, August 12, 2007. The Rhinestone Roper Show features The Mink Family from Jerome, Idaho.

2. Request Approval, Authorize Director to Sign Entertainment

Contract with Paradise Artists for rock group, Survivor: A motion was made, seconded and passed to authorize the fair director to sign an entertainment contract with Paradise Artists for the classic rock group, Survivor. Survivor will perform in concert on the Pepsi Stage, Thursday, August 9, at 8:00 p.m.

FORESTRY

1. Request Approval, Award 2007 Tree Planting Contract: The department recommended that the Tree Planting Contract be awarded to Sierra Reforestation for a contract value of \$20,850.60. A motion was made, seconded and passed to award Tree Planting Contract – TRE2007 to Sierra Reforestation as outlined.

MANAGEMENT SERVICES

1. Request Approval, Budget Transfer – Auditor’s M & O Fund: A motion was made, seconded and passed to approve **Resolution No. 2007-10 – Transferring Items in the Grays Harbor County Miscellaneous Fund Auditor’s M & O.** This resolution allows a budget transfer for \$9,000 be made in the Auditor’s M & O Fund #102 for the purchase of a Spillman computer server for the Sheriff’s Department. The Spillman system is the data base where all criminal records are stored and this purchase falls within the guidelines of the Auditor’s M & O Fund which is primarily used for official record retention. Funds are available in the Auditor’s M & O ending fund balance to allow the transfer.

2. Request Approval, Grays Harbor Economic Development Council 2007 Municipal Services Agreement: A motion was made, seconded and passed to approve two copies of the 2007 Municipal Services Agreement between EDC and Grays Harbor County in the amount of \$13,500. This agreement continues with the EDC providing a comprehensive, cooperative, and planned approach to economic development involving government, business, education, labor and others.

PUBLIC HEALTH AND SOCIAL SERVICES

1. Request Approval, Amend Contract with DSHS, Division of Alcohol and Substance Abuse: A motion was made, seconded and passed to approve an amendment to the County’s contract with the State DSHS, Division of Alcohol and Substance Abuse. \$30,000 is added to enhance outpatient services.

2. **Request Approval, Amend Contract with ESD 113:** A motion was made, seconded and passed to approve an amendment to the County's contract with the ESD 113 to hire an additional counselor to target more services for Medicaid eligible youth.

3. **Request Approval, Amendment to the Program Agreement with DSHS Medical Assistance Administration:** A motion was made, seconded and passed to approve an amendment to the County's Program Agreement with the DSHS Medical Assistance Administration. Changes have been made to the Billing and Payment section of the Agreement. DSHS will bill the department for up to 3% of the reimbursement to cover their administrative costs.

PUBLIC SERVICES

1. **Request Approval, Authorization to make emergency road repairs due to the Windstorms:** The December 14, 2006 windstorm damaged the county road system. A motion was made, seconded and passed to authorize the department to purchase materials, hire equipment and labor necessary to make emergency repairs.

2. **Request Approval, 2007 Agreement with Grays Harbor Transit Authority and ER & R Division:** A motion was made, seconded and passed to approve the 2007 Agreement between Grays Harbor Transit Authority and the ER & R Division for radio equipment maintenance. A fee of \$500 per month will be paid by Grays Harbor Transit Authority for ER & R to service all two-way radio systems and associated electronics gear.

3. **Request Approval, Right of Way exchange – Oppelt Road:** A motion was made, seconded and passed to approve two quit claim deeds. The County's present right-of-way deed for Oppelt Road is not located where the physical location of the road is. The physical location of the road is partially on Weyerhaeuser property. Therefore, by exchanging a portion of the County's deeded right-of-way with Weyerhaeuser, the County will receive a deed in exchange for the actual road location.

4. **Request Approval, 2006 Law Enforcement Terrorism Prevention Program (LETPP) Grant:** A motion was made, seconded and passed to approve a contract with the Washington State Patrol in the amount of \$100,838. The funds from this grant will be used to purchase interoperable communication equipment for law enforcement projects.

5. **Request Approval, 2007 Traffic Control Devices Stockpiling Contract – set bid date:** A motion was made, seconded and passed to grant authorization to advertise for bids for the 2007 Traffic Control Devices Stockpiling Contract. Bid publications would be February 8, 15, 2007, with a bid opening of March 5, 2007, at 2:00 p.m.

6. Request Approval, 2007 Road Levy Certification: A motion was made, seconded and passed to approve the 2007 Road Levy Certification. The document certifies the estimated road revenue produced by the 2007 Road Levy.

SHERIFF

1. Request Approval, Retire K-9, Chance, narcotics detection dog: A motion was made, seconded and passed to approve a request to retire K-9 Chance, the narcotics detection dog for the Grays Harbor County Sheriff's Department. Approval was granted for Deputy Brad Russell to adopt Chance. Given the training that Chance has experienced, it is not appropriate for anyone else to try to adopt him.

ANOUNCEMENTS

None

CORRESPONDENCE

The Clerk of the Board announced the following correspondence:

1. A Use Permit Application was received from Puget Sound Model Boat Club, Lakewood, Washington to use Vance Creek Park, Elma on March 31, April 1, 2007. A motion was made, seconded and passed to approve the request subject to review and recommendation by the appropriate departments.
2. A Use Permit Application was received from BuDu Racing, Auburn, Washington to use Vance Creek Park, Elma on August 4, 2007. A motion was made, seconded and passed to approve the request subject to review and recommendation by the appropriate departments.
3. A Use Permit Application was received from BuDu Racing, Auburn, Washington to use Vance Creek Park, Elma on August 19, 2007. A motion was made, seconded and passed to approve the request subject to review and recommendation by the appropriate departments.

PUBLIC COMMENT

Chairman Carter asked for public comment. He announced that comments would be limited to five minutes. Comments and statements will be received and questions should be submitted in writing. If an appointment with a commissioner is required that issue will be addressed following the meeting. Ron Armstrong, resident of Hoquiam,

Washington made comment regarding a letter from Mr. Baker and addressed to the Board of Commissioners. Mr. Armstrong commented regarding copyright issues. He suggested that county codes be available online.

Stanley Blunt, resident of Aberdeen, Washington made comment regarding the Forestry contract awarded for 2007 tree planting. He discussed the use of I-9 Forms. He discussed the restriction regarding the use of subcontractors.

There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, January 22, 2007, 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; Nancy Allison, Vicki Cummings and Jesus Cardenas regarding RC& EDD. Maryann Welch, Department of Public Health and Social Services and Lee Napier, Paul Easter, Brian Shea and Kevin Varness, Department of Public Services.

The Board approved the following:

RESOLUTIONS

No. 2007-10 Transferring Items in the Grays Harbor County Miscellaneous Fund Auditor's M & O

ORDINANCES

None

INTERLOCAL AGREEMENTS

None

The meeting adjourned at 2:48 p.m. to Monday, January 29, 2007 at 2:00 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2007

ALBERT A. CARTER, Chairman
Commissioner, District 3

BOB BEERBOWER, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board