

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
May 2, 2016**

The Board of County Commissioners (BOCC) for Lewis County, Washington, met in regular session on Monday, May 2, 2016, at 10:00 a.m. **P.W. "Bill" Schulte Commissioners, Gary Stamper, and Edna J. Fund** were in attendance. **Chair Schulte**, called the meeting to order, determined a quorum, and proceeded with the flag salute. **Commissioner Fund** moved to approve the minutes of the 10:00 a.m., Monday, April 25, 2016 Business Meeting. **Commissioner Stamper** seconded the motion.

Motion carried 3-0.

Employee Recognition

The BOCC recognized those employees with 5, 10, 15, and 25 years of service to Lewis County.

Proclamation

Commissioner Stamper moved to approve Proclamation Agenda item one. **Commissioner Fund** seconded the motion. **Commissioner Fund** read the Proclamation into the record.

1. Proclamation: Declaring May 1-7, 2016 as "National Travel and Tourism Week" in Lewis County.

Steve Wohld, Director of Information Technology, stated as of this morning Discover Lewis County hit 8,000 followers on their Facebook account. Discover Lewis County is hosting An American Tail at the Fox Theater this coming weekend in support of Tourism Week.

Motion carried 3-0

Commissioner Fund moved to approve Notice Agenda items one and two. **Commissioner Stamper** seconded the motion. **Commissioner Stamper** read the Proclamation into the record.

2. Proclamation: Declaring the month of May as "National Drug Court Week" in Lewis County.

Judge Nelson Hunt, Superior Court Judge, at the national level we mirror or exceed the statistic in a positive way here in Lewis County. He thanked the BOCC for their continuing support. He also thanked the many partners that Drug Court has here in Lewis County.

Motion carried 3-0.

Notice

Commissioner Stamper moved to approve Notice Agenda items three and five.
Commissioner Fund seconded the motion.

- 3. Call for Bids: Regarding the Pe Ell McDonald MP 8.68 Bridge Scour Project.**
Bids are due to the Clerk of the Board on or before 11:00 am, Tuesday, May 24, 2016. Resolution No. 16-131

Tim Fife, Public Works, stated this project is listed on Lewis County's previously adopted 2016 Six-Year Transportation Improvement Program. Sealed bids for the Pe Ell McDonald MP 8.68 Bridge Scour Project shall be submitted to the Clerk of the Board of Lewis County Commissioners, by or before 11:00 a.m. on Tuesday, May 24, 2016 and will be opened on or after 11:30 a.m. on May 24, 2016.

- 4. Notice of Hearing: Setting a hearing to consider renewing the moratorium upon the establishment of facilities and development involved in the production, processing and retail sale of marijuana and related products.**
Hearing will be held on or after 10:00 am on May 23, 2016. Resolution No. 16-132

Lee Napier, Director of Community Development, stated the Board of County Commissioners (BOCC) sets a hearing date May 23, 2016 to consider renewing the moratorium upon establishments or other development of facilities or development involved in the production, processing and retail sale of marijuana and related products. The moratoria is adopted pursuant to the authority of RCW 36.70A.390. This is the method by which local governments may preserve the status quo, so that new plans and regulations will not be rendered moot by intervening development. The County staff continues to develop recommendations in the form of draft code amendments for the BOCC to consider.

- 5. Notice of Hearing: Regarding a non-exclusive franchise to the Cowlitz Indian Tribal Housing to construct, operate and maintain water and sewer system facilities. Resolution No. 16-133**

Tim Fife, Public Works, stated an application for a franchise has been received by the Board of County Commissioners (BOCC) from Cowlitz Indian Tribal Housing to construct, operate and maintain water and sewer system facilities in Lewis County road rights of way. This resolution sets June 6, 2016, at or after the hour of 10:00 a.m., in the Commissioners Hearing Room on the 2nd floor of the Historic Courthouse in Chehalis, Washington, as the time and place for the hearing on the Franchise.

Motion carried 3-0.

Consent

Commissioner Fund moved to approve Consent Agenda items six through eight. **Commissioner Stamper** seconded the motion.

6. Resolution No. 16-134 Approval of warrants for payment.

Suzette Smith, Auditors Office, stated this Resolution approves 230 regular warrants be approved for a total payment against the County in the amount of \$885,773.39.

7. Resolution No. 16-135 Declaration of surplus property.

Doug Carey, Facilities, stated the Facilities division presents a quarterly list of items to the BOCC for consideration and declaration as surplus property. These items will continue to be handled in accordance with LCC 3.30 and the surplus property handling policy, previously provided. The attached Exhibit A, is a listing of items currently surplus to the County's needs. Declaring these items surplus in bulk will allow minor transfers and disposals to be effected more efficiently and offer better service to the County and other agencies utilizing this surplus process.

8. Resolution No. 16-136 Amending the Rural Arterial Program (RAP) Project Agreement for the construction proposal for County Road Project 2084, Centralia Alpha Road Improvements.

Tim Fife, Public Works, stated the BOCC previously approved the RAP Project Agreement for Construction Proposal for CRP-2084, Centralia Alpha Road Improvements (Res. 10-112) between Lewis County and County Road Administration Board (CRAB). Pursuant to WAC 136-167-030, a county may withdraw an uncompleted RAP project and request a reduced Rural Arterial Trust Account (RATA) payback amount after RATA reimbursement has been made by the CRAB to the County. At their April 14, 2016 quarterly meeting, the CRABoard granted Lewis County the withdrawal of RAP project number 2110-01 and a reduced payback of the \$152,283.80 of RATA funding received by the County to date. Amendment No. 4 will add the following new language as Section 10 to the existing Project Agreement: Per the waiver of payback granted by the CRABoard on April 14, 2016, \$123,640.22 funding provides for eligible design costs incurred prior to that date.

Motion carried 3-0.

Hearing

Ordinance 1266- Adding a new chapter to 5.25 to the County Code, establishing a dog kennel operating permit program, and amending Chapter 6.15 of the County Code and the County Fee Schedule to facilitate the operating permit program.

Bill Teitzel, Code Compliance, showed a PowerPoint presentation to help break down the Lewis County Code.

Eric Eisenberg, Prosecutor's Office, provided information of what the proposed changes would be. The major change is how the County interacts with the people to make them aware of the standards so we can try to encourage them to comply with the standards. This creates an operating permit program, in which, in order to have a kennel you get an operating permit. To get the permit you would have to have a once a year scheduled inspection. The proposal provides a clear explanation of kennels. This has been a long series of public input and not everyone in the public wants the same things. This has been an attempt to compromise.

Steven Ross asked if the same attitude displayed today apply toward someone who has 75 to 100 dogs but have a pristine kennel.

Eric Eisenberg stated if you have more than 50 dogs you have to get a variance. Although we have proposed a change to the definition of kennel we have never discussed a change to that variance. We did not touch that variance, we left it as is.

Carol Walsh asked if it is 10 or 15 dogs. Asked if we are talking intact or spayed or neutered.

Eric Eisenberg clarified the fee schedule only applies if you are required to get the permit in the first place. If you have 10 or more adult dogs or 20 dogs total then you are required to get the permit. On the fee schedule 15 or fewer are free.

Carol Walsh asked for this to be more clearly defined on the fee schedule.

Danette York stated Code compliance is a complaint based function for the County. We respond to all complaints as much as we can. In animal cruelty cases, if it is a call to 911 and we receive the complaint we will respond. If someone just contacts our office who is complaining about animal cruelty we inform them that they need to call 911 and go through the proper channels.

Elizabeth Moir, Chehalis, asked why the County decided to go this route instead of fixing the loop hole of the two years being a life time ban.

Chair Schulte answer because we do not have any control over Superior Court Judges. To fix that loop hole we need the public to write the State Legislature asking them to fix this.

Chair Schulte, asked if there were any questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Bill Teitzel, Eric Eisenberg, and Danette York asked that their previous comments be adopted into the record.

Carol Walsh spoke in support of this Ordinance. With that said she also thinks that we have a lot of government and hates to see more government. With the conversation from earlier she feels she can live with this.

Ann Quigley stated she doesn't think we should be afraid to ask for documentation. The good will comply but this will not prevent all of the issues.

Jane Reed shared her respect for those who have been working on this Ordinance. She does have concern for the people who use the system as a way to harass their neighbors but doesn't think there is much the County can do about it.

Steven Ross spoke in support of the Ordinance.

Cathy Spears appreciates the efforts by the County. She feels the people and the County should be commended for coming together and doing a good job.

Bob Bozarth stated he has great empathy for our servants that deal with a situation of mis-treatment of animals. He spoke concerns and objections to this Ordinance.

Elizabeth Moir appreciates the County doing what they can to protect the animals. The pictures shown is a mental illness and she would like to see the County help those people.

Jimmy O'Hagar spoke of concern about the puppy business. There are RCW's in place that are meant to control this. He is concerned about requiring a permit process due to the economics involved in it.

David Dunham stated he has heard we are expanding the program so that we can engage more people so that the County has a larger economic base to pull from. He spoke against this Ordinance.

Don Wells spoke against this Ordinance.

Ron Averill spoke in support of this Ordinance. His real concern is that when we regulate we don't go after the individual family that has a pups. On the other hand we have had to tremendous problems. In about 2011 we had a serious problem in this county with a kennel that we had to exterminate around 70 animals with a very contagious disease that impacted families. It was that case that caused the county to come up with regulations because we had none.

Sara Gaffney stated the slides are horrendous and it would be great to see the slides for the good breeders. There are some of us who work really hard to take care of our dogs. People see the puppy mills and assume that all are the same. We have a lot of people passing judgement on us. Kids live in dirty houses and they don't have as many CPS workers at the houses as we have at the kennels. She doesn't know that this will stop the puppy mills.

Brian Green spoke against the Ordinance. The Commissioners are supposed to uphold and maintain individual rights. I do not see that with this Ordinance.

Chair Schulte, asked if there was anyone who would like to speak for or against the Resolution. There was no one. He closed the hearing and asked for a motion.

Chair Schulte asked Eric Eisenberg if there are any changes that came up today that we may have to modify this Ordinance.

Eric Eisenberg stated there is a change that came of early regarding clarifying the fee schedule to saying 10-15 dogs. There is a request the consider reinstating the requirement that the dogs be intact in order for them to county for a total number of dogs.

Commissioner Fund stated she moves in subsection 10 to insert with intact sex organs. On the fee schedule for commercial we are taking out fewer than and inserting 10- and under noncommercial taking out fewer than and inserting 10-. **Commissioner Stamper** seconded.

Commissioner Stamper moved to approve Ordinance 1266 as amended.
Commissioner Fund seconded the motion.

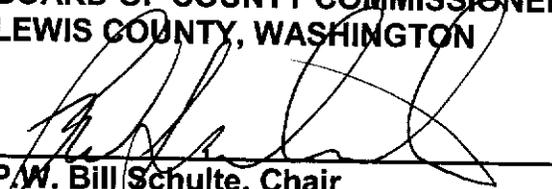
An Ordinance of Lewis County, Washington adding a new Chapter 5.25 to the County Code, Establishing a Dog Kennel Operating Permit Program, and Amending Chapter 6.15 of the County Code and the County Fee Schedule to Facilitate the Operating Permit Program.

Motion carried 3-0.

Recorder: Candy Hallom

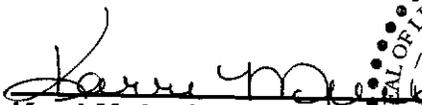
There being no further business, the BOCC's business meeting adjourned at 12:39 pm May 2, 2016. The next public meeting will be held Monday, May 9, 2016. Please note that minutes from the BOCC's meetings are not verbatim. A recording of the meeting may be purchased at the BOCC's Office.

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**



P.W. Bill Schulte, Chair

ATTEST:



**Karri Muir, CMC, Clerk of the Board
Lewis County Commissioners**





Gary Stamper, Vice-Chair



Edna J. Fund, Commissioner