

COMMISSIONERS PROCEEDINGS
JANUARY 6, 2009
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Mielke, Stuart, and Boldt, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

ELECT CHAIR OF THE BOARD OF COMMISSIONERS

Steve Stuart nominated Marc Boldt to be Chair of the County Board of Commissioners. Tom Mielke seconded the motion. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

Mielke nominated Stuart as Vice-Chair of the Board of County Commissioners. Boldt seconded the motion. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

BID AWARD 2525

Reconvened a public hearing for Bid Award 2525 – Annual Dairy Products. Mike Westerman, General Services, read a memo recommending award of Bid 2525 to the lowest responsive bidder.

Stuart commented that it's good to see the bids come in under estimate and below what they previously paid. He assumed transportation costs had decreased with gas prices coming down, but asked if there were other aspects to the overall lower bid price.

Westerman stated that a year ago Northwest Dairy Distribution was late with their bid and Purchasing wasn't able to see it, but decided to go out to bid again to see if Northwest's prices would be lower and they were.

Boldt wanted to know if the bid was dictated by nutritional requirements.

Westerman said yes.

There being no public comment, **MOVED** by Stuart to award Bid 2525 to Northwest Dairy Distribution, Inc., of Newberg, Oregon, in the total bid amount of \$70,063.20, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

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PUBLIC COMMENT

Speaker #1

Carlos Cervantes, resident of the Town of Yacolt, submitted a map of his area to the board. Mr. Cervantes stated that unlike incorporated Clark County there are no regulations controlling the use of firearms where he lives and they have been having a problem with a neighbor who has set up a gun range. He said the neighbor has friends over and they drink and shoot guns, one time shooting for six hours straight. Cervantes said this person is also terrorizing him and his housemate, John Fritz, over a matter concerning another neighbor's maintenance of a [water] pipe. He said there are a few other neighbors who like to shoot their guns as well. He asked the board if they could create a noise or nuisance ordinance barring such activity.

Speaker #2

Susan Woodage, resident of the Town of Yacolt, commented about shooting in her neighborhood. Ms. Woodage said it's a safety issue and she doesn't feel comfortable in her home wondering if a stray bullet is going to hit her, especially since alcohol is involved.

Speaker #3

John Fritz, resident of the Town of Yacolt, also commented about shooting in his neighborhood. Mr. Fritz said there are approximately 30 homes in the area and it's a bit much to expect homeowners to listen to the shooting for hours on end.

Boldt asked if the Sheriff had been called.

Cervantes said he has called on a few occasions, but the problem is there is really nothing the Sheriff can do because there are no laws regulating the activity.

Boldt wanted to know if the Sheriff had talked with the neighbor.

Cervantes said yes. He said he called on one occasion when the neighbor and his friends had flashed their firearms at him. The Sheriff did come out and talk to the neighbor.

Stuart noted that they do have an ordinance regarding the lawful discharge of firearms. He asked Kelly Sills, who has looked into this issue, where this area would fall within the ordinance.

Kelly Sills, Economic Development Manager, said that area had little to no restrictions and would fall under the regular state restrictions, but not the County's. He explained that the board approved an ordinance that allows an automatic amendment to the no fire zone where you can essentially no type of weapon can be discharged and that is contiguous with the expansion of the urban growth boundary. There is a buffer zone surrounding the urban growth boundary, which is the intermediary zone, which allows things like muzzle-

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loaded weapons, shotguns, and bows and there is the much more expanded area where there really is no county imposed restriction.

Stuart stated that he would like to look at how they can adjust the rural ordinances to catch up with what they're trying to do in the rural areas in terms of clustering, since putting more people closer together would result in more issues with shooting firearms. He added that there's the educational piece of it and teaching the proper use of firearms.

Mielke wanted to know if there was an ordinance that addresses alcohol and firearms.

Sills said he couldn't speak to the enforcement side of it, but thought they could assume that state law would prohibit the discharge of firearms while drinking.

Mielke thought that would be a place to start.

Bill Barron, County Administrator, said he would follow-up.

Speaker #4

Mike Bomar, Building Industry Association of Clark County, 103 East 29th Street, Vancouver, requested a work session to discuss amending county code to extend the vesting period for the assessment of impact fees on new development to coincide with vesting periods with other county regulations. Mr. Bomar said the current vesting period for most county regulations is 5 years from the date of plat approval with extension provisions for phased development; however, impact fee calculations are only vested for 3 years with no extension provisions for phased development. He stated that a number of projects have been platted over the last several years, during which time traffic and school impact fees have increased dramatically. Imposition of the increased fees on the projects would render many of them financially infeasible. He noted that the BIA could provide supporting information to the board prior to the work session and he introduced Gus Harb of Harb Engineering for specific questions.

Stuart said he would like to know more about the flipside of that argument, which is that they have limitations on when they have to spend impact fees. He said a lot of times it's problematic to gather the funding necessary to build a project within their allotted timeframe. The building industry hasn't been supportive of extending the timeline on when local government can spend those impact fees to build the roads and other necessary infrastructure. He said if they are talking about extending timelines for impact fees because of the current economic difficulties and ensuring that projects are financially feasible, he would be interested in having the entire conversation about how they collect those impact fees, as well as how they spend them.

Bomar said yes, that would be a necessary part of that discussion. He said they have projects that will potentially fail and they are trying to look at ways to address that.

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CONSENT AGENDA

Mielke referenced item #5 (approval to amend the County Pay Plan for the Deputy Treasurer position to Range 907) and pointed out that the salary doesn't change for a year, but he had concerns that they were committing one year out. He said he talked with County Treasurer Doug Lasher and asked if they could pass and recognize the position with no commitment on when the salary increase would happen.

Francine Reis, Director, Human Resources, explained that it would be a movement in the range for a position to one range higher, but does not commit any future expenses or increases in the pay rate for the individual. Ms. Reis noted that the pay increase the individual would be eligible for was still yet to be determined by the board in how they move forward with pay increases for 2010.

There being no public comment, **MOVED** by Stuart to approve consent agenda items 1 through 9. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

COMMISSIONER COMMUNICATIONS

Stuart thanked Public Works Operations staff for all their work during the recent storms. He also welcomed Commissioner Mielke. Lastly, he asked folks to include his girlfriend's father, Lynn, in their thoughts and prayers because he was undergoing open heart surgery.

Boldt asked Public Works Director, Pete Capell, to thank his crew for their work during the recent storm. He commented that they would be having a future work session to go over their procedures and find out what worked and what can be improved upon.

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BOARD OF COUNTY COMMISSIONERS

Marc Boldt, Chair

Steve Stuart, Commissioner

Tom Mielke, Commissioner

ATTEST:

Lorrie Richards
Clerk of the Board

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