

**CHELAN COUNTY COMMISSIONERS
MINUTES OF AUGUST 3, 4, 2009**

MONDAY, AUGUST 3

9:01:56 AM OPENING – PLEDGE OF ALLEGIANCE:

Chairman Pro Tem Goehner opens session with Commissioner England and Clerk of the Board in attendance. County Administrator Cathy Mulhall joins session later. Commissioner Walter is excused from session this morning. Commissioner England leads in the Pledge of Allegiance.

9:02:35 AM APPROVAL OF MINUTES:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the July 27, 28, 2009 minutes as corrected.

9:07:57 AM CONSENT AGENDA:

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

- Vouchers as submitted and listed
- Payroll changes:
 - a) Heather Bickford, Public Works, Resignation
 - b) Rhianna Smith, Juvenile, Extra Help Pay Increase
 - c) Edgar Arciniega, Juvenile, Step Increase
- Approve July Payroll

20090803B4-1

9:08:08 AM BOARD DISCUSSION:

- White River Access/Restriction of Jet Skis Entering White River
- Commissioner England Shares Update on Trip to Washington DC - Productive testimony in opposition to Stehekin Wilderness Road closure
- Risk Pool Insurance Update - Increase of 29.4 % will be less than anticipated 33% increase. Current payment is \$343,000 and 2010 payment will be \$427,000 (\$84,000 increase).
- City of Wenatchee Request for Revitalization Area Financing Grant – Public Hearing on August 27 at 5:15 p.m. Commissioners are not inclined to participate in Revitalization Area financing due to past and current funding from county to city

20090803C8-1

9:53:51 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

DISCUSSION ITEMS:

1. Executive Session regarding Union Negotiations

9:53:57 AM EXECUTIVE SESSION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board move into 20 minute Executive Session pursuant to RCW 42.30.140(4) regarding collective bargaining negotiations.

10:13:07 AM EXTENSION OF EXECUTIVE SESSION:

Board extends Executive Session for an additional five minutes pursuant to RCW 42.30.140(4) regarding collective bargaining negotiations.

10:16:56 AM REGULAR SESSION - RECESS

10:18:22 AM ADMINISTRATIVE DISCUSSION ITEMS CONTINUE:

2. Administrative Issues – Action Items

10:23:57 AM ACTION ITEMS:

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

1. **Resolution for Adoption**
 - a) Adoption of **Resolution No. 2009 - 79** Emergency Declaration by One Commissioner for Union Valley Fire (Signed by Commissioner Ron Walter on July 29)

10:24:34 AM RECESS

11:02:38 AM NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director

DISCUSSION ITEMS:

1. Contract Amendment with J & J Environmental for Salmon Recovery and Lead Entity-Related Activities
2. Amendment 1 with ICF Jones & Stokes for Additional Construction Inspection Services for Nason Creek 4 (N4) Project
3. Amendment #1 with Recreation and Conservation Office for Lead Entity Services
4. Salmon Habitat Project Funding with Bonneville Power Administration

11:24:58 AM ACTION ITEMS:

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

1. **Contract/Agreements**
 - a) Contract Amendment with J & J Environmental for Salmon Recovery and Lead Entity-Related Activities

20090803A5-1

- b) Amendment 1 with ICF Jones & Stokes for Additional Construction Inspection Services for Nason Creek 4 (N4) Project 20090803A5-2
- c) Amendment #1 with Recreation and Conservation Office for Lead Entity Services 20090803A5-3

11:25:18 AM DISCUSSION ITEMS CONTINUE:

- 5. Shoreline Master Program Workshop
- 6. Meeting Updates

11:59:08 AM RECESS

1:35:04 PM SESSION RESUMES:

Commissioner Walter returns to session.

1:35:04 P.M. CHELAN COUNTY REGIONAL JAIL

Director Phil Stanley, Deputy Director Ron Wineinger

DEPARTMENTAL DISCUSSION

- Director Stanley Introduces Deputy Director Ron Wineinger
- Population Increase This Week
- Secure Work Facility Unit Closure and Integration to Main Jail
- Discussions with Karen Daniels of DOC on Possible Work Release Inmates Housed in Regional Jail
- State Auditor Management Letter on Pharmacy Purchases
- Change in Cell Phone Company Carrier
- Commissioner Walter Shares Follows Up Discussions with Commissioner Stanton regarding Partnership
- Partnership/Bed Rental Contract Discussions

2:00:19 PM EXECUTIVE SESSION:

Moved by Commissioner Goehner, seconded by Commissioner England and carried that the Board moves into ten minute executive session pursuant to 42.30.110(4) regarding collective bargaining negotiations.

2:11:08 PM REGULAR SESSION:

Board resumes regular session.

2:11:37 PM BOARD DISCUSSION:

- Title 12 Information
- Cancellation of Executive Session on Tuesday, Aug 4. Executive Session will be held on Tuesday, Aug. 11.
- Concerns on Code regarding Development and Access off Primitive Road
- Board Discussion Updates to Commissioner Walter

2:24:24 PM RECESS

TUESDAY, AUGUST 4

9:03:06 AM OPENING:

Chair Pro Tem Goehner opens session with Commissioner England and Clerk of the Board in attendance. Commissioner Walter and County Administrator Cathy Mulhall are excused from session.

9:03:14 AM CHELAN COUNTY EXPO CENTER

Marsha Clute, Manager

DEPARTMENTAL DISCUSSION:

- Request by Manager to Delay Sound System Installation Until After Fair Event Due to Late Start Date on Project
- Maintenance Routine Sheets Delivered to Expo Center for Maintenance Work by Expo Center Staff - Director request for input on future discussions regarding additional duty assignments

9:25:30 AM BOARD DISCUSSION:

- Development Off Primitive Roads

9:33:36 AM PUBLIC WORKS DEPARTMENT

Public Works Director Jolene Gosselin-Campbell

COMMISSIONERS' HEARING - Illicit Discharge Detection and Elimination Program

Commissioner Goehner opens hearing. Stormwater Coordinator Greg Pezoldt and Jessica Shaw of the City of Wenatchee present. Storm Water Coordinator shares this program is a required element of the Eastern Washington General Storm Water Permit. The Chelan County requirement is due to population figures in the last census. This is a portion of the Federal Clean Water Act so compliance is required by Federal Law delegated to the Department of Ecology at the State level. Minor changes were made including addition of the definition of pollution. Item (m) was added in which non commercial vehicle washing activities are exempt. The City of Wenatchee recently adopted an Illicit Discharge Detection and Elimination Program Ordinance. No public comments are received. Hearing closed for comment.

9:53:27 AM ACTION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the resolution presented for Discharge and Elimination System:

a. **Resolution**

- a) Adoption of **Resolution No. 2009 - 80** Establishment of an Illicit Discharge Detection and Elimination Program.

9:55:20 AM DISCUSSION ITEMS:

1. Primitive Road Development Issue – Title 15 changes discussed
2. Supplemental Underpass Agreement with BNSF Railway Company
3. Local Agency Standard Consultant Agreement with Hammond Collier Wade Livingstone
4. Agreement for the Acquisition of Right of Way
5. Agreement for the Acquisition of Permanent Easement
6. Agreement and Temporary Access and Construction Easement
7. Easement Deeds
8. Warranty Deeds
9. Resolution to Established County Road Project No. 645 Unstable Rock Slopes
10. Resolution for Waiver from Competitive Bidding Process for N C Machinery
11. Resolution for Waiver from Competitive Bidding Process for Emerald Services
12. Resolution for a Installation of a Stop Sign at the Intersection of Stoneybrook and Rolling Hills
13. Resolution for No Parking on Lower Sunnyslope Slope Road
14. Contract for Asphalt Concrete with Granite Northwest, Inc.
15. Development Review
16. CRAB Fuel Tax Allocation Factors - Formula has not changed
17. Public Works Director Scheduled for Vacation Next Week
18. Request to Place REET Funds to Eagle Creek Project

10:19:55 AM ACTION ITEMS:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the following action items (**pulling**) item **c (iv)**, **e(x)**, and **g (iv)**, and (**correcting**) agenda item **2(e)** to correctly identify the action as no parking designations:

1. Contracts/Agreement

- a) Supplemental Underpass Agreement between Chelan County and BNSF Railway Company for North Road Improvement Project, County Road Project No. 636 (CRP 636) 20090803A5-4
- b) Local Agency Standard Consultant Agreement between Chelan County and Hammond Collier Wade Livingstone for On Call Consultant Service for 2008-2010 20090803A5-5
- c) Agreement for the Acquisition of Right of Way between Chelan County and the Following List of Property Owners for Eagle Creek Road Project, County Road Project No. 612 (CRP 612)
 - i. Justin Carvitto 20090803A5-6
 - ii. Jerome and Leslie Hawkins 20090803A5-7
 - iii. Kelly Todd Kortmann 20090803A5-8
 - iv. **(Pulled)** Joanna Larson and Karen Scaman
 - v. Stacy and Louaine Whaley 20090803A5-9
- d) Agreement for the Acquisition of Permanent Easement between Chelan County and the Following List of Property Owners for Eagle Creek Road Project, County Road Project No. 612 (CRP 612)
 - i. Justin Carvitto 20090803A5-10

- ii. Gary R. and Ann Colley 20090803A5-11
- iii. Mark A. and Angie L. Gunderson 20090803A5-12
- iv. Kelly Todd Kortman 20090803A5-13
- v. Stacy and Louaine Whaley 20090803A5-14
- e) Agreement and Temporary Access and Construction Easements between Chelan County and the Following List of Property Owners for Eagle Creek Road Project, County Road Project No. 612 (CRP 612)
 - i. Vincent N. and Patricia A. Bosket 20090803A5-15
 - ii. Justin Carvitto 20090803A5-16
 - iii. Gary R. and Ann Colley 20090803A5-17
 - iv. Katherine V. Damus and Steven R. Bucher 20090803A5-18
 - v. Paula Diane Dinius and David E. Parton 20090803A5-19
 - vi. Mark A. and Angie L. Gunderson 20090803A5-20
 - vii. Jerome and Leslie Hawkins (2) 20090803A5-21
 - viii. Keith D. and Peggy L. Koch 20090803A5-22
 - ix. Kelly Todd Kortman 20090803A5-23
 - x. **(Pulled)** Joanna Larson and Karen Scaman
 - xi. Thomas G. and Laura H. Martin 20090803A5-24
 - xii. Edward E. and Patricia Rutledge 20090803A5-25
 - xiii. Stacy and Louaine Whaley 20090803A5-26
- f) Easement Deeds between Chelan County and the Following Property Owners for Eagle Creek Road Project, County Road Project No. 612 (CRP 612)
 - i. Justin Carvitto 20090803A5-27
 - ii. Gary R. and Ann Colley 20090803A5-28
 - iii. Mark A. and Angie L. Gunderson 20090803A5-29
 - iv. Kelly Todd Kortman 20090803A5-30
 - v. Stacy and Louaine Whaley 20090803A5-31
- g) Warranty Deeds between Chelan County and the Following Property Owners for Eagle Creek Road Project, County Road Project No. 612 (CRP 612)
 - i. Justin Carvitto 20090803A5-32
 - ii. Kelly Todd Kortman 20090803A5-33
 - iii. Jerome and Leslie Hawkins 20090803A5-34
 - iv. **(Pulled)** Joanna Larson and Karen Scaman
 - v. Stacy and Louaine Whaley 20090803A5-35

2. **Resolution**

- a) Adoption of **Resolution No. 2009 - 81** Established County Road Project No. 645 (CRP 645) Unstable Rock Slopes
- b) Adoption of **Resolution No. 2009 - 82** Waiver from Competitive Bidding Process for N C Machinery
- c) Adoption of **Resolution No. 2009 - 83** Waiver from Competitive Bidding Process for Emerald Services
- d) Adoption of **Resolution No. 2009 - 84** Installation of a Stop Sign at the Intersection of Stoneybrook and Rolling Hills

- e) Adoption of **Resolution No. 2009 - 85** No Parking Signs on Lower Sunnyslope Road

3. **Miscellaneous**

- a) Contract between Chelan County and Granite Northwest, Inc. 20090803A5-36
(*EXECUTIVE SESSION: Re Performance of a Public Employee to be Continued to 8/10*)

10:21:04 AM COMMUNITY DEVELOPMENT

Director Bill Bailey, Assistant Director David Grimes

DISCUSSION ITEMS:

1. Discussion of CDBG Housing Enhancement Grant Application for Sage Bluff Farm-worker Housing Enhancement Grant – Community Development Director Recommendation to approve and move forward with grant process
2. Hearings Examiner Andrew Kottkamp Contract Renewal – Counsel Susan Hinkle has reviewed contract and finds no concerns.
3. Stipulated Joint Motion of Dismissal for Growth Management Hearings Board in City of Wenatchee vs. Chelan County

10:31:14 AM ACTION ITEMS:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board approve the following action items (**adding**) joint declaration of dismissal

1. Grant Application

- a) Approve/Authorize Director of Community Development to Apply for/Submit Application (Form 16A) CDBG Housing Enhancement Grant 20090803A2-1

2. Miscellaneous

- a. (**ADDED**) Stipulated Joint Motion of Dismissal regarding the City of Wenatchee vs. Chelan County
20090803A5-37

10:32:02 AM DISCUSSION ITEMS CONTINUE:

4. Discussion of Chelan County Code 11.88.070(4) Development on Primitive & Forest Service Roads. The code states that primitive and forest service roads are not considered adequate access for issuance of development permit. The code in 2000, and reaffirmed in 2007, shows the Community Development Department proposed language to modify the code and allow residential uses and accessory structures. The Public Works Department reviewed the language and concerns were shared regarding the discrepancy in the county code and state law. It is the direction of the Commissioners to allow the change in the code. Currently, the code does not allow development permits to be issued unless the roads are brought to standards. The proposed language would keep the language in Title 11, and write exceptions for single family residences, accessory structures related to single family residences, Ag structures, and public essential services. This has been put into the subdivision section revisions.

(*EXECUTIVE SESSION: Re - Performance of a Public Employee to be Continued to 8/11*)

10:52:41 AM EXECUTIVE SESSION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board move into ten minute executive session pursuant to RCW 42.30.110(i) regarding potential litigation for ten minutes with Counsel Susan Hinkle present.

11:02 A.M. EXTENSION OF EXECUTIVE SESSION:

Board extends executive session pursuant to RCW 42.30.110(i) regarding potential litigation for and additional five minutes with Counsel Susan Hinkle present.

11:06:20 AM REGULAR SESSION:

Board resumes regular session.

11:06 A.M. Community Development Discussion Continues:

5. Development on Primitive & Forest Service Roads - Discussion will continue with further information in the weeks to follow. Commissioners would like to resolve this issue for those wishing to move forward with their projects.
 - Ryan Walker speaks on the matter representing Dr. David Canty off Icicle Road and a forest service road.
 - Ryan Kelso shares his concerns on his application on Crum Canyon Road
 - Rod Hoffman is ready to build on Crum Canyon Road but constrained by the code
 - Dan Beardslee speaks on behalf of NCW Homebuilders Association and clients needing interpretation and Title 11 discrepancy with Title 3. Community Development Director responds that Title 11 and Title 3 are directly tied together.

11:26:41 AM EXECUTIVE SESSION:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board move into ten minute executive session pursuant to RCW 42.30.110(i) regarding potential litigation for ten minutes with Counsel Susan Hinkle present.

11:37 A.M. EXTENSION OF EXECUTIVE SESSION:

Board extends executive session pursuant to RCW 42.30.110(i) regarding potential litigation for and additional five minutes with Counsel Susan Hinkle present.

11:42:01 AM REGULAR SESSION:

Board resumes regular session.

11:42:52 AM AJOURNMENT:

Moved by Commissioner England, seconded by Commissioner Goehner, and carried that the Board adjourn until Monday, August 10, 2009. Board adjourned.

FILED CORRESPONDENCE:

- Letter from Steven Boyd regarding Building Department Services 20090803C8-2

- Chelan County Judges Letter to Bar Association regarding Budget Cuts
20090803C8-3
- Supplement to Affidavit Submitted by Calvin Moon 20090803C8-4
- Affidavit Submitted by Robert Stewart 20090803C8-5
- Notice of Elimination of Enhanced Parole Services from DSHS 20090803C8-6
- Letter from Greater Wenatchee Bicycle Advisory Board Commending Commissioners
for Efforts in Road Signage 20090803C8-7
- WSDOT Announcement of Ground Breaking Ceremony for Wildlife Fence Project
20090803C8-8
- Peshastin Irrigation District Announcement of Board Appointment to Daryl Harnden
20090803C8-9
- Chelan County Humane Society 2nd Quarter Report 20090803C8-10
- City of Wenatchee Letter Noting Local Revitalization Financing Grant
20090803C8-12
- Cashmere-Dryden Airport 2009 Land Acquisition Project Cancellation
20090803C8-13
- Guimond Notice of Complaint for Zoning Violation 20090803C8-14
- Letter from RiverCom regarding Blag Radio Site Upgrade 20090803C8-15
- County Road Administration Board Notice of Regular Motor Vehicle Fuel Tax
Allocation Factors, County Arterial Preservation Program Allocation Factors
20090803C8-17
- Response from City of Wenatchee Planning to Chelan County Community Development
Director regarding the Foothills Development Study 20090803C8-18
- Letter from Farr law Offices regarding Code Compliance Concerns of Surrounding
Property Owners of Mark and Barbara Seaburg 20090803C8-19
- Notice from Charter Communications to Addition of Five HD Channel
20090803C8-20
- Report from Work Release Siting Advisory Committee Report 20090803C8-21
- Letter from Douglas County Commissioners regarding Partnership/Rental Agreement
20090803C8-23
- John H Johnson Letter Commending Wenatchee River County Park Management
20090803C8-24
- Letter from Louis Van Doren Thanking Commissioners for Their Work for Citizens
20090803C8-25
- Phone Message from Martha Tekula Opposing Weed Tax 20090803C8-26

Weekly Vouchers Approved for Payment (2009Budget) 20090803B4-2

Current Expense	\$ 340,936.85
Other Funds	<u>141,410.70</u>
Total All Funds	\$ 482,347.55

BOARD OF CHELAN COUNTY COMMISSIONERS

RON WALTER, CHAIRMAN

JANET K. MERZ, Clerk of the Board