

## MINUTES

### BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

February 11, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, February 11, 2008, at 2:00 p.m. Commissioners Bob Beerbower and Al Carter were present. Jim Baker, Senior Deputy Prosecuting Attorney was present. Also in attendance was Donna Caton, Clerk of the Board. Commissioner Mike Wilson was excused.

#### **CALL TO ORDER AND FLAG SALUTE**

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

Chairman Carter made a public service announcement reminding the public that the news media is present at and will be videotaping the Board of County Commissioners meetings. He added that the Commissioner's office itself makes audio recordings of the meetings, including all public testimony.

#### **MINUTES**

**February 4, 2008:** A motion was made, seconded and passed to approve the minutes of February 4, 2008.

#### **PRESENTATIONS:**

**Debbie Adolphsen and Rod Easton, Entertainment:** Debbie Adolphsen, Director of Fair and Tourism, presented the major entertainment for the 2008 fair. Rod Easton outlined the entertainment schedule and provided background information regarding the various events.

#### **BIDS:**

None

#### **HEARINGS:**

1. **Ordinance to extend moratorium – Wildcat Creek Aquifer:** There was a public hearing to consider an ordinance extending the Wildcat Creek Aquifer Area development moratorium adopted by Ordinance 357, as amended by Ordinance 363 and 366, for an additional six months to August 12, 2008. A brief description of the ordinance presented to the Grays Harbor County Board of Commissioners for consideration was published in the *Montesano Vidette* on January 31, 2008. A full text of

the proposed ordinance was available at the County Commissioners Office, Suite 1, County Administration Building, Montesano, Washington. Chairman Carter asked for a staff report. James Arthur, consultant, reported that the moratorium was implemented approximately one year ago and was used as a case study for the State Department of Health in their larger study on assisting local government in making decisions regarding managing ground water supplies. The study results were recently released which identified risks to the ground water supply. Recommendations were made regarding how to manage the aquifer. Mr. Arthur explained that extending the moratorium would allow additional time to implement measures to protect the aquifer. The intent is to have the program in place as soon as possible and within six months. The moratorium would be lifted as soon as the program is implemented.

Chairman Carter asked for public comment. Kim Anensen asked questions regarding the December draft report and the January final revision. Mr. Arthur responded and provided an overview of the findings and recommendations. He reported that information is available on-line at [www.horsley-wippen.com/evergreen](http://www.horsley-wippen.com/evergreen). Tim Hamilton, resident of Grays Harbor, commented that this issue is important to all those involved and spoke in support of extending the moratorium. Gary Anensen, resident of McCleary, reported that his goal is to promote responsible development in McCleary. Elsie Franklin, resident of McCleary, encouraged the Board to extend the moratorium until all of the research and reports are completed. Ken Brogan, resident of Tumwater, asked if the Commissioners intended to take action at this meeting regarding the extension. Receiving an affirmative answer, Mr. Brogan requested that both Commissioner Carter and Commissioner Beerbower recuse themselves from this action based on appearance of fairness. Jim Baker, County attorney, reported that the appearance of fairness doctrine does not apply to the legislative function. He stated he was not aware of any ex parte contact pertaining to this moratorium issue. Recusal would result in a lack of a quorum and both Chairman Carter and Commissioner Beerbower announced that they would not recuse themselves. Terri Franklin, resident of McCleary, thanked the Board for the work they have done regarding the aquifer and spoke in support of extending the moratorium until all of the studies can be completed. Busse Nutley, City Administrator for McCleary, thanked the Board for continuing to work on this problem for the residents of the area and reported that the City Council is ready to move forward with required changes to city practices. There was no additional public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve Ordinance No. 369 – A Grays Harbor County Ordinance Extending the Moratorium on Implementing New Zoning Controls, Short Plats, Subdivisions, Well and On-Site Sewage Disposal System Permits on Land Located on the Wildcat Creek Aquifer in Unincorporated Grays Harbor County to August 12, 2008.**

2. **Supplemental Budget – Juvenile Department:** There was a public hearing to consider Supplemental Budget as follows: Juvenile Department #001-000-026 in the amount of \$48,117. Notice of this hearing was published in the *Montesano Vidette* on January 31 and February 7, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that the request is for a supplemental budget for \$48,117 in the General Fund Juvenile Department due to state funding received through DSHS. \$48,117 in grant money will be used in professional services, travel and supplies to provide functional family therapy and aggression replacement training to juveniles. Chairman Carter 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. 2008-07 – Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund Juvenile Department Fund #001-000-026.

3. **Emergency Budget – Superior Court:** There was a public hearing to consider Emergency Appropriation as follows: Superior Court #001-000-033 in the amount of \$78,275. Notice of this hearing was published in the *Montesano Vidette* on January 31, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that the emergency budget request is in the amount of \$78,275 for funding received through the Washington State Office of Public Defense for the improvement of public defense. These funds were deposited in December 2007; therefore the funds were carried over in the general fund balance and will be spent in 2008. Chairman Carter 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. 2008-08 – Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Superior Court #001-000-033.

4. **Continued Hearing – Ordinance – Public Records Act:** The Clerk of the Board announced that this hearing was held on January 28, 2008. A decision was continued to February 11, 2008 to consider an ordinance adding a new chapter to Title 2 of the Grays Harbor County Code to establish the procedures Grays Harbor County will follow in order to provide full access to public records as provided by Chapter 42.56 of the Revised Code of Washington. This was a closed hearing and there was no public comment.

**ACTION:** A motion was made, seconded and passed to approve Ordinance No. 370 – An Ordinance Adding a New Chapter to Grays Harbor County Code Title 2 to Establish the Procedures Grays Harbor County will Follow in Order to Provide Full Access to Public Records.

### **COMMISSIONERS:**

1. **Appointment to Human Services Advisory Board – Royce Travis:** A motion was made, seconded and passed to appoint Royce Travis to the Human Services Advisory Board as recommended by Joan Brewster, Director of Public Health and Social Services.
2. **Technical Support Agreement with Efficiency Inc. for FTR Gold Recording System:** A motion was made, seconded and passed to approve the Efficiency Inc. Technical Support Agreement for a one-year term from March 27, 2008 to March 26, 2009.

The Clerk of the Board announced the following item:

3. **Public Development Authority Re-appointments** Grays Harbor Public Development Authority Board of Directors requested approval/ratification for reappointments to their Board. A motion was made, seconded, and passed to reappoint to The Public Development Authority (PDA) Board of Directors the following individuals: Port of Grays Harbor Commissioner Jack Thompson to Position No. 3, Steve Poler to Position No. 4, and Ron Rogstad to Position No. 6.

### **DEPARTMENTS:**

#### **AUDITOR**

1. **Request Approval, January Expenditures:** A motion was made, seconded and passed to approve expenditures for January 2008 as follows: Claims \$3,876,150.82 and Salary \$2,384,400.02 for a total of \$6,260,550.84.
2. **Resolution Establishing Employee Flexible Spending Account:** A flexible spending account (FSA) deducts money from an employee's paycheck to pay medical, daycare, or other authorized expenses. The money is deposited into a local checking account then remitted by electronic funds transfer. Since employees deposit over a 12 month period there is a need to cover claims submitted in the early part of the year. A motion was made, seconded and passed to approve **Resolution No. 2008-09 – Establishing an Imprest Account Revolving Fund to Administer an Employee Flexible Spending Account (FSA)**. This resolution authorizes establishing a revolving account to fund payments to the administrator of the county employee flexible spending account.

### **FAIR & TOURISM**

1. **Request Approval, Authorization to sign entertainment contracts:** The Grays Harbor County Fair Entertainment Committee requested authorization to sign contracts for performers for the 2008 Grays Harbor County Fair. A motion was made, seconded

and passed to authorize the director to sign contracts with the following individuals for the 2008 County Fair: Eric Church, August 6<sup>th</sup>; Kellie Pickler, August 7<sup>th</sup> and Connie Smith, August 8<sup>th</sup>.

## **FORESTRY**

**1. Request Approval, Resolution Waiving Competitive Bid Requirements for Salvage & Sale of Timber (December 2007 storm):** Grays Harbor County sustained significant damage to its timberlands as a result of the December 2-3, 2007 storm event. The Department has devoted efforts toward preparing salvage sales to recover the damaged timber. The design and engineering of these blow down sales is time consuming and dangerous. It will be difficult to recover all of the damaged timber in a timely manner. Time is of the essence, as this damaged timber will become susceptible to severe loss in value due to rot and disease. Grays Harbor County Code chapter 2.20.070 allows the Board of County Commissioners to dispense with competitive bidding where the Board determines an emergency to exist. The Department believes that an emergency exists and that in order to deal with it in an adequate and timely manner, there are instances where dispensing with the competitive bid process is appropriate and prudent. The Department recommended that the Board approve the proposed resolution as presented. This will give the county a tool to use, where appropriate, to facilitate the recovery of the damaged timber in a timely manner. A motion was made, seconded and passed to approve **Resolution No. 2008-10 – A Resolution Waiving Competitive Bid Requirements for Salvage and Sale of Timber on County Land Damaged by Recent Wind Storm.**

## **PUBLIC SERVICES**

**1. Request Approval, Local Agency Agreement/Project Prospectus – Emergency Repair on Porter Creek Road W. Overflow Bridge:** A motion was made, seconded and passed to approve the Local Agency Agreement and Project Prospectus requesting Federal Funds to reimburse the County for Emergency Repair Work on the Porter Creek Road West Overflow Bridge. This project is eligible for Federal Funding under the Emergency Repair Program.

**2. Request Approval, Award 2008 Emulsified Asphalt Contract:** A motion was made, seconded and passed to award the 2008 Emulsified Asphalt Contract to Paramount Petroleum Corporation in the amount of \$836,569.80. The total is 4% under the Engineer's estimate.

**3. Request Approval, 2008 Traffic Control Devices Stockpiling Contract:** A motion was made, seconded and passed to authorize advertisement for bids for the 2008 Traffic Control Devices Stockpiling Contract. Bid publications would be February 21 and 28, 2008, with a bid opening of March 17, 2008, at 2:00 p.m.

**4. Request Approval, RCO Grant Contract and Authorization to Advertise Request for Professional Services:** A motion was made, seconded and passed to approve the salmon project agreement between Grays Harbor County and the Recreation and Conservation Office formerly known as the Office of the Interagency Committee or IAC. The purpose of this grant is to provide administrative capacity to the Washington Coast Sustainable Salmon Partnership (WCSSP). Grays Harbor County will serve as the administrative agent for this grant on behalf of the WCSSP.

A motion was made, seconded and passed to grant authorization to advertise for professional services to serve as the Executive Director for the WCSSP. The funds secured through this grant contract will cover the expenses incurred.

**5. Request Approval, Right-of-Way deed for Harp Road:** A motion was made, seconded and passed to approve a right-of-way deed for the Harp Road 69030-03 county road project.

**6. Request Approval, Pre-approval to sign two right-of-way deeds for Forrest Road Bridge Replacement:** The Public Works Department anticipates the arrival of the last two right-of-way deeds for the Forrest Road Bridge Replacement Project within the next few days. Since the deeds are anticipated to arrive within two weeks of February 8, 2008, (and there will not be a scheduled hearing until February 25, 2008) the department requested pre-approval for the Board to sign the deeds as they arrive. The County's offer is to purchase 0.18 acres for \$700.00 and 0.11 acres for \$500.00. Also included is a Temporary Construction easement consisting of 0.14 acres to be purchased for \$100.00. A motion was made, seconded and passed to grant the pre-approval of the right-of-way deeds as described.

**7. Request Approval, Coastal Communities Professional Services Agreement – Pacific International Engineering:** A motion was made, seconded and passed to approve an Agreement with Pacific International Engineering to provide coastal engineering and planning assistance for the Coastal Communities of Southwest Washington. The main tasks for this biennium include the continued pursuit of a demonstration project at the mouth of the Columbia and efforts to stay engaged on issues related to erosion at the mouth of Grays Harbor including Westport. The cost of the Agreement is \$225,000.00 and is being funded by a legislative appropriation through CTED. Pacific International Engineering was chosen by the Coastal Communities group pursuant to an RFQ process authorized by the Board last fall.

**8. Request Approval, Wholesale Water Purchase Agreement with Quinault Beach Resort:** A motion was made, seconded and passed to approve an Agreement developed to provide for the wholesale purchase of water by the Quinault Beach Resort from the Oyehut/Illahee water system, and future purchase of water from Hogan's Corner water system. The Agreement has been developed jointly with the Resort, the Quinault

Nation, and the County.

**9. Request Approval, Hogan’s Corner Regional Water System Easement:** A motion was made, seconded and passed to approve an easement between the Washington State Parks and the County to allow the County to extend water service through Ocean City State park to the Quinault Beach Resort. It has been executed by State Parks and was reviewed and approved by the Prosecutor’s office.

**10. Request Approval, Set hearing date – Case #2007-2409, 36-Lot Long Subdivision:** On February 5, 2008, the Grays Harbor County Planning Commission concluded a public hearing on a request by Big Lodge Ridge LLC for preliminary plat approval of a 36-Lot Long Subdivision, Case #2007-2409. Five of the nine members of the Planning Commission were present. The Planning Commission voted 5-0 for recommending approval of the 36-Lot Long Subdivision. March 3, 2008, at 6:00 p.m. is the date and time set for the public hearing for Case #2007-2409.

**11. Request Approval, Set hearing date – Case #2007-2667, 5-Lot Long Subdivision:** On February 5, 2008, the Grays Harbor County Planning Commission concluded a public hearing on a request by M & M Harbor Properties LLC for preliminary plat approval of a 5-Lot Long Subdivision, Case #2007-2667. Five of the nine members of the Planning Commission were present, voting 5-0 to recommend approval of the 5-Lot Long Subdivision. A motion was made, seconded and passed to set March 3, 2008, at 6:00 p.m. as the date and time for a public hearing to consider Case #2007-2667.

### **ANNOUNCEMENTS**

Due to the President’s Day holiday no meeting will be held on February 18, 2008. The next regular Board meeting will be held on February 25, 2008.

### **CORRESPONDENCE**

The Clerk of the Board announced the following correspondence:

1. A lawsuit, #L-557-08, filed by Kevin D. Lipska v. Correctional Officer Niles. The lawsuit was referred to the Prosecuting Attorney’s office for review and recommendation.
2. A lawsuit, #L-558-08, filed by Brogan and Anensen LLC and Civil Investments, LLC v. Grays Harbor County. The lawsuit was referred to the Prosecuting attorney’s office for review and recommendation.

### **PUBLIC COMMENT**

Chairman Carter asked for public comment. He announced that comments and statements would be accepted and would be limited to five minutes. Questions should be submitted in writing.

Terri Franklin, resident of McCleary, read and submitted a statement regarding properties on the North side of Powers Creed Road and an associated development moratorium.

Dorothy Cook, resident of Oyehut Road, requested information regarding the progress for the sewers for Illahee/Oyehut.

Thomas Donovan, project director for Grays Harbor Energy, LLC, announced that the business was now operating and producing energy. He explained that they are going through a temporary process that will create some noise, which is allowed within permit requirements.

Kim Anensen, resident of McCleary, made comment regarding the public records ordinance.

Tim Hamilton, resident of McCleary, expressed appreciation for the extension of the Wildcat Creek Aquifer moratorium.

Mark Gonhue, resident of Elma, made comment regarding public records and electronic documents.

There was no additional public comment.

### **STAFF MEETINGS**

The Board held staff meetings on Monday, February 11, 2008, 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 Larry Smith, Director of Forestry; Joan Brewster, Director of Public Health and Social Services; and Paul Easter, Kevin Varness and Lee Napier of Public Services.

The Board approved the following:

**RESOLUTIONS**

- No. 2008-07**            **Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund Juvenile Department Fund #001-000-026.**
- No. 2008-08**            **Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Superior Court #001-000-033.**
- No. 2008-09**            **Establishing an Imprest Account Revolving Fund to Administer an Employee Flexible Spending Account (FSA)**
- No. 2008-10**            **A Resolution Waiving Competitive Bid Requirements for Salvage and Sale of Timber on County Land Damaged by Recent Wind Storm.**

**ORDINANCES**

- No. 369**            **A Grays Harbor County Ordinance Extending the Moratorium on Implementing New Zoning Controls, Short Plats, Subdivisions, Well and On-Site Sewage Disposal System Permits on Land Located on the Wildcat Creek Aquifer in Unincorporated Grays Harbor County to August 12, 2008.**
- No. 370**            **An Ordinance Adding a New Chapter to Grays Harbor County Code Title 2 to Establish the Procedures Grays Harbor County will Follow in Order to Provide Full Access to Public Records.**

**INTERGOVERNMENTAL AGREEMENTS**

None

The meeting adjourned at 3:12 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2008

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ALBERT A. CARTER, Chairman  
Commissioner, District 3

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BOB BEERBOWER, Commissioner, District 1

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MIKE WILSON, Commissioner, District 2

ATTEST:

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Donna Caton  
Clerk of the Board