

**CHELAN COUNTY COMMISSIONERS  
MINUTES OF MAY 5, 6, 2008**

**MONDAY, MAY 5**

**9:03:15 AM OPENING:**

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance. Also present for session are County Administrator Cathy Mulhall and Clerk of the Board.

**9:03:15 A.M. APPROVAL OF MINUTES:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the April 28, 29, 2008 minutes as corrected.

**9:12:16 AM CONSENT AGENDA:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following action items:

- Vouchers as submitted and listed
- Payroll changes:
  - a) Meera Bridges, Horticulture, Temporary New Hire
  - b) 30 Participants, WSU Extension, Temporary New Hires
  - c) Rusty Gibbs, WSU Extension, Temporary New Hire
  - d) Angelyn Sheppard, WSU Extension, Temporary New Hire
  - e) Hana Butler, WSU Extension, New Hire
  - f) Jeremy Mannin, Juvenile, Step Increase
  - g) Jessica Zielinski, Juvenile, Step Increase
  - h) Mathew Shales, Natural Resources, Move to Full Time
  - i) Anne Hessburg, Community Development, Promotion
  - j) Mike Mackey, Noxious Weeds, Cell Phone Stipend
  - k) Cindy Johnson, Clerk, Step Increase
  - l) Jerry Brown, Public Works, Temporary Part Time Hire
- Approve April Payroll

2008B4-46

**9:12:36 AM BOARD DISCUSSION:**

- Courthouse Restoration Bids – Prosecutor Gary Reisen identifies break down and costs associated with the two bid proposals submitted in the same amount. Prosecutor worked with Architect Michael Beaman and accepted his bid analysis.
- Certificate of Good Practice by CRAB
- Code Enforcement Process and Procedures on Tokay Street
- Kahler Glen Assessments

**9:30 A.M. CHELAN COUNTY REGIONAL JUSTICE CENTER  
Phil Stanley, Interim Director**

**DISCUSSION ITEMS:**

- Jail Workshop to Review Prothman Report Changed to June 10
- Quiet Apple Blossom Week-End
  - 80 Booked, 51 Released (Compared to Prior Average Bookings of 121)
  - Currently 400 in Custody (40 Remaining to Appear in Court)
  - Security was Established for Apple Blossom Week-End Court
  - Border Patrol (ICE) Officers were on site in Jail for Border Patrol Holds to take custody of their holds for transportation.
  - One Individual Booked Twice
- Work Begins in Annex Showers in One Week
- Sheriff and Interim Director on KPQ This Morning, Re-Entry Proposal

**9:44:26 AM BOARD DISCUSSION CONTINUES:**

- Request for Meeting With Lake Chelan and Leavenworth Chambers – Meeting with all receivers regarding Hotel/Motel Tax funds on June 2
- Public Records Request Submitted by City of Wenatchee and Response 2008C8-87
- **Consensus** of Board to Approve Request by DOE to Place County Parcels on Columbia River Web Site 2008C8-88

**10:00:10 AM ADMINISTRATIVE AGENDA**

**County Administrator, Cathy Mulhall**

**10:00:21 AM BID AWARD RECOMMENDATION: Courthouse Exterior Masonry**

Based upon the matrix, bid comparison of the value per unit bid, it is the recommendation of Architect Michael Beaman and the County Facilities Maintenance Director to award the Courthouse Exterior Masonry Project to Crosby Restoration.

**10:01:01 AM BID AWARD: Courthouse Exterior Masonry**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the Notice of Intent to Award Bid to Crosby Restoration:

**1. Notice to Intent to Award Bid:**

- a) Notice of Intent to Award to Crosby Restoration for \$379,000 for Masonry Work  
2008B1-37

**10:01:36 AM BID AWARD RECOMMENDATION: Farm Worker Housing Security**

Based upon the hourly costs for services, it is the recommendation of the Camp Manager Edmundo Gonzalez to award the bid for Security Service to Securetrans Security.

**10:01 BID AWARD: Farm Worker Housing Camp Security Services**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items:

**1. Bid Award**

- a) Bid Award for Farm Worker Housing Security Services to Securetrans in the Hourly Rate Amount of Regular Rate of \$15.35 and the Hourly Holiday of \$23.03  
2008B1-38

**10:02:57 AM BID RECOMMENDATION: Farm Worker Housing Cleaning Services**

Based upon the comparison of the total hourly rates for grouped cleaning services, it is the recommendation of Park Manager Edmundo Gonzalez to award the bid for cleaning services to Vidal Cleaning Services

**10:03 A.M. BID AWARD:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following recommendation for cleaning services.

**1. Bid Award for Cleaning Services**

- a) Bid Award for Cleaning Services at Farm Worker Housing to Vidal Cleaning  
2008B1-39

**10:05 A.M. DISCUSSION ITEMS:**

- 1. Harvey and Roxy Nanto of CC Consulting and Monica Libbey of the City of Wenatchee present to Discuss the 2008 Homeless Plan Update 2008C8-89

**10:37:27 AM ACTION ITEMS:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items (**adding**) correspondence items **2(a)** and **2(b)**:

**1. Contracts/Agreements:**

- a) Services Agreement for Off-Site Jail Trusty Crew Supervisor 2008A5-98
- b) Interlocal Agreement Regarding Engineering of the Wenatchee Reclamation District/Pedestrian Bridge 2008A5-99
- c) Agreement between AFSCME and Chelan County Regarding Regional Jail Custody Officers 846-CD 2008A5-100
- d) Agreement between AFSCME and Chelan County Regarding Regional Jail Supervisors 846-CS 2008A5-101

**2. Correspondence for Signature**

- a) Personal Letter of Recommendation for Alice and Jerry Niebuhr  
2008C8-90
- b) Letter to WSDOT regarding the Use of West Monitor Bridge 2008C8-91

**10:38:08 AM DISCUSSION ITEMS CONTINUE:**

- 2. Executive Session Regarding Performance of a Public Official
- 3. Administrative Update

**10:38 AM EXECUTIVE SESSION:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board move into ten minute Executive Session Pursuant to RCW 42.30.110(g) regarding the performance of a public official.

**10:49:52 AM REGULAR SESSION:**

Board resumes regular session.

**10:50:34 AM BOARD DISCUSSION CONTINUES:**

- Theft of Tools at Fairgrounds
- VEBA Questions

**10:53:26 AM RECESS**

**11:07:32 AM NATURAL RESOURCES DEPARTMENT**

**Mike Kaputa, Natural Resources Director**

**DISCUSSION ITEMS:**

1. Harrison Side Channel Project Agreement Amendment #1
2. Amendment No. 3 to DOE Grant No. G0700224 WRIA 47 Lake Chelan Phase 2 Watershed Planning
3. Milfoil Eradication in Roses Lake
4. Current Meeting Schedule
5. Ruckelshaus Tour June 26
6. Stream Typing
7. Nason Creek Work
8. **Consensus** to Send Letter of Interest to State DOT RE: Surplus Property at Mouth of Peshastin Creek

**11:35:14 AM ACTION ITEMS:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items:

1. **Contracts/Agreements**
  - a) Harrison Side Channel Project Agreement Amendment #1 2008A5-102
  - b) Amendment No. 3 to DOE Grant No. G0700224 WRIA 47 Lake Chelan Phase Two Watershed Planning 2008A5-103

**11:30 A.M. BOARD DISCUSSION:**

- Mike Mackey, Noxious Weed Director regarding Request to Hire Employee for Internship. It is **consensus** to approve the request as proposed.
- Request for Executive Session for Property Acquisition

**11:48:50 AM EXECUTIVE SESSION:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board move into 10 minute executive session pursuant to RCW 42.30.110(b) regarding the acquisition of property.

**11:54 A.M. REGULAR SESSION**

Board resumes regular session.

**11:54 A.M. EXECUTIVE SESSION**

Public Works Departmental Goals Work Session

**11:55:17 AM REGULAR SESSION:**

Board resumes regular session.

**11:55:45 AM BOARD DISCUSSION CONTINUES:**

- Council on Aging - Parkside Manor Unable to Continue to House Medicaid Patients and is closed for Remodel
- Request for Use of County Logo on Vehicle Used by Fire Marshall – It is **consensus** to approve request
- Emergency Services Appeal to Sunnyslope Plan
- Fire Wise and Fire Prevention Week
- Grant Application for Cashmere Airport

**12:08:31 PM RECESS**

**2:39:56 PM PUBLIC WORKS DEPARTMENTAL GOALS WORK SESSION**

Public Works Director Greg Pezoldt and County Engineer Jolene Gosselin-Campbell

- Org Chart Proposal
- Change in Public Works Agenda Times
- Road Standards Workshop

**3:44:45 PM RECESS**

Board recesses until Tuesday, May 6, 2008.

**TUESDAY, MAY 6**

**9:00:17 AM OPENING:**

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance.

**9:00:17 AM FACILITIES MAINTENANCE:**

**Director Pat DuLac, Expo Center Manager Marsha Clute**

**DISCUSSION ITEMS:**

- Window Restoration Project Update

- Custodial Special Projects Coordinator – Commissioner Hawkins and Commissioner Goehner show **consensus** to move the foreman work schedule and responsibilities to the Special Projects Coordinator. (Commissioner Walter is momentarily away from the table).
- Open Maintenance Specialist Position from Jail Maintenance Position – Survey analysis needs to be discussed further with County Administrator.
- Water Hook Up at Expo Center – Reservoir was designed for use with new required fire flows and domestic use. We also have irrigation water for fire suppression during time of year Lot A would be in use. It is **consensus** to follow recommendation of Expo Center Director contingent on Health Dept to service Lot A, Tillicum, and restroom from the reservoir outflow pipe, not intake pipe.
- Courthouse Exterior Discussions with Historical Society

**9:24:11 AM BOARD DISCUSSION:**

- Commissioners’ Agenda Scheduling Changes
- Solid Waste Meeting – Issues at Recycling Center in Manson
- Response from DOE regarding Fairgrounds Water Issues 2008C8-92

**9:30:12 AM 9:30 A.M. PUBLIC WORKS DEPARTMENT**

**Public Works Director Greg Pezoldt, County Engineer Jolene Gosselin-Campbell**

**9:30:25 AM BID OPENING: Chiwawa Loop Road Improvement Project**

Chairman Hawkins declares the receipt of further bids closed.

**BID OPENING**

Bid opening proceeds with five bids submitted as follows:

KRCI	\$3,531,037.58
MRM Construction	\$3,225,121.01
Granite NW	\$3,219,219.00
Selland Construction	\$3,165,291.29
Westway Construction	\$3,296,716.20
Engineer’s Estimate	\$3,432,418.00

**9:36:14 AM BID REFERRAL:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board accept the bids as submitted and forward to the County Engineer. The bid to be awarded on Tuesday, May 13, 2008 at 9:30 a.m. after review by County Engineer to insure bids meet bid criteria. 2008B1-40

**9:38:04 AM PUBLIC HEARING: (Continuation) Petition for Road Vacation  
Tuttle Property Management Co. LLC**

Commissioner Hawkins opens that this continuation was to allow time for the County Engineer to look at the area and determine, that since there had been a partial vacation previously and all of the right of way is retained by the County and if it is required for the best use by the County or whether it is appropriate to vacate a portion of that right of way.

County Engineer Jolene Gosselin-Campbell states that the County Surveyor Mark Sele was asked to provide assistance in identifying lot lines. He was able to do so with a tape line for where the 25 foot right of way vacation would lie, which would be consistent with the adjoining property. The County Engineer states that it appears as though the entire frontage road would be contained in the left over 50 foot of right of way for County Road and the pull out area anticipated for use for slide repair would be outside of that. At this time she does not know the future of this road and this is a widened out portion of Lake Shore like some of the area further down, which would mean slope easements would be needed to widen this section. It is outside of the frontage road and it is outside of the pull-out area. There are no plans to do widening there. Her previous recommendation was to retain the right of way. She does not know the future of the area, if there would be a slide, there is a widened area further down which is not being used right now. She would be conservative on this and not recommending the widening but understanding that the County Engineer does not have anything that would show they would widen out the area. As a precautionary measure it would be in the best interest of the County to preserve the option of retaining this right of way. This is a tough recommendation to make. She says that with the 25 foot vacation everyone may continue to use the frontage road and it is outside of the small pull out area. There is a lot happening there and it is difficult to predict the future.

County Surveyor Mark Sele reiterates that if the right of way is vacated the frontage road remains in the right of way and so does the pull out, not in the vacated area. Commissioner Walter responds that regardless of what happens the frontage road is still in the right of way. Commissioner Goehner and Mr. Sele clarifies that if the County were to vacate the 25 feet it has no effect on the pullout or the frontage road.

**9:44:18 AM PUBLIC COMMENT:**

**Mr. Jim Tuttle**, applicant, states that at the hearing two weeks ago, he requested the surveyor determine the footage from the NW corner of lot 62 to the slide area. Was that done? It is 300 feet? Mr. Sele shares that he was not asked to measure that and he did not measure from the NW corner of lot 62 to the slide area. Mr. Tuttle feels it is 275-300 feet. Mr. Tuttle understands the Engineer leaning to the future but he requests they recall that this same 25 foot vacation was provided to lots 53-58 thirty-eight years ago. He feels the applicants deserve the same consideration since they are outside of the roadway and there is plenty of room with the pull out. The space will be used for parking, perhaps a shop, boat storage, or things along those lines. (It is noted that there are setbacks from the right of way that may prohibit a shop building). He requests that the Commissioners consider the tax payers' request.

Commissioner Goehner adds that Mr. Tuttle referenced the vacation for 25 feet. They initially requested 46 feet but he is now requesting the 25 foot vacation. The County Engineer shares that when the continuation was requested several weeks ago, the request was to look at the 25 feet specifically.

**Mike Holland**, property owner, shares he is not necessarily opposed to the vacation but his concerns are if the road were widened at some point in time and this was vacated, the County would need to acquire right of way because it would create a dangerous situation for those trying to leave the area and go up lake. There is really no way to do so without that road being there. As long as that road can stay open on a long term basis, he does not have opposition. He assumes this was done for setbacks for buildings. Mr. Holland would also like to address the process. Summer residents do not see posting when it is not done during the summer when residents are there. He feels there should be proper notice to the property owners. As long as the road can stay open in the future he is not opposed.

**Donald McArthur**, resident, has concerns with the access to the north but it appears as though the 25 foot vacation that is being requested does not impair that access. For that reason, as a homeowner, he does not have an objection to the vacation.

Commissioner Walter clarifies the property lines involved in the request. Noting on the map it is shown where the toe of the slope is located if this were widened and that the road would be compromised. If the main road were widened the main road would have to slide over and be restricted on the lake side.

#### **9:52:50 AM ACTION:**

**Moved** by Commissioner Walter seconded by Commissioner Goehner and carried that the Board approve the recommendation of the County Engineer to **deny** the request for a 25 foot vacation. Commissioner Hawkins shares the position of his fellow commissioners due to the unstable nature of Slide Ridge. 2008V1-6

#### **9:57:14 AM DISCUSSION ITEMS:**

1. Surface and Stormwater Management Utility (Charges and Credits). Revenue generations are discussed as well as benefit to storm water control and maintenance. Commissioner Goehner moves to approve 85% credit limit to those on this storm system along 97a in Sunnyslope that share a separate, common system, and seconded by Commissioner Walter for further discussion. This motion is subject to legal approval. Commissioner Hawkins feels this will create a huge problem due to equity and application. Commissioner Goehner feels this credit is appropriate for that particular geographic area. This is not an owner that has a self contained system. The properties the Commissioners looked at are part of a larger system that is being maintained by the State, and it is very clear who is a part of that system and who is not. Those that are within the Sunnyslope area that are either uphill or downhill and they if they have their



own self contained system it is appropriate to give them the 59% credit but he does not feel it is appropriate to give them the maintenance credit because they are benefitting from the maintenance that the county will do within that area. They are benefitting from any capital improvements because they said they won't be having water running on to their property nor will they be contributing to the other and as long as that is being maintained then there is an adequate system to take care of the run off in that area. If this is a legal issue than 85% is not appropriate for a system-wide credit. Commissioner Walter feels that Commissioner Goehner needs to clarify the motion to include the wording that those areas on 97a that are completely self contained. Commissioner Goehner agrees. Paula Cox does not feel it can be specific to one area but rather language can state certain criteria can be made but it would have to be utility wide. It is before the Board to approve a credit of 85% for industrial users meeting certain criteria that at a minimum would have a fully regional shared system. The problem Commissioner Goehner sees with making this system wide is that he does not believe the same type of credit is warranted because others are receiving benefit from the maintenance. These users are not receiving benefit of the maintenance. There are approximately 12-20 owners that are part of this regional self contained system through an LUD (but they do not have sewer). Commissioner Hawkins and Commissioner Walter are in agreement to give direction to Project Engineer Paula Cox to amend the draft proposal. **The motion is withdrawn.** Commissioner Goehner was willing to concede the 15% because everyone benefits because the County is cleaner due to storm water clean up. Commissioner Walter and Commissioner Hawkins as a majority would support a 75% maximum credit limit.

2. It is **consensus** to proceed with consultant review for the creation of the Manson Stormwater Utility.
3. Agenda Calendar
4. Acceptance of 29 Lots in Sienna – Satisfaction of Liens will not be required to come before Board

## **10:20:22 AM COMMUNITY DEVELOPMENT**

**John Guenther, Director**

### **DISCUSSION ITEMS:**

1. Notice to Title for Eugene Hertzke for Construction within the Whispering Pines Subdivision
2. Joseph Biringer – Refund for Withdrawn Variance
3. Notice of Hearing-Adoption of the Critical Areas Ordinance Amendments to Title 11
4. Calendar Events
5. DOE Contact regarding Earl Burts Recycling Center
6. Proposed Manson Casino

### **10:53:24 AM ACTION ITEMS:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items (**adding**) item **3(a)** Hearing Notice for May 19:

**1. Notice To Title**

- a) Notice to Title for Eugene Hertzke for Construction within the Whispering Pines Subdivision 2008A5-104

**2. Budget Request/Refund**

- a) Joseph Biringner – Refund of \$200.00 for Withdrawn Variance 2008B4-47

**3. Notice of Hearing**

- a) (**Added**) Notice of Hearing-Adoption of the Critical Areas Ordinance Amendments to Title 11, May 19 2008H6-16

**10:54:15 AM RECESS**

*11:15 A.M. OHME GARDENS*

*Mike Short, Manager*

*GARDEN UPDATES (Cancelled)*

**1:32:04 PM Title 15 Road Standards Workshop**

Title 15 Appendix B Variances (See Attendance Sheet)

**3:32:35 PM ACTION:**

It is **consensus** of Board to continue this hearing until Tuesday, July 8 at 1:30 p.m. to for adoption of the Title 15 Road Standards.

**3:46 PM ADJOURN**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board adjourn until Monday, May 12. Board Adjourned.

**Correspondence Filed:**

- Letter Stating No Jurisdiction from Robert Stewart 2008C8-93
- Special Notice of Additional Liabilities by Robert Stewart 2008C8-93
- Notice of Billing from Robert Stewart 2008C8-93
- Certificate of Good Practice regarding County Road Administration from State Treasurer to Chelan County 2008C8-94
- Dept of Fish and Wildlife Letter regarding ESHB 2438 2008C8-95
- Annual Report to Governor Gregoire from CC Prosecutor regarding 2007 Annual Report and Statistics 2008C8-96
- Letter from Mike Short of Ohme Gardens to Washington State Parks and Recreation Commission regarding Kiosk at Ohme Gardens 2008C8-97
- Chelan County Statistics by Wenatchee Valley Humane Society 2008C8-98
- Notice of Resignation from Pest Board Member Jim Thornsberry 2008C8-99

**Vouchers Approved for Payment (2008 Budget)**

2008B4-48

Current Expense		\$396,425.79
All Other Funds		<u>328,912.62</u>
	Total All Funds	\$725,338.41

BOARD OF CHELAN COUNTY COMMISSIONERS  
BUELL HAWKINS, CHAIRMAN

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JANET K. MERZ, Clerk of the Board