

**CHELAN COUNTY COMMISSIONERS
MINUTES OF MAY 18, 19, 2009**

MONDAY, MAY 18

9:05:44 AM OPENING – PLEDGE OF ALLEGIANCE:

Chairman Walter opens session with Commissioner England and Commissioner Goehner in attendance. Also present for session are County Administrator Cathy Mulhall and Clerk of the Board. Reporter Michelle McNeil present and leads in the Pledge of Allegiance. Reporter Steve Hair and WHS student Mia Fuller also present.

9:06:40 AM APPROVAL OF MINUTES:

Moved by Commissioner Goehner, seconded by Commissioner England and carried the Board will approve the May 11, 12, 2009 minutes as corrected.

9:11:02 AM CONSENT AGENDA:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the following action items (**pulling**) item (**n**):

- Vouchers as submitted and listed
- Payroll changes:
 - a) Sean Steinbrech, Regional Justice Center, Longevity Increase
 - b) William McMaster, Regional Justice Center, Step Increase
 - c) Oscar Hernandez, Regional Justice Center, Step Increase
 - d) David Fowler, Regional Justice Center, Step Increase
 - e) David Flick, Regional Justice Center, Step Increase
 - f) Jeff Hughes, Regional Justice Center, Longevity Increase
 - g) Elizabeth McGregor, Regional Justice Center, New Hire Extra Help
 - h) Linda Stiner, Regional Justice Center, Longevity Increase
 - i) Lynda Mikelson, Regional Justice Center, Resignation
 - j) Ritch Hively, Regional Justice Center, Longevity Increase
 - k) Junior Daniels, Public Works, Retirement
 - l) Nick Reed, Public Works, Step Increase
 - m) Pat Cutler, Public Works, Length of Service Increase
 - n) (**Pulled**) Darlene Sharar, Public Works, Adjustment for Retirement Benefits
 - o) Katie Small, Commissioners, Step Increase
 - p) Mark Hegberg, Sheriff, Step Increase
 - q) Lacey Skalisky, Superior Court, Step Increase Passed Bar Exam
 - r) Jon Skoglun, Cashmere/Dryden Airport, New Hire Airport Manager
 - s) Bruce Graham, Cashmere/Dryden Airport, End Interim Appointment
 - t) Hana Butler, Extension, Promotion
 - u) Margaret Boles, Community Development, Temporary Change to Part Time

9:15:02 AM BOARD DISCUSSION:

- High Mountain Lakes Fish Stocking – Park Service not opposed to stocking and is no longer promoting poisoning
- High Fire Danger Road Closures Resolution – June 1 date to continue each year as last date for burning
- RiverCom Meeting Update
- Public Works Local Agency Agreement for North Road Project/Stimulus Funds

9:25:45 AM ACTION:

Moved by Commissioner Goehner, seconded by Commissioner England, and carried that the Board approve the **(added)** Local Agency Agreement relating to the Federal Stimulus Funding to insure Chelan County receives the full amount of funding designated for the project.

1. **Contracts/Agreements**

- a) **(Added)** Local Agency Agreement between Washington State DOT and Chelan County Public Works for the North Road Improvement Project

20090518A5-1

9:29:15 AM BOARD DISCUSSION CONTINUES:

- Cluster Subdivision
- WSAC Meeting – Commissioner England will attend the WSAC Meeting. Registration fees have been waived for new commissioners.
- Relay for Life Dunk Tank Participation by Commissioners
- Financial Analysis of Town Toyota Center Budget vs. Actual

20090518C8-1

9:45:45 AM RECESS

9:58:44 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

BID AWARD - Chelan County Fire Alarm/Public Address System Upgrades

Mr. Pat DuLac present to open bids.

10:00:04 AM CLOSURE OF ACCEPTANCE OF FURTHER BIDS:

Commissioner Walter closes the acceptance of further bids. Three bids are opened as follows:

Bidder	Base Bid	Alternate Bids
Valley Electric	\$758,207.00	No alternates listed
Advanced Electric and Alarm	\$679,574.00	1) \$25,361.00 2) \$3,291.00
McCandlish Electric	\$509,500.00	1) \$20,000.00 2) \$3,000.00

Bids will be forwarded to Facilities Maintenance for review. Bid Award is anticipated for award on Tuesday, May 26. 20090518B1-1

10:05:38 AM DISCUSSION ITEMS:

1. Project Manager Robert Knowles Regarding Monitor Park Restroom Final Acceptance. Two issues at park. Payment has been withheld for completion of items of concern.
2. Skim Coat of Gravel or Lignum for 414 Parking Lot
3. Executive Session – Labor Negotiations
4. 2009 Budget
5. Administrative Issues

10:19:39 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner England and carried that the Board will approve the following action items (**pulling**) item **1(b)** and (**adding**) item **1(d)** for farm worker housing cleaning:

1. **Contracts and Agreements for Signature**

- a) Final Acceptance Documents for Monitor Restroom Project 20090518A5-2
- b) (**Pulled**) Interagency Agreement Between WSDA, Chelan County, and the Chelan County Horticulture Pest & Disease Board
- c) Interlocal Agreement with the US Forest Service for Weed Abatement
20090518A5-3
- d) (**Added**) Contract for Cleaning Services with Vidal Cleaning Services at Chelan County Farm Worker Housing Camp 20090518A5-4

2. **Resolutions:**

- a) Adoption of **Resolution No. 2009 - 56** for 2009 High Fire Danger Areas and County Road Restrictions
- b) Adoption of **Resolution No. 2009 - 57** for 2009 Surplus Property Sale
- c) Adoption of **Resolution No. 2009 - 58** for Amendment to 2009 Appointments

4. **Miscellaneous:**

- a) Letter of Support for LINK Grant Application 20090518C8-2

10:21:03 AM EXECUTIVE SESSION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board move into 35 minutes for Executive Session Pursuant to 42.30.140(4) regarding collective bargaining.

10:58:03 AM EXTENSION OF EXECUTIVE SESSION:

Board extends executive session for an additional 2 minutes Pursuant to 42.30.140(4) regarding collective bargaining.

11:00:14 AM REGULAR SESSION:

Board resumes regular session.

11:00:45 AM NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director

DISCUSSION ITEMS:

1. Stemilt Partnership Congressional Support Letter
2. Service Agreement Amendment with NCW RC&D for Habitat Farming Project
3. Fish Stocking Legislation in High Mountain Lakes
4. Meeting Updates:
 - Phosphorus Regulatory Strategy Group
 - Large Woody Debris Workshops
 - Lake Wenatchee Water Quality Meetings

11:15:43 AM ACTION ITEMS:

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

1. **Correspondence for Signature**
 - a) Stemilt Partnership Congressional Support Letter 20090518C8-3
2. **Contracts/Agreements for Signature**
 - a) Service Agreement Amendment with NCW RC&D for Habitat Farming Project 20090518A5-5

11:16:29 AM EXECUTIVE SESSION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board move into 30 minutes for Executive Session Pursuant to 42.30.140(4) regarding collective bargaining.

11:48:48 AM EXTENSION OF EXECUTIVE SESSION:

Board extends executive session for an additional 10 minutes Pursuant to 42.30.140(4) regarding collective bargaining.

11:56:19 AM REGULAR SESSION:

Board resumes regular session.

11:56:40 AM RECESS:

NOON

1:31:31 PM SESSION RESUMES:

Board resumes session. (Commissioner England is excused and will return shortly).

1:31:31 P.M. CHELAN COUNTY REGIONAL JAIL

Sergeant Sean Larsen

DEPARTMENTAL DISCUSSION

- Records Grant Final Report
- Memorial Day Week End Planning

1:39:01 PM ACTION:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board approve the archiving grant for final approval:

1. Contracts/Agreements

- a) Washington State Archives Records Grant Signed for Final Approval
20090518A5-6

1:43:16 PM RECESS

1:58:01 PM BID OPENING - North Road Improvement Project – CRP 636

Public Works Director Jolene Gosselin Campbell and Administrative Assistant Penny Goehner present for opening. Commissioner England arrives to session.

1:59:58 PM CLOSE TO ACCEPTANCE OF BIDS

Commissioner Walter closes the acceptance of receipt of bids. Bid opening proceeds with the following bids:

Award Construction	\$2,915,676.30
Hurst Construction	\$2,314,339.90
IMCO	\$2,763,042.50
KRCI	\$2,368,470.50
Scarsella Brothers, Inc.	\$2,403,403.03
Selland Construction	\$2,361,158.00
Strider Construction	\$2,322,884.00
Westway Construction	\$2,999,923.00

Engineer's Estimate	\$2,726,108.00	20090518B1-2
---------------------	----------------	--------------

2:05:04 PM BID REFERRAL

Moved by Commissioner Goehner, seconded by Commissioner England and carried that the Board will accept the bids as presented and forward them to the Public Works Director for review. Bid will be awarded on Tuesday, May 19, 2009.

2:10:10 PM BOARD DISCUSSION:

- North Road Project Costs
- Bob Widener, Washington DC Lobbyist on Forest and Public Lands Issues, Present to Discuss Timber County Work

- Climate Change Legislation
- High Mountain Lakes Fish
- Stehekin Road
- Upcoming Meetings regarding Wetlands Language
- Potential Tax Increases by Federal Government
- Secure Rural Schools

2:57:25 PM RECESS

Board recesses until Tuesday, May 19.

TUESDAY, MAY 19

9:07:34 AM OPENING:

Chair Pro Tem Goehner opens session with Commissioner England in attendance. Also present for session is the Clerk of the Board. Commissioner Walter is excused from session for the week.

9:07:34 A.M. CASCADIA CONSERVATION DISTRICT – Mike Rickel, Director

- Picture the Wenatchee Watershed Photo Contest
- Governor Approved Areas for Current Water Banking (Transfer) as is Now Allowed for the Yakima River
- Coordination of Organizations for Area BPA Projects

9:24:55 AM RECESS

9:30:34 AM PUBLIC WORKS DEPARTMENT

Public Works Director Jolene Gosselin-Campbell

BID OPENINGS: Sunnyslope Shop Roof Repair; Soil Stabilization Agent:

Chair Pro Tem Goehner closes further acceptance of bids. Board awaits arrival of Public Works Director and Administrative Assistant. Recess.

9:36:00 AM BID OPENING RESUMES - Sunnyslope Shop Roof Repair

Bid opening proceeds with two bids submitted as follows:

M Vail Company	\$84,143.88	
Frontier Company	\$63,897.20	20090518B1-3

9:37:22 AM BID REFFERAL:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board accept the bids as submitted. Bid to be awarded on May 26, 2009 at 1:15 p.m. after review by the Public Works Department to insure bids meet bid criteria.

9:37:43 AM BID OPENING - Soil Stabilization Agent:

Bid opening proceeds for the Soil Stabilization Agent with two bids submitted as follows:

Bidder	Product (385 Tons)	Unit Price	Total	Grand Total w/tax
EnviroTech Services	Road Saver	\$147.44	\$56,764.40	\$61,305.55
	Durablen(192.50 tons)	\$255.37	\$49,158.72	\$53,091.41
Roadwise	Dustguard Liquid	\$117.49		\$48,852.23

20090518B1-4

9:40:42 AM BID REFERRAL Soil Stabilization Agent:

Moved by Commissioner England, seconded by Commissioner Goehner and carried that the board accept bids as presented and forward the bids to the Public Works Department to insure bids meet bid criteria. Bid will be awarded today at approximately 11 a.m.

9:41:19 AM BID AWARD - North Road Improvement Project, CRP 636

Public Works is not prepared to award the bid at this time. A letter of protest was submitted by Scarsella Brothers Inc regarding the low bidder's listing of electrical contractors. The Public Works Department is continuing to review for bid compliance.

9:51:30 AM ACTION:

It is requested that a special meeting be held on May 21 at 9:00 a.m. for the sole purpose of awarding bid for the North Road Project. **Moved** by Commissioner England, seconded by Commissioner Goehner, and carried that the Board set a special public meeting on May 21, 2009. 20090518H6-1

9:52:10 AM DISCUSSION ITEMS:

1. Road Restriction Compliance Agreement with Kyle Mathison Orchards, Inc. (KMO)
2. Property Transfer with Brad Boswell – Dryden Transfer Station
3. Development Review
4. Payroll Change Notice for Public Works Employee

10:12:20 AM ACTION ITEMS:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the following action items (**adding**) payroll change notice for Darlene Sharar, (**adding**) including indemnification agreement with Kyle Mathison Orchards, and (**adding**) the previously pulled Interagency Agreement with USDA:

1. **Contract/Agreement**
 - a) Road Restriction Compliance Agreement between Chelan County and Kyle Mathison Orchards, Inc. (KMO) 20090518A5-7

- b) **(Added)** Indemnification Agreement between Chelan County and Kyle Mathison Orchards, Inc. (KMO) 20090518A5-8
 - c) **(Added)** Interagency Agreement Between WSDA, Chelan County, and the Chelan County Horticulture Pest & Disease Board 20090518A5-9
2. **Payroll Change Notice**
- n) Darlene Sharar, Public Works, Adjustment for Retirement Benefits

10:14:03 AM COMMUNITY DEVELOPMENT

Director Bill Bailey, Assistant Director David Grimes, Planners Graham Simon, Lilith Yanagimachi, Attorney Don Dimmit, and Deputy Prosecutor Susan Hinkle

DISCUSSION ITEMS:

- Processing 2007 GMHB Decision

In 2008, the City of Wenatchee appealed several Comprehensive Plan Amendments to the Eastern Washington Growth Management Hearings Board. It was found there was a procedural error with proper noticing. The Board of Commissioners rescinded the affected resolutions. Noticing errors were remedied and the Board of Commissioners re-adopted the applications. The City again appealed the amendments. The EWGMHB remanded the applications back to the County. Chelan County will rescind affected resolutions and Hearing Examiner Decisions. A determination will be made as to which applicants want to continue the process and reprocess any applications using a more detailed analysis and Findings of Facts and Conclusions. The staff will present a resolution to rescind the affected resolutions on May 26. The applications by Mr. Nelson and Mr. Thomas will be re-heard with amended Findings of Fact and Conclusions in a closed record hearing. The Gates and Cochran applications will be heard with the 2009 cycle of CPA Hearings.

20090518P1-1

10:57:38 AM BID AWARD RECOMMENDATION - Soil Stabilization Agent

Three bids were presented earlier today on the Soil Stabilization Agent. After review by the public works department insuring that bids meet specifications, it was recommended that the Board accept the bid proposal from Roadwise, Inc., as low bidder at \$48,852.34.

10:57:38 AM BID AWARD:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the award of bid for the Soil Stabilization Agent to Roadwise Inc., for a bid of \$48,852.34. 20090518B1-5

10:58:56 AM EXEC SESSION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board move into ten minute executive session regarding potential litigation with Counsel Susan Hinkle present.

11:08:04 AM EXTENSION OF EXECUTIVE SESSION:

Board extension extends for an additional ten minutes regarding potential litigation with Counsel Susan Hinkle present.

11:19:22 AM REGULAR SESSION:

Board resumes regular session.

11:21:28 AM ADJOURN:

Moved by Commissioner England, seconded by Commissioner Goehner and carried that the Board adjourn until Thursday, May 21, 2009 at 9:00 a.m. Board Adjourned.

THURSDAY, MAY 21

8:58:47 AM OPENING:

Chairman Goehner opens session with Commissioner England in attendance for a special meeting to award bid for the Public Works North Road Project. Also present for session is the Clerk of the Board. Commissioner Walter is excused from session.

Bids for the Public Works North Road Project were opened on Monday, May 18 with eight bidders. A letter of protest was filed by Scarsella regarding the omission of electrical contractors listed on the apparent low bidder Hurst Construction. Public Works requested and was granted time to investigate the issue until today's date.

Public Works Director Jolene Gosselin Campbell reads a memorandum outlining the concerns addressed by the letter of protest and the department's response.

20090518B1-6

9:03:20 AM RECOMMENDATION FOR AWARD:

Public Works Director Jolene Gosselin Campbell informs the Board on the recommendation to award bid to the low bidder Hurst Construction in the amount of \$2,314,339.90.

9:03:41 AM BID AWARD:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board award the bid for the North Road Project to Hurst Construction at a bid of \$2,314,339.90.

20090518B1-7

9:04:13 AM CORRESPONDENCE: (Letter of Protest)

It is noted that Selland Construction has filed a letter of protest with the county.

20090518C8-4

9:04:26 AM AJOURN:

Moved by Commissioner England, seconded by Commissioner Goehner and carried that the Board adjourn until Tuesday, May 26, 2009. **Board adjourned**

Filed Correspondence:

- Confiscated Dangerous Weapons Report January-April by Campus Security Elgin Shaw
20090518C8-5
- Memorandum Sent by Mr. Fred Rowe regarding Damages and Response by Clerk
20090518C8-6
- Eastern Washington Growth Management Hearings Board Notice Final Decision and Order
Re: City of Wenatchee vs. Chelan County 20090518C8-7
- American Legion Poppies for Memorial Day 20090518C8-8
- Letter from Fred Kelly Grant regarding Authority of Local Government - Federal and State
Agencies 20090518C8-9
- City of Entiat Notice of Development and Planning in Area 20090518C8-10

Vouchers Approved for Payment (2009Budget) 20090518B4-8

Current Expense		\$179,569.99
Other Funds		<u>288,955.59</u>
	Total All Funds	\$ 468,525.58

BOARD OF CHELAN COUNTY COMMISSIONERS

RON WALTER, CHAIRMAN

JANET K. MERZ, Clerk of the Board