

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

April 6, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 6, 2009, at 2:00 p.m. Commissioners Al Carter and Mike Wilson were present. Commissioner Terry Willis was excused for a portion of the meeting. Stew Menefee, Prosecutor, and Donna Caton, Clerk of the Board, were also present.

CALL TO ORDER AND FLAG SALUTE

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

BIDS

1. **Union Gospel Mission – Phase 1 Demolition of Vacant Building:** Bids were accepted for the following project: Execution of the Union Gospel Mission of Grays Harbor County, Project No. 08-03, Phase 1 Demolition. The work to be performed under the contract shall include the demolition and removal of the existing building at 403 E. Heron, Aberdeen, WA, 98520, and construction of a temporary parking lot. Site work includes but is not limited to demolition and capping of utilities, excavation and fill of the lot after building removal and construction of storm drainage catch basins and piping. It was advertised March 12 and 19, 2009, in the *Montesano Vidette*, that sealed bids would be received by the Grays Harbor County Commissioners at 100 W. Broadway, Suite 1, Montesano, WA 98563. The Clerk of the Board opened and announced the following bids with bid bond attached:

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
R.W. Rhine, Inc.	Tacoma, WA	\$104,300
Anderson Environmental Contracting, LLC	Kelso, WA	\$350,000
Stone Development, Inc.	Clackamas, OR	\$195,523
Groat Brothers, Inc.	Woodland, WA	\$135,000
Wm. Dickson Co.	Tacoma, WA	\$148,400
M & M Earthworks	Tigard, OR	\$149,500
Quigg Bros., Inc.	Aberdeen, WA	\$190,500
3 Kings Environmental, Inc.	Battle Ground, WA	\$111,745
Bowers Construction, Inc.	Montesano, WA	\$199,000

The bids were forwarded to the appropriate departments for review and recommendations.

HEARINGS

1. Ordinance Prohibiting Junk Vehicles on Private Property: There was a public hearing to consider an ordinance amending Grays Harbor County Code Chapter 8.04, Grays Harbor County Code Sections 8.12.030 and 17.60.020 and Ordinances 41, 112, 241 and 250, prohibiting junk vehicles on private property and establishing procedures for their abatement removal. A summary of the ordinance to be presented to the Board and notice of this hearing was advertised in the *Montesano Vidette* March 26th, 2009. A full text of the proposed ordinance was available on the Grays Harbor County website and upon request. Chairman Wilson called for a staff report.

Brian Shea, Planning & Building Director, reported that due to budget reductions in previous years, the County does not have a code enforcement program in terms of an individual employee dedicated to code enforcement. He noted that code enforcement issues are addressed by a variety of County departments which together comprise the code enforcement program that he will refer to throughout his report. Mr. Shea stated that this ordinance addresses a change to an existing County law, Section 8.06, that addresses junk vehicles. He noted this law is required to be amended due to its current nonconformance with state law. Mr. Shea explained that when the Department receives a complaint from a citizen, it is required to investigate that complaint. He provided a general list of complaints made by citizens and briefly explained the different types of complaints received by the department. Mr. Shea reiterated that the County does not actively examine individual properties but acts only in response to complaints.

Mr. Shea provided a PowerPoint presentation showing examples of properties that contain debris, junk vehicles, trash, concerns regarding structures, unlicensed vehicles, etc. He noted that this proposed ordinance does not address boats. Mr. Shea explained the process and outlined the steps involved in the investigation of a complaint about a specific property. He explained that once it has been determined that a violation of the County Code has occurred, steps are then taken to ensure due process is afforded to the property owner. He briefly explained the involvement of the Board of Adjustment, the process for appealing determinations and the additional actions the County would take to pursue abatement of the property.

Mr. Shea explained that the purpose of the hearing is to collect public input as to whether the ordinance should be adopted, revised or rejected. He noted that the County Code, Section 8.04, has been found to be defective because it does not comply with state law and highlighted the reasons for revising the Code. Mr. Shea described in detail the criteria that must be met before a vehicle could be classified as a junk vehicle. He noted the exceptions allowed by the ordinance for farm vehicles and for those that are lawfully stored or fenced within proper areas. Mr. Shea referenced the PowerPoint presentation which depicted examples of vehicles that could be classified as junk.

Chairman Wilson asked for public comment.

Lecia Valentine, Montesano, spoke in opposition to the ordinance and made comments regarding the joys of collecting, property rights and the losses she feels she would experience if the ordinance were passed.

Dennis Reed, Hoquiam, spoke in opposition to the ordinance and made comments about this issue being a matter of feuding neighbors and stated that property owners should be able to do whatever they want to do with their property.

Robert Criswell, Montesano, made comments in regards to the profitability of old cars and the revenue generated by swap meets.

Robert Bienick, Cosmopolis, made comments about collecting and recycling car parts and suggested a group be appointed to advise the commissioners on the ordinance.

Jeff Nichols, Montesano, spoke in opposition to the ordinance and made comments regarding property values and the large amount of people in the County who have junk vehicles; complaints made about his property; rights of property owners. He suggested the ordinance be revised to reach a compromise for both collectors and those who complain about the junk vehicles.

Mark Johnson, Aberdeen, made comments about the sentimental value of his vehicles and the inability to completely fence his property to enclose them.

Matt Johnson, Aberdeen, spoke in opposition to the ordinance and suggested that neighbors settle disputes amongst themselves.

John Hubler, Central Park, made comments about hobby collecting and expressed concerns about the ordinance. He commented in regards to the number of complaints decreasing over the years and the proposed two-year limit being difficult to meet.

Pat Bossard, Montesano, made comments about owning multiple vehicles and inquired as to whether or not the complaints that are being made are repeatedly from the same citizens.

Tom Casey, Elma, made comments about an advisory group being assembled to differentiate between junk cars and collectable cars. He submitted potential language that could be included in the ordinance and made comments regarding complaints about his property and enforcement practices.

Dan Mikel, Elma, made comments regarding having been contacted by the County regarding vehicles on his property.

Coleen Noble, Montesano, made comments about owning unlicensed boats that have been the subject of complaints to the County.

James Hager, McCleary, spoke in opposition to the ordinance and commented in regards to the cost of licensing and insuring vehicles.

Bruce Hughes, Malone, spoke in support of the ordinance and stated that he understands the sentimental value of collecting vehicles but has been unable to sell his home because of the condition of his neighbor's property.

Mary Ellen Martin, Montesano, spoke in favor of the ordinance and stated that she has difficulty leasing out rental units due to the condition of her neighbor's property.

Fred Hutchison, Elma, made comments about wanting to speak directly to the people who may be complaining about his property; evening Board meetings; property rights.

Karen Solado, Vancouver, spoke in support of the ordinance and made comments about junk vehicles attracting vermin and not allowing her property renters to store junk vehicles on her properties, which she feels increases property values.

Gary Shurr, Montesano, spoke in support of the ordinance and made comments regarding contacting the Department of Ecology in regards to his neighbors who store multiple boats from which pollutants run off and contaminate the ground and water. He stated that the condition of his neighbors property has prevented him from being able to sell his home.

Lacy Nichols, Montesano, made comments regarding there being a difference between garbage and junk vehicles.

Sharon Daniels, Montesano, spoke in support of the ordinance and stated that she has moved away from Minkler road due to the amount of junk vehicles owned by neighbors. She stated that she has been unable to sell her home on Minkler Road due to the condition of her neighbor's property.

Lee Dotson, Satsop, spoke in support of the ordinance and made comments regarding the ordinance improving the County for all citizens. He commented about neighborhood standards needing to be equal throughout the county.

Darla Lamb, Elma, spoke in support of the ordinance and made comments regarding her neighbors parking thirty vehicles on their property, noting that speaking with her neighbors has not provided a resolution to the problem.

Donna Shurr, Montesano, spoke in support of the ordinance and made comments regarding junk being washed into the river each time a flood occurs, and stated that speaking with her neighbors has created hostile situations and resulted in her animals being harmed instead of providing a resolution.

Nikki Gibson, Montesano, spoke in support of the ordinance and made comments regarding receiving threats from her neighbors whom she has complained about.

Connie Napiontek, Montesano, spoke in support of the ordinance and suggested that collectors limit their amount of collectibles to what they are able to store.

ACTION: A motion was made, seconded and passed to continue a decision pertaining to this hearing to April 27, 2009. Comments may be received by phone or letter prior to that date but no additional public testimony will be heard at that time.

PUBLIC COMMENT

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

There was no public comment.

CONSENT AGENDA: Approval was requested for the following items:

1. Minutes of Regular Meeting March 30, 2009
2. **Auditor's:**
 - a. March Month-End Expenditures Report
3. **Management Services:**
 - a. (3) Voluntary Retirement Incentive Plan Agreements & Release:
*Teresa Olson, Treasurer's Office; Pat Lofgren, Facility Services;
Ed Fleming, Coroner*
4. **Public Services:**
 - a. Set Bid Date – May 4, 2009 – Union Gospel Mission Warehouse Construction Project
5. **Correspondence:**
 - a. Claim, C-585-09, Bradley Curtis Smith
 - b. Lawsuit, L-586-09, Kevin D. Lipska

ACTION: A motion was made, seconded and passed to approve all Consent Agenda items as listed above.

COMMISSIONERS

1. **Award Bid – Official Publications 2009:** A motion was made, seconded and passed to accept the bid and award the contract for the 2009 County Printing of Official Publications to The Montesano Vidette.

DEPARTMENTS

ORV PARK

1. **Request Approval, Award Equipment Bids & Authorize Purchase:** A motion was made, seconded and passed to accept the bid from Papé Machinery, Inc. at \$64,498.00 for the purchase of a 2007 John Deere 550 J-LPG Dozer, and from Jet City Equipment at \$69,592.80 for the purchase of a 2006 Hyundai R-110d-7 Excavator with blade. Both of the aforementioned pieces of equipment meet the minimum specifications requested and are the lowest bids within that qualification.

MANAGEMENT SERVICES

1. **Request Approval, Memorandum of Understanding – 2009 Budget Adjustment Program – AFSCME 275:** A motion was made, seconded and passed to authorize the Chairman to sign a Memorandum of Understanding with the AFSCME Local 275 Courthouse for the voluntary leave without pay and voluntary benefits contribution.

2. **Request Approval, E-911 Washington State Military Department Wireless/Wireline Amendment A:** A motion was made, seconded and passed to authorize the Chairman to sign a Washington State Military Department Enhanced 911 Wireless/Wireline Amendment which increases the current contract amount by \$22,589. This contract provides financial assistance to the County for expenses necessary to answer 911 calls, which includes performing certain tasks and maintaining certain equipment necessary to operate Wireline and Wireless Enhanced 911.

PROSECUTOR

1. **Request Approval, Resolution Authorizing Legal Representation & Indemnification of Employees in Defense of Pending Litigation:** A motion was made, seconded and passed to approve **Resolution No. 2009-22, Agreeing to Legal Representation and Indemnification of Employees in Defense of Pending Litigation.** On April 1, 2009, the Auditor's office received a lawsuit and related documents in the case of *Kevin D. Lipska v. David Christensen, Michael J. Whelan, Sheriff, and Grays Harbor County Sheriff's Department, et al.*, which was filed in Pacific County Superior Court. The Prosecutor's Office has reviewed this complaint and concluded that both Sheriff Whelan and Superintendent Christensen are and were employed by Grays Harbor County, acting in their respective official capacities as a Grays Harbor County Jail Superintendent and Sheriff at all times identified in the complaint. This Resolution finds that the actions alleged were performed within the scope of their official duties and authorizes defense of this matter at County expense, pursuant to RCW 4.96.041.

PUBLIC HEALTH & SOCIAL SERVICES

1. **Request Approval, Contract with Behavioral Health Resources for CD & Mental Health Co-occurring Treatment:** A motion was made, seconded and passed to approve a contract with Behavioral Health Resources (COD) for the purpose of providing chemically dependent/mentally ill co-occurring treatment services funded through the County's contract with the state DSHS/Division of Alcohol and Substance Abuse. This contract provides \$31,500 in funding.
2. **Request Approval, Contract with Evergreen State College – Internship Learning:** A motion was made, seconded and passed to approve an Internship Learning Contract with Evergreen State College. This contract provides training for a student to assist with National Medical Reserve Corps activities in the department. There is no budget impact.
3. **Request Approval, Contract with Evergreen Treatment Center – Opiate Substitution Treatment:** A motion was made, seconded and passed to approve a contract with Evergreen Treatment Services for the purpose of providing opiate substitution treatment services funded through the County's contract with the state DSHS/Division of Alcohol and Substance abuse. This contract provides \$71,240 in funding.

PUBLIC SERVICES

1. **Request Approval, Contract with Herrera Environmental for Wetland Mitigation Site Monitoring – Ocean Beach & North River Roads:** A motion was made, seconded and passed to approve a personal services contract with Herrera Environmental Consultants for work related to monitoring the effectiveness of the County's wetland mitigation sites on Ocean Beach Road and North River Road. The estimated cost associated with the contract is \$20,000. Wetland monitoring is required by the Army Corps of Engineers as part of the County's Nationwide Permit for these two projects that were constructed in 2005.
2. **Request Approval, Award Bid – 2009 Traffic Control Devices Supply Contract:** A motion was made, seconded and passed to accept the bid and award the contract for the 2009 Traffic Control Devices Supply Contract to Zumar Industries, Inc. Zumar Industries, Inc. submitted a bid of \$30,223.46, which is 1% under the Engineer's estimate.
3. **Request Approval, Resolution Authorizing the Acquisition and Condemnation of Property – School Road Sidewalk Project:** A motion was made, seconded and passed to approve **Resolution No. 2009-23, Relating to the Acquisition by Eminent Domain of a Certain Portion of Property in Unincorporated Grays Harbor County Necessary for Construction and Maintenance of Sidewalk Project,**

Describing the Public Convenience , Use and Necessity of Such Property; Providing for the Condemnation, Appropriation and Use of the Property; Providing the Mode of Payment of Cost of Acquisition of the Property; and Directing the Prosecuting Attorney to Prosecute Such Action in Grays Harbor County Superior Court in the Event Direct Purchase Efforts are not Successful. This Resolution approves the initiation of condemnation for a strip of property owned by Mr. Kurt Lacefield related to the School Road Sidewalk Project C.R.P. 55190-02. Mr. Lacefield has been unresponsive to the County's acquisition agent and Pacific Title Escrow Department.

4. Request Approval, Right-of-Way Deed – Brooklyn Road Emergency Slide Repair: A motion was made, seconded and passed to approve one Right-of-Way Deed for the Brooklyn Road Project, C.R.P. 68900-57, with the Green Diamond Resource Company.

5. Request Approval, Resolutions Re-establishing Road and Bridge Restrictions until June 1, 2011: A motion was made, seconded and passed to approve **Resolution No. 2009-24, Re-establishing Bridge Restrictions Through June 1, 2011, and Resolution No. 2009-25, Re-establishing Road Restrictions on County Roads Through June 1, 2011.** The bridges to be restricted are based on their current condition and load rating. These Resolutions will be advertised, the roads posted with appropriate notice, and signing revisions and installations made.

6. Request Approval, Camp Grisdale Road Reimbursable Agreement for Wetland Monitoring: A motion was made, seconded and passed to authorize the Chairman to sign Amendment No. 8 to the Camp Grisdale Road Reimbursable Agreement No. DTFH 70-06-E-00002, C-95190-17. This Amendment allows the County to be reimbursed for Wetland Monitoring costs required for the Camp Grisdale Road Project.

TOURISM

1. Request Approval, Festival & Events Contracts: A motion was made, seconded and passed to approve the following Festival & Event Contracts:

Bluegrass Festival – Hoquiam	\$2,000.00
Cranberry Coast Chamber mailings/printing	\$5,700.00
Cranberry Harvest Festival	\$2,500.00
Elma Seafood & Wine Festival	\$869.00
GH Fairgrounds Quilt Show	\$234.00
GH Fairgrounds Fair – Advertising	\$6,000.00
GH Historical Seaport	\$2,000.00
GH Fairgrounds – Posse Rodeo	\$2,000.00
GH Shorebird Festival	\$3,000.00
Mark Reed Golf Tournament	\$2,300.00

McCleary Bear Festival	\$2,000.00
Montesano Festival of Lights	\$3,845.00
Razor Clam Festival	\$2,500.00
On Track Art Festival – Hoquiam	\$2,000.00
WSU Ext. Office – Farm Fresh Guide	\$500.00
GH Farm Tour – Harvest Celebration	\$750.00
Lake Quinault Salmon & Elk Festival	\$1,000.00
Lake Quinault Mushroom Festival	\$1,500.00
2009 Chocolate Festival	\$5,127.00
North Beach Museum – Media & Mailings	\$10,000.00
Driftwood & Glass Festival – Grayland	\$1,800.00
<u>Grayland – Bluegrass by the Bogs</u>	<u>\$1,565.00</u>
<i>TOTAL:</i>	<i>\$59,190.00</i>

2. **Request Approval, Professional Services Contracts:** A motion was made, seconded and passed to approve the following professional services contracts:

• <i>Debi Tracy Design:</i> Development & Implementation of graphic media	\$11,286.00
• <i>LB Web Pro:</i> Development & Maintenance of the Tourism website	\$4,900.00
• <i>Ostwald Graphic Design:</i> Graphic Design Services	\$800.00
• <u><i>Sara Owen, Culinary Consultant:</i> Advertising, Tourism & Promotion</u>	<u>\$1,000.00</u>
<i>TOTAL:</i>	<i>\$17,986.00</i>

3. **Request Approval, Advertising Services Contracts:** A motion was made, seconded and passed to approve the following advertising contracts:

AAA Journey	\$3,731.00
Destination Media Alliance	\$15,025.00
Discover America	\$5,000.00
Morris Media	\$133,000.00
RV Life Magazine	\$824.00
Strehle Media Production	\$10,000.00
Teldon Print Media	\$2,250.00
<u>Tribune (RV Guide)</u>	<u>\$115.01</u>
<i>TOTAL:</i>	<i>\$169,945.01</i>

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held staff meetings on Monday, April 6, 2009, beginning 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 Mike Bruner & Rod Easton regarding Fairgrounds building repairs; Joan Brewster, Public Health & Social Services Director, regarding agenda items, state budget impacts contracts for RSN and employee reclassification; Russ Esses, County Road Engineer, regarding road and bridge updates; Brian Shea, Planning & Building, regarding department updates; Kevin Varness regarding facility/utility project updates; Jeff Nelson regarding Environmental Health updates; Lee Napier regarding agenda items and updates. Notes of these meetings are available upon request. The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No. 2009-22 | Agreeing to Legal Representation and Indemnification of Employees in Defense of Pending Litigation |
| No. 2009-23 | Relating to the Acquisition by Eminent Domain of a Certain Portion of Property in Unincorporated Grays Harbor County Necessary for Construction and Maintenance of Sidewalk Project, Describing the Public Convenience , Use and Necessity of Such Property; Providing for the Condemnation, Appropriation and Use of the Property; Providing the Mode of Payment of Cost of Acquisition of the Property; and Directing the Prosecuting Attorney to Prosecute Such Action in Grays Harbor County Superior Court in the Event Direct Purchase Efforts are not Successful |
| No. 2009-24 | Re-establishing Bridge Restrictions through June 1, 2011 |
| No. 2009-25 | Re-establishing Road Restrictions on County Roads through June 1, 2011 |

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 4:07 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2009

MIKE WILSON, Chairman
Commissioner, District 2

TERRY L. WILLIS, Commissioner, District 1

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board