

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
March 29, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, March 29, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Grose** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, March 22, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

Public Comment

Dave Brown, Doty, WA, thanked the Board regarding the Chandler Bridge. He thanked Commissioner Grose on his perseverance on this. He represents Fire District 16 and all the families that live in that area. This is a good thing and will be better for the fire response time and safety of the public.

Commissioner Averill stated that FEMA has accepted the request for reevaluation and has given us a heads up that they are going to let us build the bridge to current standard specifications. They haven't told us how much money we are getting. We will build Chandler Bridge this summer, it has been too long.

Jim Hoffman, Doty, WA, thanked the Board for getting the bridge to go through. He owns a mill there and it has been a huge hardship not having this bridge in.

Commissioner Grose stated we are really looking forward to getting this bridge in. The Board stated a few weeks ago that we were going to build this bridge with or without the help from the Federal Government.

Chief Chip Elliot, Doty, WA, thanked the Board for the assistance in pushing FEMA on getting this bridge going. He was happy to hear we were going to be reimbursed for some of the work. He is very happy this is going through.

Pat Miller, Doty, WA, thanked the Board for their hard work on behalf of the women and children in Doty. She is happy they worked so hard for them.

Notice

Commissioner Averill made a motion to approve Notice Item one. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board, read the item into the record.

1. Call for Bids: Chandler Bridge No. 55 Rehabilitation Project. Bids will be opened on or after 10:00 a.m. on April 19, 2010. Resolution 10-080

Larry Unzelman, Public Works stated this project is listed as #7 on the Lewis County STIP. The contract will provide for the improvement of the Chandler and Doty Dryad Road. The project is partially funded through FEMA at 75% of eligible cost and 12.5% of eligible cost through WA State Department of Emergency Management. The bids will be opened on April 19, 2010.

Commissioner Averill stated the bids need to be submitted by April 19, 2010 by 9:30 am to the Clerk of the Board. He also pointed out that there are a number of steps in getting these bridges completed. We need to finish purchasing right of ways. There is more work that needs to be completed and some that has been done through other resolutions. We are going to reroute the bridge and make it easier to access for large trucks. He also noted that if we get the money from FEMA we hope to do the Leudinghaus Bridge also.

Motion carried 3-0

Consent

Commissioner Grose made a motion to approve Consent Items two through eight. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

2. Resolution No. 10-081 Acquisition of additional Boyd Road right of way.

Larry Unzelman, Public Works, stated only the lands required for the slide repair project were proposed for acquisition and condemnation. As required by federal regulations, the County made an offer to the property owner to acquire an additional uneconomic remnant of the property, which would remain after the right of way acquisition. The property owner has made it clear that the County's acquisition should include the leftover remnant. The uneconomic remnant is a portion of the larger property, which will have little or no value to the owner after the partial acquisition of the necessary right of way. This resolution will direct the Prosecuting Attorney to initiate condemnation proceedings to acquire both the necessary right of way and the uneconomic remnant.

Commissioner Averill stated that this Board is not one that likes condemnation procedures. In the case of Boyd Rd it was washed out in the 2009 flood. In order to do the necessary repair we need additional right of way. We have gone to the property owners and this has not been successful. In this case there is a lien on the property and the lien has become the problem we are dealing with. We have to go through the condemnation procedures to complete this project.

Commissioner Grose stated this is a fairly steep road in Randle, WA. This road services several elderly people and needs to have the damage fixed.

3. Resolution No. 10-082 Approving award for the LC Solid Waste Fiber Optic Line Project.

Larry Unzelman, Public Works stated an invitation to bid was issued by the Public Works Department on February 25, 2010 for the Lewis County Solid Waste Fiber Optic Project per the small works process. Project notifications were sent via email to all companies on the small works roster- Fiber Optic and Data Cabling category. Public Works received three responsive bids for this project with Wiseman Utilities, Inc. being the lowest responsible bidder with a bid of \$82,624.75. This bid is 41% over the engineer's estimate of \$58,290.20.

A comparison of costs was conducted and it appears three bid items varied significantly from the original engineer's estimate. The following items were re-evaluated:

- **Utility Poles-** The difference in cost appears to be due to the small quantity used in this project. The estimate was created using an estimate from a local utility provider that installs a large quantity of poles. The small quantity for this project was not fully adjusted when determining the project estimate.
- **Casing-** It was unknown by the engineer that dry boring or jacking under the rail road tracks was not possible or improbable to accomplish with a 2 ½ inch casing for lengths over 50 feet. This project requires a length of 200 feet which is typically accomplished with a much larger casing. The price submitted by all bidders reflects costs for standard installation of 12 inch to 24 inch casing to achieve a 200-foot single jacking length.
- **Conduit Pipe 2 in. diameter –** Property on the Solid Waste Facility, west side of the tracks, is extremely wet. Most contractors attending the pre-bid walk through commented on the difficulty of getting equipment in position and maneuvering in the swampy soils. All bid prices reflect difficulty with installation of the conduit on the west side of the tracks. This length of conduit accounts for half of the total amount of conduit proposed in the project.

Typically, projects 20% or more over the engineer's estimate are subject to rejection and re-bid when a more favorable bidding climate exists. After re-evaluation due to varying conditions and new information, it appears the engineer's estimate would need to be increased specifically for bid items listed above. Therefore, the Wiseman Utilities, Inc. bid appears reasonable after re-evaluation and Public Works staff recommends award.

Commissioner Averill stated that this project is one that we have been trying to get done for over a year. It is important to get the fiber optic line in. Normally a project on the Small Works Roster would be under the Public Works Director, but because this went over the engineers estimate it has to have the Board's approval. We have to dig under the RR tracks and it has become a more difficult project than we realized.

4. Resolution No. 10-083 Approving a master inter-local agreement with the City of Chehalis.

Larry Unzelman, Public Works stated this resolution will allow the City of Chehalis and Lewis County to enter into a Master Inter-local Agreement. This Agreement will govern

reimbursable work performed by Public Works forces for which the municipalities do not have the capability to do themselves. The term of the Agreement will be for a period of 5 years and will expire on December 31, 2014.

Commissioner Averill asked how many inter-locals with the towns and cities we have now.

Mr. Unzelman stated all the cities except for the City of Centralia have entered into inter-locals with the County.

Commissioner Averill stated the County has a workforce that is capable of doing these different projects. This allows the cities to use our forces and it saves them money. The City of Chehalis's contract is larger than the other smaller towns and cities contracts. We may have to come back if we have a cost overrun.

Commissioner Grose stated that from time to time we may get a call, from another city or town that asks for a certain piece of equipment that can help them. We can't legally do this without an existing inter-local in place. This inter-local and the other inter-locals with the cities and towns would allow us to have Public Works do projects when the cities ask for them.

5. Resolution No. 10-084 Adoption of the 2010 Standard Specifications for road, bridge, and municipal construction.

Larry Unzelman, Public Works stated RCW 36.86.080 requires all new construction to the extent feasible to be done in uniform design standards.

RCW 36.86.020-030 sets forth the basic requirements for the creation, adoption and use of minimum construction standards for county roads and bridges and requires them to be used for all new construction and, as far as practicable, for all reconstruction of roads comprising the county road system. This does not change the road development standards as set forth in Lewis County Code 12.60.

The Washington State Department of Transportation and the American Public Works Association have adopted the 2010 Standard Specifications for Road, Bridge, and Municipal Construction governing construction requirements that will be in effect beginning January 1, 2010. As required by law, Lewis County must adopt the same prior to the effective date of April 1, 2010.

RCW 36.86.080 requires all new construction to the extent feasible to be done in uniform design standards.

Commissioner Averill stated he was concerned when this resolution came up. It is for technical standards on the materials to be used by contractors.

6. Resolution No. 10-085 Approving a contract between the Centralia-Chehalis Chamber of Commerce, the Cities of Chehalis and Centralia, and Lewis County.

Commissioner Grose stated that Stadium Funds are dispersed to various entities throughout the County. This contract is to the Chehalis/Centralia Chamber of Commerce to provide tourism promotion and visitors information center services.

7. Resolution No. 10-086 Approving an agreement with Skilling's Connolly, Inc to update the 2002 Packwood Wastewater Facilities Plan.

Bob Johnson, Community Development stated the county has been looking at getting a public sewer system in the Packwood area for many years. In 2007 the State Legislature transferred authority for large onsite systems from the Department of Ecology to the Department of Health. Technology changes have made large onsite systems feasible for applications the size of the Packwood system, at a considerably lower cost. This resolution authorizes an agreement between Skilling's Connolly, Inc. to do the 2002 update consistent with the DOH rules. This is the first time the State regulations with respect to large onsite systems and the DOH authority would be utilized, so there is the possibility for additional State and Federal funding in conjunction with this water system update. The intent is to provide feasibility for a large onsite system in Packwood that would allow additional economic development in that area as well as resolve some of the health issues relative to groundwater contamination. This is for \$35,000.00 for the 1st phase of 4 phases of the planning. This will be for the plan update. The other three phases will be pre-design that would be funded under other sources. .

Commissioner Grose stated this process was started in 2002, looking at rules of a town/city sewer system in Packwood. We are going into to this process with our eyes wide open, knowing it is a difficult process providing funding sources with the economy like it is. The consultant gave two very worthwhile presentations to the public. They have done a good job of updating the existing document. He is very positive with this project moving forward; it stands a good chance of success. We have the right people in place at the right time.

Commissioner Averill stated that during his campaign and Commissioner Gtose's the people spoke that the development in the county should not just be on the I-5 corridor and in Chehalis and Centralia. There is also the east and west county where we could develop. During our four years we have looked at a number of projects to help the citizens in the other parts of the County. This Board is devoted to the entire County and not just part of it.

8. Resolution No. 10-087 Approving a contract with Pacific International Engineering to do work regarding FEMA mapping.

Glenn Carter, PA's, stated that for a number of years FEMA has been working on the mapping the main stem of the Chehalis River. That effort has been delayed from time to time from flood events and has caused them to go back to the drawing board to come up with another attempt at mapping the flood plain and mapping the flood way. The flood plain is the broader term, the floodway is the narrower term, however late last year FEMA approached representatives of the County and then again in a meeting that was called for by this Board approached the Commissioners and disclosed a preliminary map for the main stem of the Chehalis River. The map as reviewed by the Commissioners and also by others in the County, and in the cities and towns as well, had a number of drastic changes from the prior existing flood plain and floodway, particularly in the stretch of the river between Chehalis and Centralia. There were also drastic changes in other parts of the County, particularly in the West County. These

changes by FEMA were alarming to a number of cities, towns, ports, and industrial development districts. As a result of that disclosure from FEMA, there was an effort on the part of all of the communities within Lewis County to find and get information from FEMA concerning the data used that generated these preliminary maps and, also, concerning the methodology used. There is a branch of engineering called hydrology, which is a very limited group of people. There are two firms in this area that have knowledge of the main stem and the hydrology of the Chehalis River. One of those firms is Northwest Hydraulics, but they are under contract with FEMA for purposes of the study that has generated the preliminary maps and therefore they are not in a position to assist Lewis County. The other firm that has a great deal of expertise, and which the County has previously contracted with in the past concerning the hydrology of the Chehalis River, is Pacific International Engineering (PIE). They have the expertise and experience concerning the mapping of the Chehalis River and, therefore, we have approached them with respect to two tasks. The first task is what we are approving today, and that is an order to approach FEMA on behalf of the County, as well as on behalf of other communities within the Chehalis Valley, in order to find out whether it is possible to obtain a delay in the issuance of the FEMA maps, and to obtain the data and the methodology used by FEMA in developing these maps. PIE will collaborate with the communities of the Chehalis River Basin, with Federal agencies, and with our Federal and State agencies in order to obtain the data and methodology used by FEMA in generating these maps. They will also coordinate the communications between the various communities of the Chehalis River Valley and those federal agencies and delegations in order to obtain the data and methodologies. It is important for purposes of this contract that the person that is doing that collaboration be able to evaluate the information and responses they are provided by FEMA. For this reason we have contracted with PIE. This contract has a cap of \$15,000.00. Most of that work will be done in the short term. There has been a delay granted in the issuance of the FEMA maps.

Commissioner Averill stated that we need to get access to the data because it is probably going to take 90 days or more to process the data. Once the maps are released, that 90 days is all you have. We are trying to get ahead of the curve by getting access to the data before the release takes place, so we can start the process of looking at the maps. This should be a concern to a number of people in the Chehalis River Basin, because the maps appear to predominately favor the data accumulated from the 2007 flood, which was a very unusual flood. We think that FEMA may not have understood the nature of the 2007 flood where we actually had the river blocked by debris for a period of time and the water collected behind the debris until the pressure broke it. The impact from that flood could be misrepresented and this is why we want to see their data, so we can look at it and either confirm that it is correct or challenge it because of the huge impact it has both for insurance and other reasons.

Mr. Carter stated the second contract will be brought forward in the future, and is for a study of the data and methodology once it is obtained.

Commissioner Averill stated there are a number of jurisdictions in this area. Lewis County is not the big rich brother of all the others; we do not intend to pay for the costs of this project alone. It will require the cooperation of the other jurisdictions, so we do this together.

Commissioner Grose noted that this is not a Lewis County phenomenon. This is a nationwide problem. FEMA mapping is being discussed nationwide. One of the

problems that we have is once these maps become official they are official. The only way of changing them is by proving that they are wrong. That is our goal and that is our intent for what PIE is being contracted to do. We have two things going on in the County at the same time, both regarding flooding. The first is the FEMA mapping process and the other is flood control measures that we are trying to undertake. They are somewhat related, but they are on different tracks. It is important for the public to note that we are working on two separate fronts to try to get things accomplished.

Chairman Schulte stated there is some possibility of being successful. FEMA is using high water marks that are from a backup of log jams. These are the types of things we are looking at.

Motion carried 3-0

Bid Opening

Bid Opening

Sheriff's Confiscated, forfeited Firearms

Chairman Schulte announced the bid opening and asked for staff to open the bids **Bell Williams, Sherriff's Office** opened the bids and read them aloud.

Bidder	Address
Cascade Armory	Arlington, WA
Joe's Outdoor Shop	Chehalis, WA
Eagles Nest	Tenino, WA
Century Arms	Georgia, VT

Ms. Williams noted that Century Arms does not meet the bid specifications. She let the Board know that they would look over the bids and bring back with a recommendation next week.

Motion carried 3-0

Bid Opening

Bid Opening

Legal Printing

Chairman Schulte announced the bid opening and asked staff to open the bids.

Karri Muir, Clerk of the Board, LC County Commissioners stated the bids being opened were for the legal printing for the County. The dates are for the period of July 1, 2010, through June 30, 2010.

Bidder	Address	Cost of 1.20 column at 8 pt. font
DPI Legal	Chehalis, WA	\$6.30

The Chronicle	Centralia, WA	\$7.50
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Ms. Muir stated we will look these over and bring back a recommendation to the April 5, 2010, BOCC meeting.

Commissioner Averill stated that all counties are required to print legals in a legal publication. Because of the wide area of the county, we have a couple of papers that serve the county. It has been a matter of concern if you choose one of these papers how you get the information out to everyone. We normally publish in both papers if the matter concerns an area not covered by the legal publication.

Hearing

Hearing

Ordinances 1214

Chairman Schulte announced the hearing and asked for a staff report.

Danette York, Bill Teitzel and Glenn Carter were in attendance for the hearing.

Ms. York, Health Department stated this hearing is to adopt a new part of the Lewis County Code (LCC) 6.15. This is a new section added to LCC 6.05 it addresses "dog breeding practices". In January a state law became effective that addresses dog breeding practices in the State of WA. Much of the language in our code is the same as the language used in the new state law. The LCC expands on that law and provides language specific to Lewis County that can help prevent the horrible conditions many animals are forced to live in when used as breeding stock. The additions to the State Law are as follows:

- Restricts the number of dogs per parcel to 50 dogs.
Commissioner Averill questioned why we are doing this.
Ms. York stated we found this can be a loop hole in the State Law. If a residence has four adults living in it, then the State Law would potentially allow each one of those adults to have 50 dogs on one parcel. We have added language in the code which will allow for a variance to be requested in certain situations.
Commissioner Averill stated that some parcels could be small or large. We will be able to consider a waiver on the larger parcels.
- Expanded on the definitions in the State law
- Provided information on enforcement, including the cost of the enforcement
- Amended LCC 6.05.060 which refers to impounding animals.

Commissioner Averill stated we know the State has a Puppy Mill Law that became effective in January 2010. We actually have a State Ordinance that we can use for puppy mills, but we have decided to put some additional restrictions on what is allowed by the State, to meet practices that take place in Lewis County This is because we have had two notorious cases in the County in the last year. In the course of the investigation, we have found out that both of those operations came into Lewis County because we have no rules or regulations. I have animals and am aware of puppy mill operations that have run in this county. Lewis County is not a place to come to abuse animals. This is a message we want loud and clear. We have specifically made it more stringent because of the conditions that we have here in the County. We have been

working with legitimate animal breeders on this ordinance. We didn't want to make rules that were restrictive and impinged upon the property rights of the legitimate people operating in the County.

Chairman Schulte opened the question and answer period.

Lynn Norton, Winlock, WA asked if 'per parcel' is the same definition as 'per property'. **Commissioner Averill** stated that is correct, it is a tax parcel as recorded by the Assessor's Office.

Cathy Spears, Centralia, WA asked what constitutes a reason for the Animal Control Authority to enter a property. Is it by a complaint notice or is it they drive by and see a dog in the yard and they can come onto the property.

Ms. York stated we will give 24 hour notice before we go onto the property. We will not just drive by and stop and go onto a property.

Glenn Carter, Prosecutor's Office stated that for purpose of the variance application, if one were to apply for a variance, in that circumstance there would be a 24 hour notice for purpose of entry by the Department of Health.

Cathy Spears asked how these are being generated.

Mr. Carter stated in the instance of the application for variance it is by the individual applying for the variance. In the instance which you mention with reference to the entry upon land, it is going to be governed by law and it is going to be governed in those instances where there is appropriate information under the law that puts the department on notice that there may be a condition on the property that requires entry. It also provides for the issuance in those circumstances of a search warrant by a court of law.

Commissioner Averill stated we understand the concerns of private property rights. It is not our desire that County employees barge onto properties making unannounced visits. Normally, when we look at properties, it is because there has been a complaint. We ask County staff to contact the owner of the property and make arrangements to come onto their property. If the owner refuses then we need to go to the court and get a legitimate warrant which authorizes us to go onto the property.

Sylvie McGee stated the way the ordinance is written doesn't state that you have to have reasonable cause in order to apply for the warrant. It reads that you can apply for a warrant in order to determine whether or not there is reasonable cause. She feels this language is confusing.

Glenn Carter stated he does not think this is what the meaning is. It says the Court may issue a search warrant. The Courts can only issue a search warrant under the rules governing them, in certain circumstances and upon compliance with certain standards of evidence. The Court can only issue a search warrant in those circumstances where it complies with law or there is reasonable cause to believe that a violation of this chapter has occurred. So the Court gets an application for a search warrant that is based on reasonable cause to believe a violation is occurring and then once a search warrant is issued it is carried out by the deputy at the property to determine whether an owner or operator is complying with the requirements of LCC 6.15.020.

Chairman Schulte closed the question and answer portion and opened the formal hearing.

Ms. York asked that her previous comments be adopted into the record.

Commissioner Averill restated that Lewis County cannot become the location where puppy mills become predominant because we don't enforce the rules. We have received a considerable amount of letters from citizens. He appreciates the work that the Friends of Lewis County do for us with the Animal Shelter. There are a number of people that have suggested we should have licenses in this law. The Board has been debating that, and that is one of the reasons we are this late in getting this out. We started this process last November and wanted it to be out at the same time as when the state law came into effect. We have some serious reservations about our authority and what we hope to accomplish by licensing. Because we as a County are not allowed to have business licenses, cities can but counties cannot. There is some question does a kennel license constitute a business license. We are still checking with other jurisdiction to find out how they have done this. We are not at this point considering licensing of kennels, but we will be looking at it. Part of it will be our experience we have in enforcement of this particular ordinance or chapter within our LCC. This may help us make a decision on whether we will eventually have licensing or not. We are not dismissing it, we just need more information.

Chairman Schulte stated we didn't want to delay the Puppy Mill Ordinance because of the questions we had on kennel licensing.

Cathy Spears questioned the impounding issue in the new code. She has issue with 'any person' restraining an animal. She doesn't feel her neighbor should be able to come on her property and be able to restrain an animal just because they have an issue with it.

Mr. Carter stated the intent of this language is that it would be the animal control authority that may impound any animal

Ms. Spears would like this language changed.

Chairman Schulte asked if we changed the wording and removed 'any person' from the wording, if this would work.

Mr. Carter stated he feels that changing the wording would work. He stated the intent of the wording meant that the appropriate law enforcement or Department of Health personnel. With respect to the animals that are free running, it might be any person.

Commissioner Grose stated that sometimes we are addressing this in other chapters of the code, so it gets convoluted in the process.

Kathy Spears appreciates the work that has been done. We appreciate the way the commissioners have responded to them.

Gerald Hirish Toledo, WA, stated he has been the main complainer for the past three years on the most recent puppy mill that was busted. He lives in a residential neighborhood that used to be beautiful. Now there are around 200 dogs barking, and the smell is terrible. These breeders have moved here from another state, and the law enforcement has been trying to get in to look at the situation, and there is no law regarding this issue, so it is hard for the law enforcement to get in there. The way these

people are raising puppies is totally wrong. If you are going to let them live in a residential area, there should be zoning for that.

Jack Tipping, Onalaska, WA stated he supports the proposed ordinance. In the future he hopes we can come up with an ordinance for cats. Thanked the Board for doing this.

Sylvia McGee thanked the board for being able to give input in this ordinance. She thanked the Board for adding the variance process for the proposed ordinance and the removal of the kennel licensing requirements. She is concerned with the wording on the issuing of search warrants and individuals being able to pick up animals.

Commissioner Grose stated it will disturb him if we pass something that allows an individual to go onto another's person property and confiscate any type of personal property.

Patty Kaija, Chehalis, WA stated she has worked with Timberland Valley Dog Fanciers. There are wonderful dog breeders in our area; unfortunately this ordinance is addressing the ones that are not so wonderful. She supports the ordinance and feels a kennel license is in order. She feels it is time for Lewis County to take a stand against puppy mills.

Merry Jones, Chehalis, WA stated she supports strengthening the new State Puppy Mill Law. She supports some sort of registration that allows for the annual inspection of dog breeding facilities.

Mary Chmillik, Chehalis, WA thanked the Board for taking this issue seriously. She does want puppy mills to stop and does not want Lewis County to be a place where people know to go for breeding animals because there are no regulations. She is in favor of licensing or regulating breeders. There needs to be a standard of care for these animals.

Kathy Aiken, Chehalis, WA supports the idea of the ordinance. It is important for the animal control person to be able access a place that has suspicious breeding practices.

Debra Dwelly, Winlock, WA stated her daughter is a small dog breeder. She is for this ordinance and a kennel license. She feels this is a great thing the Board is doing. She also hopes we can incorporate something in the future for horses.

Kathy Johnson, Centralia, WA is a member of FOLCAS . She is in favor of having regulations on puppy mills. She hopes laws can be changed to protect the animals. She believes there are responsible breeders and there are those who are not.

Lynn Norton, Winlock, WA thanked the Board for the ordinance. She likes the fact that there is a limit of 50 dogs per parcel. She supports a fee for the kennels and a yearly inspection to see what is going on.

Lynne Treat, Chehalis, WA is very pleased with the BOCC and thanked them for what they are doing. She thinks what we are doing is a good first step and it makes people think so that they don't tend to treat a dog like an object.

Commissioner Grose stated it is important to realize the various dilemmas that we have as the BOCC. Trying to balance individual rights of the people to do as they wish with their property, with the overall regulations that are required to maintain an organized society is a challenge. With this ordinance, we are trying to balance the individual rights and accepting those as responsibilities also. We need self discipline if our self government is going to survive. This is part of a larger issue that is out there. He is not excited to pass an ordinance that limits the rights of what people do on their property that they see fit. However they also must behave responsibly in the eyes of the common good.

Chairman Schulte closed the hearing and asked for a motion to adopt Ordinance 1214.

Commissioner Averill moved to adopt Ordinance 1214 and to amend LCC 6.05.060 on impounding. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board, read the Ordinance into the record.

Mr. Carter stated he recommends amending subsection one and suggested where it reads now as "any person may restrain any animal regulated here under for pick up or delivery to the local animal shelter", he would change that to read "any person may restrain any animal regulated here under that is running loose on his or her property, or in the public right of way, for purposes of pick up or delivery to the local animal shelter".

Commissioner Averill moved to adopt the amendment. **Commissioner Grose** seconded. This will be brought to the Clerk in writing.

Motion carried 3-0

Mr. Carter stated the other clause that needs to be amended is in subsection three regarding entry of land. This part now reads "the court may issue a search warrant for the authority to determine whether an owner or operator is complying with the requirements of 6.15.020" he suggests saying "subject to any applicable requirements of law, the court may issue a search warrant".

Commissioner Averill moved to insert this clause. **Commissioner Grose** seconded. Wording will be given to the clerk.

Motion carried 3-0

Commissioner Averill stated this has been a long time coming and he appreciates some of the comments that have been made. There are conditions in these puppy mills that are hazardous to humans. We discovered brucellosis among some of those animals. This is a disease which dogs can transmit to humans. There are conditions in some of these puppy mills that are hazardous to the public health and in our capacity as the Board of Health for the County we had to deal with this. This drew our attention very quickly, as we have to deal with this case four times in terms of trying

to bring that particular breeder into line to protect public health, and not even speaking to the problem of the dogs. This person is currently in jail, but not for the dogs. There were six horses that were terribly abused. She was also jailed because her 12 year old daughter was not being cared for. These are serious cases, we asked our staff to put this together. One of the things that is an issue is that this is a large county, and we are very strong on property rights. We need to be careful on how we go about doing these things. We recognize all of your concerns

Commissioner Grose stated that the comments made on licensing, regarding the things that we license. Please be aware that these are not county licenses, they are from the state or the city. He talked to staff on the cost of inspecting swimming pools and it cost a lot of money to go out and do this. The cost of inspections in Lewis County is not cheap. When we go to outlying areas it costs a lot of money. A \$25 license fee is not going to cover the yearly inspection.

Chairman Schulte thanked staff and everyone who participated in this process. Our ordinance became much more valuable because of this.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 12:00 pm on March 29, 2010. The next public meeting will be held Monday, April 5, 2010, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

ATTEST:

Candace Hallam
Clerk of the Board
Lewis County Commissioners



P.W. Schulte
P.W. Schulte, Chairman

Ron Averill
Ron Averill, Commissioner

F. Lee Grose
F. Lee Grose, Commissioner