

**CHELAN COUNTY COMMISSIONERS
MINUTES OF SEPTEMBER 29, 30, 2008**

MONDAY, SEPTEMBER 29

8:30:34 AM OPENING – PLEDGE OF ALLEGIANCE

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. WHS students Natasza Lorentz and Rachel Burt are present and lead in the Pledge of Allegiance.

8:31:39 AM SUPERIOR COURT JUDGE TW CHIP SMALL

RE: Requested Payroll Change Notice for Fona Sugg (Item (a) on the Payroll Change Notices). Judge Small shares the grant process for funding of this stipend.

8:43:46 AM ASSESSOR RUSS GRIFFITH

RE: Requested Payroll for Stipend for Out of Class Pay for Vicki Griffin as Project Manager for True Automation.

8:51:23 AM CONSENT AGENDA

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action item (**adding**) items (**q, r, and s**):

- Vouchers as submitted and listed
- Payroll changes:
 - a) Fona Sugg, Superior Court, Stipend
 - b) Loraine Hohnstein, Superior Court, Length of Service Increase
 - c) Lu Anne Nelson, Superior Court, Length of Service Increase
 - d) Michael Mattix, Facilities Maintenance, Step Increase
 - e) Michael Menley, Regional Justice Center, Step Increase
 - f) Elgin Shaw, Regional Justice Center, Step Increase
 - g) John Wright, Regional Justice Center, Step Increase
 - h) Mary Jo Sanborn, Natural Resources, Market Factor Adjustment (2)
 - i) Lee Duncan, Natural Resources, Market Factor Adjustment
 - j) Michael Kane, Natural Resources, Step & Market Factor Adjustment
 - k) Alan Schmidt, Natural Resources, Market Factor Adjustment
 - l) Erin Fonville, Natural Resources, Market Factor Adjustment
 - m) Joy Juelson, Natural Resources, Resignation
 - n) Maria Agnew, Sheriff, Changes per New Contract
 - o) Dallas Hendrickson, Sheriff, New Hire
 - p) Nathan Wooten, Public Works, Extension of Current Temp Position
 - q) (**Added**) Vicki Griffin, Assessor's Office, Stipend
 - r) (**Added**) Rosa Sanchez, Farm Worker Housing, Part Time Temp New Hire

- s) (**Added**) Maribel Morales, Farm Worker Housing, Resignation

8:52:48 AM BOARD DISCUSSION:

- Volunteer Help Agreement - It is noted by **consensus** that the Board approves the use of the volunteer agreement submitted by Counsel Lou Chernak. This matter will be discussed further to gather information to determine uses of several agreements for short term and long term volunteers. 2008C8-217

9:02:33 AM APPROVAL OF MINUTES:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the September 22, 23, 2008 minutes as corrected.

9:17:29 AM BOARD DISCUSSION:

- Facilitated Jail Partnership Meeting - Facilitator unable to meet for partnership meeting today due to illness. Meeting will be cancelled and rescheduled for a later date.
- Meeting with Steve King and Dennis Johnson of the City of Wenatchee regarding Sewer services in Sunnyslope area. Community Meeting has been set for at the October 22 at 5:30 p.m.
- TransPo Group Update
- Lake Wenatchee Water Quality Survey, Sewer Use Data
- Change in Position for Derek Sandison of DOE
- Secure Rural Schools Update
- Transportation Update

9:50:01 AM RECESS

10:19:26 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

ACTION ITEMS:

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

1. **Budget Transfer**
 - a) Superior Court to Transfer \$7,000 from Contractual Services to Extra Help 2008B4-103
2. **Resolutions**
 - a) Adoption of **Resolution No. 2008 - 137** Rescinding 2008 Resolution of Fire Road Restrictions

10:19:54 AM DISCUSSION ITEMS:

1. Executive Session Regarding Labor Negotiations

10:20:05 AM EXECUTIVE SESSION:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board move into ten minute executive session pursuant to RCW 42.30.140(4) regarding labor negotiations.

10:31:03 AM EXTENSION OF EXECUTIVE SESSION:

Board extends executive session pursuant to RCW 42.30.140(4) for an additional five minutes regarding labor negotiations.

10:37:20 AM EXECUTIVE SESSION

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board move into 15 minute executive session pursuant to RCW 42.30.110(g) regarding the performance of a public employee.

10:53:57 AM EXTENSION OF EXECUTIVE SESSION:

Board extends executive session for an additional fifteen minutes pursuant to RCW 42.30.110(g) regarding the performance of a public employee.

11:11:38 AM REGULAR SESSION

Board resumes regular session.

11:11:51 AM BOARD DISCUSSION CONTINUES:

- Recent Discussions with Senator Parlette regarding Definition of a Winery
- Pioneer Repair in Cashmere. Business predates GMA and is consistent with previous zoning.
- County Wide Recycling

11:27:51 AM RECESS

NOON – DISABILITY BOARD

1:28:43 PM ANNOUNCEMENT:

Commissioner Hawkins shares that this hearing will begin at 2:00 as the agenda states.

2:00:31 PM AG TOURISM HEARING - Chelan County Community Development

Commissioner Hawkins opens hearing. Present are members of the Ag Committee, Hank Manriquez, Robin Grahamson, Steve Hair, Gordon Goodwin, Laura Mrachek, Mike Mrachek, County Planning Staff Lilith Yanagimachi and Director John Guenther, Commissioners Buell Hawkins, Ron Walter and Keith Goehner, and Clerk of the Board, Shiloh Burgess representing 12th District Senator Linda Evans Parlette, as well as concerned citizens Natalie Bennet, and Patrick Walker.

John Guenther shares that a workshop was held on Monday, September 22. The purpose is to take a look at the legislation of the Code (mainly Title 11) and the segments that deal with Ag related activities, especially the value added portion, and the impacts that they can have within the Ag community. The Board had worked in this area in the past and from that work came Senate Bill 6237. The Board has been interested in Legislative changes due to the on-going changes in wineries and how they are being used. State Legislation discussions are taking place as well on other value added uses. In order to capitalize on the Commission initiated request for a text change, a community group was brought together to gather input. The attempt through this new legislation would allow a dialogue to occur that addresses the value added applicants and the Ag community to work out land use actions together. In order to accomplish this, a permit and Ag tourism reference book was created. That is contained within this legislation.

Public comment was received from Guy Evans in support of the proposed legislation as well as comments from Gordon Goodwin, Patrick Walker, Gwen Clear of the DOE, and from William Roberts.

Staff member Lilith Yanagimachi summarizes the new staff report which added the workshop comments. A draft resolution is included for review and consideration by the Board. Suggested changes and additional comments are placed in the record. No SEPA comments were received. All hearings have been duly published. Guy Evans submitted a letter into the record in favor of the changes, Patrick Walker submitted some suggested changes for community trails and bike facilities as mitigation measures, and submitted items previously viewed by the Board.

Commissioner Hawkins shares the protocol for today's hearing. Commissioners have no questions of staff at this time.

Representing the office of Linda Evans Parlette, Shiloh Burgess, reads a letter from Senator Parlette into the record. This letter includes the current, broad State definition of a winery as follows: RCW 66.04.010§42 states "winery means a business conducted by any person for the manufacture of wine for sale other than a domestic winery". The Federal Government, however, has four specific classifications in the wine industry:

- BLENDED WINERY - Producing wine for sale (crushing, blending, aging and bottling)
- ALTERNATING PROPRIETOR - Making wine for commercial purposes, often times sharing a facility with other businesses
- CUSTOM CRUSH CLIENT (Wholesaler) - individuals who have grapes or other wine making materials that they would like to have made into wine, but would prefer that someone else make the wine for them. The Bonded Wineries that produce the wine for the wholesalers are known as Custom Crush wineries

- A BONDED WINE CELLAR - Bonded storage warehouse established to store, blend, or bottled un-tax-paid wine

Senator Parlette recommends that Chelan County consider adopting the following language for the code, under definitions, to be in agreement with Federal Law and perhaps future State Law:

14.98 “Winery” means a facility where fruit or other products are processed (i.e. crushed, blended, aged and/or bottled) and may include as incidental and/or accessory to the principle use, a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area. 2008C8-230

Community Development Director John Guenther shares that he has been discussing the matter with Jean Leonard with the Washington State Wine Institute who has been working with the Liquor Control Board to come up with a definition that works in a number of areas.

Robin Graham would like to go on record as supporting this proposed definition. He believes he brings a new perspective for those in his age group who are moving to learn where the food comes from which brings an increase in consumption of Ag products. This would allow more farmers in his age group to build wineries and expand as the business expands.

Commissioner Goehner shares that the need for this arises from small businesses that need to put in the value added operations for another activity to augment the farming operation. This was the intent of Ag tourism. By making this definition into one or two of the processes it can be expanded as someone becomes more successful. They can still maintain the home site.

Gordon Goodwin reads his letter into the record regarding negative impacts to existing Ag operations with the addition of new Ag tourism land use activities. He promotes a 300’ buffer for mitigation/protection. 2008C8-231

Patrick Walker, with the Chelan/Douglas Land Trust and Friends of Our Community Trails, states this is a good opportunity to create a partnership between agriculture and the effort to create community trails and the community to come together for mutually benefited goals. Ag tourism is a tool to learn where food comes from for the public benefit. He would like to see this partnership placed in the document for community trails as a valued added amenity of itself. To donate a portion of the farming property for trails would be a benefit to the land owner as well. Access for non motorized trails would also reduce traffic and could be used as a mitigation factor (which is in page 6 of the document for traffic mitigation). There is a link between bike paths and Ag tourism. This can be a choice for the owner/applicant to participate.

Mike Mrachek speaks in favor and approves of the proposed changes. He feels that Ag tourism is a huge industry in this county. He will be making wine on his property next week and their property should not have any problems falling under the definition of a winery.

Commissioner Goehner shares his concern that the Commissioners will continue to wrestle with the other activities such as the public and private assembly. The Ag tourism and the activity in a winery do not seem to be as much as an issue as the other activities of public gatherings. Mr. Mrachek states they had five weddings this year and probably will not have any next year. There may be family weddings there in the future. They did not have much in the way of amplified music this year. They probably will have no more concerts. He states there is a lot of liability with concerts and the weddings are “a pain”.

Commissioner Goehner is not speaking specifically to his operation but more to the whole context of Ag tourism countywide. There is typically a conflict with a high concentration of people for an ongoing activity. It does then create the potential for more conflict. This is one of the difficulties to address within this proposal. Commissioner Goehner has a great concern for the family farmer that is impacted. But he also wants to maintain the viability of farming.

Mike Mrachek states it takes common sense – churches, schools, and other things - go on in the way of public gatherings in the middle of orchards and have been for many years. It just comes down to common sense.

Laura Mrachek begins her comments in reference to adjacent uses, change of use and respect of existing use. That is very important. Mr. and Mrs. Mrachek began with 40 acres of cherries. They know how difficult it is to make a go of it on a small number of acres. They are farmers that got involved in grapes for the same reason everyone else did when the apple prices were low. They had to go there to create a sustainable farming unit for the future. They have their operation in Malaga and some of it grew bigger than they expected. She states sometimes you have a success and you don't know how it got there. Mrs. Mrachek shares she is not saying they couldn't be better neighbors and wineries couldn't be better neighbors. Everyone can be quite good if they choose to be. On the agricultural neighbor good practices section with the review committee, (page 5 of 7) she would like to see the wording changed from “non agricultural” commercial to “agricultural related” commercial and retail uses.

Commissioner Goehner adds that striking the words “non agricultural” to plainly state review “activities” and establish... It is **consensus** this is appropriate wording for the text.

Commissioner Walter states that Chelan County has tried to give the tools to the Ag community to allow them to react to the economic environments and re-invent themselves. It is important to be able to bring diversity to the family unit and diversify income to keep the operation going. He adds this is a living, changing document.

Hank Manriquez of the Cascade Foothills Farmland Association has been involved with this procedure for many years. He was involved in the Blueberry Hills discussion and after one and one half years, new rules and regulations were made. The question he has for the

Commission is – will they be sending this back to Olympia to change it at the State level as they did before? Senate bill 6237 was the needed change years ago. Cascade Foothills Farmland Association supports this change. The growth is here and is a good thing.

The Commissioners respond that this is a good document mainly relating to the definition of a winery and will suffice under the original bill.

3:10:53 PM CLOSE OF PUBLIC TESTIMONY

Commissioner Hawkins closes the hearing to further public testimony. The Commissioners share that we have land use applications for wineries in the queue, making it necessary to define “winery” at this time and not wait for the legislature to act next year. This document will maintain neutrality with what is happening at the State level. At some point, the State definition of a winery will take precedence. Changes of the use chart will now reflect 1500 square feet.

3:13:21 PM ACTION:

Commissioner Goehner **moves** to accept the document as proposed with the change of definition of a winery to incorporate the suggestion of Senator Linda Evans Parlette, and the change in page 5 of 7 for the good neighbor practices and the use chart change to 1500 square feet, seconded by Commissioner Walter, and approved with the official approval of the resolution to be before the Board on October 7, 2008 with the redrafted language.

Discussions follow regarding the selection of the committee which is scheduled to be finalized on Tuesday, November 4.

3:18:57 P.M. RECESS

3:34:33 PM BOARD RESUMES SESSION:

3:34:33 P.M. EXECUTIVE SESSION

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board move into a 45 minute executive session pursuant to RCW 42.30.110(g) regarding the performance of a public employee.

4:20: P.M. EXTENSION OF EXECUTIVE SESSION:

Board extends executive session for an additional 15 minutes pursuant to RCW 42.30.110(g) regarding the performance of a public employee.

4:37:15 PM REGULAR SESSION:

Board resumes regular session.

4:37:15 P.M. BOARD DISCUSSION:

- Vacation Time, Sick Leave for Interim Jail Director, Phil Stanley

- Emergency Management Budget

4:45:51 PM RECESS

Board recessed until Tuesday, September 30.

TUESDAY, SEPTEMBER 30

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.

9:34:06 AM PUBLIC WORKS DEPARTMENT

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

DISCUSSION ITEMS:

1. Local Agency Standard Consultant Agreement with CH2M Hill
2. Interlocal Agreement for Road Maintenance with the City of Entiat
3. Agreement Regarding Mitigation Fee and Stipulation for Amendment of Condition of Approval with Wenco LLC
4. Establish County Road Project No. 640 (CRP 640) West Monitor Bridge Repairs
5. Petition for Vacation of County Road Submitted by Robert Yount
6. Easement and Agreement for Drainage, Access and Maintenance Between Jack and Gale Courtney and Chelan County
7. Position Interviews
8. Development Review

10:11:37 AM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following action items (**adding**) items **1(d)** the easement agreement for Jack and Gail Courtney and approving item **3(b)** the new Public Works Organizational Chart

1. **Agreement**
 - a) Local Agency Standard Consultant Agreement between Chelan County and CH2M Hill for Engineering Services for North Road Improvement Project, County Road Project No. 636 (CRP 636) 2008A5-218
 - b) Interlocal Agreement for Road Maintenance between Chelan County and the City of Entiat 2008A5-219
 - c) Agreement Regarding Mitigation Fee and Stipulation for Amendment of Condition of Approval between Chelan County and Wenco LLC for Plat No. P2005-010 2008A5-220
 - d) (**Added**) Easement and Agreement for Drainage, Access, Maintenance, and Developer Agreement with Jack and Gale Courtney 2008A5-221
2. **Resolution**
 - a) Adoption of **Resolution No. 2008 - 138** Establish County Road Project No. 640 (CRP 640) West Monitor Bridge Repairs

3. **Miscellaneous**

- a) Petition for Vacation of County Road Submitted by Robert Yount to Vacate a Portion of County Road Right of Way known as Dick Mesa Road, Received, and Forwarded to the Public Works Department for Action 2008V1-13
- b) **(Added)** Revised Public Works Organizational Chart 2008C8-232

[10:13:28 AM](#) Commissioner Walter is excused from session)

10:13:28 A.M. PUBLIC WORKS DISCUSSION ITEMS CONTINUE:

- 8. Development Review (Cont.)
- 9. County Road Project Prioritization 2008R1-12
- 10. Recycling Event
- 11. Speed Reduction Signs on Manson Blvd.
- 12. Eagle Creek Newsletter
- 13. Payroll Change Notices to be Submitted Oct 6
- 14. Portable Structure Right of Way Encroachment Issue. Board supports letter written by the Public Works Director to the Property Owner 2008C8-233
- 15. Peters Street Sidewalk Update
- 16. Manson Blvd. Walkway Concerns

[10:58:09 AM](#) RECESS

[11:03:44 AM](#) COMMUNITY DEVELOPMENT

**Code Enforcement Officer Angell Hallman,
Solid Waste Coordinator Brenda Harn**

BID OPENING – Valley High Winberg Property Clean Up

One Bid was received via fax. Acceptance of Bids Closed by Commissioner Hawkins. Discussion Continues. One bid received in the amount of \$29,750.00 by Buckley Recycle Center. Bid was much larger than anticipated. 2008B1-73

[11:13:53 AM](#) ACTION:

Moved by Commissioner Goehner, seconded by Commissioner Hawkins, and carried that the Board accept the bid by Buckley Recycling and forward to the Community Development Department to be reviewed by Code Enforcement and to authorize the Code Enforcement Officer to negotiate a reduced cost with sole bidder for a possible bid award. Board also authorizes payment to Buckley Recycling for expenses incurred to do a scope of work.

[11:14:21 AM](#) COMMUNITY DEVELOPMENT DISCUSSION ITEMS:

- a) Administrative Appeal Refund for Lyle Neeley in the Amount of \$400.00
- b) Malaga “Fall Crush” Discussion. Dumpster costs will be paid by Solid Waste.
- c) Computer and Electronics Recycling Collection Event, October 3

[11:18:42 AM](#) ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Hawkins, and carried unanimously that the Board approve the following action item (refer to previous motion):

1. Refunds

- a) Administrative Appeal for Lyle Neeley in the Amount of \$400.00 2008B4-104

2. Bid Award

- a) (*Previously Addressed, See 11:13:53 a.m.*) Bid Opening, and Recommending and Awarding the Contract for Winberg Property Clean Up

11:19:45 AM DISCUSSION ITEMS:

- Larry Reznicek Notice to Clean Up. Health Board scheduled to do clean up of waste and contaminants. Board will wait until after Health District Cleanup to determine the need for further clean up work.
- Need for Dumpster at Crush Event – Dumpster will be paid by Solid Waste Funds if Available

11:30:28 AM RECESS

NOON

2:43:54 PM TRANSPORTATION PLANNING WORKSHOP

Larry Toedtli and Jon Pascal of the Transpo Group are present for workshop.

4:04:20 PM ADJOURN:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board adjourn until Monday, October 6. **Board Adjourned.**

Filed Correspondence:

- E-mail from Tom Robinson regarding PILT Update 2008C8-234
- Amended Land Use Petition by City of Wenatchee Re: ZC Amendments 2007-011; 012; 017; 018; 019; and 021 2008P1-9

Vouchers Approved for Payment

2008B4-105

Current Expense

\$447,955.29

All Other Funds

972,312.47

Total All Funds

\$1,420,267.76

BOARD OF CHELAN COUNTY COMMISSIONERS
BUELL HAWKINS, CHAIRMAN

JANET K. MERZ, Clerk of the Board

