

**CHELAN COUNTY COMMISSIONERS
MEETINGS OF MAY 7, 8, 2007**

MONDAY, MAY 7

(Monday, May 7 – Friday, May 11 Commissioner Walter Excused to WIR Conference)

9:01:41 AM OPENING:

Chairman Goehner opens session with Commissioner Hawkins in attendance. Also present for session are County Administrator Cathy Mulhall and Clerk of the Board. Commissioner Walter is excused from session to attend a conference in Alaska at the Western Interstate Region Meeting. Board welcomes WHS student Denise Ferguson as well as Gloria DeChand.

9:02:08 AM MINUTES:

Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried unanimously that the Board approve the April 30, May 1, 2007 minutes as corrected.

9:08:52 AM CONSENT AGENDA:

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

- Vouchers as submitted and listed
- Payroll changes:
 - a) Ralph Barber, Juvenile, Length of Service
 - b) Paul Bieniasz, Jail, Discharge
 - c) Greg Shannon, Solid Waste Planning, Length of Service
 - d) Sandra Kiele, Clerk, Resignation
- Approve April Payroll

2007B4-67

9:11:40 AM BOARD DISCUSSION:

- Process for Property Not Sold at Auction – Meeting to be scheduled with Treasurer and Assessor
- Lake Chelan Chamber Manager Meeting with Commissioner Hawkins regarding Hotel Motel Tax Funding and Report
- Lake Chelan Trails
- Emergency Fire Protection Services
- RiverWood Plat
- Written Request from Habitat from Humanity for \$40,000
- Upper Valley Request for \$10,000
- SHARE Request for Funding/Grant Letter
- Claim for Damages, Discharge
- Water System in Cashmere
- Meeting with Commissioner Goehner and the City of Leavenworth and Cottage Creek LLC Developers

- Technology Fund
- Housing Fund
- Sheriff
- Farm Worker Housing

3. Contracts for Signature

- a) Personal Services & Technical Assistance Contract – CC Consulting for HGAP Grant 2007A5-94

4. Resolutions

- a) Adoption of **Resolution No. 2007 – 73** Technology Fund
- b) Adoption of **Resolution No. 2007 - 74** Financial Policies Amendment
- c) **(Added)** Adoption of **Resolution No. 2007 - 75** Declaration of Peace Officers’ Memorial Day

5. Miscellaneous

- a) Approve Position Evaluation Team Results 2007B4-69
- b) **(Added)** Approval of Request for Greater Wenatchee Habitat for Humanity Funding in the Amount of \$40,000 2007B4-69
- c) **(Added)** Manual Warrant in the Amount of \$1,000 for the Purchase of a Used Golf Cart at Wenatchee River County Park 2007B4-69

10:18:25 AM RECESS:

Board recesses until 2:00 p.m. (Natural Resources Department Agenda Cancelled)

2:00:26 PM Malaga Water District Annexation (Continued) Hearing

Hearing opened by Commissioner Goehner. See attendance Sheet. Deputy Prosecuting Attorney Susan Hinkle gives status report. Chelan County has not received any further information from the Washington State Department of Health, who is the water service plan permitting agency, since the last hearing. The State of Washington has not been forthcoming with any information because the State of Washington has not received the information they maintain they require from the applicant, the Malaga Water District. The Malaga Water District’s only request is to amend the boundaries of the district only, but not to amend their service system plan or capacity of their system. The Malaga Water District, therefore, does not believe they need to file an application with the State Department of Health. The District also believes that once the boundary is changed, a resident or landowner within that District would then apply for service and then the service area would be addressed.

Chelan County Planner Nathan Pate states that a boundary area change would not have the same response for significant issues by the Community Development Department of Chelan County as if it was a service area or capacity issue. The issue presented by the Malaga Water District is to separate the issues of changing service area boundaries as well as the

jurisdictional boundary which is not typically the case. Boundary jurisdiction is not directly related to the Growth Management Act.

Attorney for the District, Mark Peterson states that the Chelan County PUD District Area is by legal boundary not service area.

Dave Johnson of the Chelan County PUD states that the PUD is part of a regional water system which is a six year plan under a comprehensive plan what was developed in 2004. That plan has future boundary area defined in the regional water system. The parcels in question lay within that future area which mean they are in the PUD Water Service Area and which define the future and placement use of the water lines.

Mark Peterson states that inclusion in the PUD water service area may mean an overlap of the areas.

Commissioner Hawkins states that the original request was for the Gates property for an annexation by the Malaga Water District but in fact we are now talking about a change in the boundary. Therefore, the question would be: does a change in the boundary require action by the County Commissioners?

Attorney Hinkle states that yes, it would require action by the County Commissioners under RCW57.02 and subsequent sections. The Malaga Water District however, is contending the boundary can be changed without changing the service district which cannot be supported by the WACs. Attorney Hinkle also states that comments in the statutes which are not explicit in this issue would best be served and beneficial to all the parties to obtain an AG's opinion. If the three entities, Chelan County, the Malaga Water District, and the PUD request an opinion to clarify the issue for all parties and set a precedent for an issue the Community Development Department has never had before it in the past.

She further states the Malaga Water District is asking to expand and change their legal authority without any change in physical substance. She does not feel this action is not clearly supported by the Statute.

Attorney Peterson shares that the PUD now encompasses most if not all of the Malaga Water District, so if the county tries to parcel out which service area is served where, the PUD will have to divest itself of a huge service area and he does not feel that is a good result for anyone. This is not a service area boundary question, but rather a boundary question for three parcels, which would then support any future LID assessment to move forward. The Malaga Water District does not believe they are obligated to submit this to the DOH because it is an annexation.

Attorney Hinkle further adds that the statute allows the Commissioners to rule on the annex, but the Commissioners must determine if the proposed action is in compliance with the

Development Program Comprehensive Plan for water and sewage facilities. 57.02.040 criteria suggests and requires a service plan amendment to create a comprehensive plan section that is consistent with an annexation request.

Dave Johnson of the Chelan County PUD states that RCW 57.02.040 applies to water districts and it states that annexation requires municipal corporations must be approved by both boards, the Malaga Water District and the PUD Commission Board. The PUD has not been presented the application before their board or approved the annexation.

2:23:58 PM PUBLIC COMMENT:

Mr. Herb Gardner states that the DOH response to him was that the DOH has minimal involvement. He also states that a change of water system plan may be applied after an annexation. Mr. Gardner shares that the Water District has held its Annexation Hearing and has approved the annexation. 2007C8-74

Mr. Rich Cole offers these points:

- If the boundary is extended the property is then in the PUD jurisdiction
- A list of participants of the petition was not provided and how many of those involved know they will be in an LID
- This is to the benefit of one developer alone
- Annexation was what was advertised, not another type of hearing
- PUD has no water system to Malaga
- The meeting was poorly advertised

Mr. George Spear speaks on the issue sharing that the land owner wants to develop and needs water and the water district has the water to sell him. He shares frustration on the process.

Attorney Peterson shares that this is consistent with the plan and wonders why is the PUD opposing the annexation. They have not supported their opposition with any legal information.

Dave Johnson states that 57.02.040 deals with annexation and also refers to 57.24.210

Attorney Hinkle states that at this time Chelan County does not have a report or recommendation from the DHO showing that we can approve this according to the criteria as set forth in the code. There needs to be consistency with all these plans for approval and it appears as though an Attorney General opinion may show that. A process that brings a level of understanding must be met in this matter before any discussion can be reached.

Timelines for an AG response are discussed. It is suggested by Attorney Hinkle that the participants meet to come up with a format for discussion and possible solutions.

2:54:38 ACTION:

Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried that this Board directs the three counsels to come up with an answer to specific questions to provide a template for definitive action by the Board of County Commissioners.

It is also **moved** by Commissioner Hawkins, seconded by Commissioner Goehner and carried that the Board continues this hearing to **May 21 at 2:00 p.m.** Hearing continued.

3:01:55 PM RECESS

Board recesses until Tuesday, May 8.

TUESDAY, MAY 8

8:00 A.M. DEPARTMENT HEAD MEETING

Meeting Room #1 Administration Building

- Salary Study
- Supervisory Training
- Financial Update
- Single Point Entry
- Legislative Session Update
- Facilities Update

FACILITIES MAINTENANCE

Pat DuLac, Director

9:05:17 AM BID AWARDS: Assessor Level 2 Furnishings

Two Bids were opened on May 1, 2007 from Chandler Business Interiors in the amount of \$89,105.75 and One Source Office Interiors in the amount of \$98,600.82. It is the recommendation of the Maintenance Director to award bid to Chandler Enterprises. A change is in the specifications however, for a 72” wall and was replaced with two 36” walls in the bid by Chandler Business Interiors. The Commissioners request that these new changes be investigated and a guarantee of satisfaction be imposed prior to the award of the bid. Bid award postponed for further information.

BID AWARD – Assessor’s Area Carpeting

Phone bids were requested with one response submitted as follows:

Karpet Corner	\$10,566.70 tax not included
Abbey’s Carpet	no bid
Inside Design	no bid
Apple Valley	no bid

9:17:24 AM Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried that the Board approve the informal bid for carpeting for the Assessor's Office to Karpet Korner for \$10,566.70 with documentation of the bid solicitation requests to multiple vendors. 2007B1-32

9:17 A.M. DISCUSSION ITEMS CONTINUE:

- Assessor Furnishings
- Fairgrounds Irrigation is Complete
- Microphones for Commissioners
- County Vehicles in Patron Lots

9:36:50 AM RECESS

9:40:34 AM DISCUSSION ITEMS:

- Community Investment Fund Grant Application
- Letter of support for Upper Valley MEND/SHARE CLT

Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried that the Board approve the following:

1. Grant Application

- a) Community Investment Fund Grant Project Summary to Extend Chelan County PUD's Regional Water System to Serve Monitor 2007A2-1

2. Budget Request

- a) Request for Financial Support for the Upper Valley SHARE/MEND for Construction of the Cornerstone Community Adult Family Home in the Amount of \$40,000 from the Hotel/Motel Tax Funds 2007B4-70

PUBLIC WORKS DEPARTMENT

Public Works Director Greg Pezoldt

9:41:48 AM DISCUSSION ITEMS:

1. Manson Blvd Project Funding Update
2. Resolution for Purchase of Rebuilt Grapple from Crane Equipment Manufacturing
3. Supplemental Agreement and Amendment to Personal Property Auction Contract with Northwest Auction Services
4. Rural Arterial Program Project Agreement for Construction Proposal for North Road
5. Rural Arterial Program Project Agreement for Construction Proposal for Chumstick Highway
6. Rural Arterial Program Project Agreement for Construction Proposal for Manson Boulevard
7. Revised Call for Bids for Manson Blvd.
8. Dog House Road – County property to be offered as surplus
9. Manson Sidewalk, Stop Sign Sight Distance Issues

10:12:07 AM ACTION ITEMS:

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

1. **Resolution**

- a) Adoption of **Resolution No. 2007 – 76** Waiver from Competitive Bidding Process to Purchase a Rebuilt Grapple from Crane Equipment Manufacturing Corporation for the Dryden Transfer Station Crane

2. **Agreement for Signature**

- a) Supplemental Agreement and Amendment to Personal Property Auction Contract between Chelan County and Northwest Auction Services 2007A5-95
- b) Rural Arterial Program Project Agreement for Construction Proposal between Chelan County and County Road Administration Board for North Road 2007A5-95
- c) Rural Arterial Program Project Agreement for Construction Proposal between Chelan County and County Road Administration Board for Chumstick Highway
2007A5-95
- d) Rural Arterial Program Project Agreement for Construction Proposal between Chelan County and County Road Administration Board for Manson Boulevard
2007A5-95

3. **Call for Bids**

- a) **(Added)** Call for Bids for Manson Boulevard Phase I Road Improvement Revision of Bid Opening Date 2007B1-33

COMMUNITY DEVELOPMENT

John Guenther, Director

10:15:05 AM 10:15 A.M. DISCUSSION ITEMS

- 1. Electronic Notification Procedure - It is **consensus** of Board to accept the change in notification for hearings to electronic notification where possible 2007C8-75
- 2. Agenda for Leavenworth Meeting – May 15
- 3. Shoreline Exemptions and Permitting for Single Family Residential Permits
- 4. Letter Regarding Port/PUD Partnership in County
- 5. Timetable and Status of Work Activities
- 6. Beebe Springs Fish and Wildlife Project – Support and Sponsorship
- 7. Planning Commission/County Commissioners Workshop
- 8. Don Dimmitt Letter to Commissioners regarding Riverwood Plat 2007C8-75

11:41:33 AM ACTION ITEMS:

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

1. **Letter of Support**

- a) Letter to Port and PUD Promoting Land Use, Economic Development and Utilities Partnership for the Peshastin/Dryden Area 2007C8-76

11:42:20 AM EXECUTIVE SESSION

Moved by Commissioner Hawkins, 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.

11:54:21 AM RECESS:

Board recesses until 1:30 p.m.

1:23:53 PM BOARD DISCUSSION CONTINUES:

- Technology Bond

1:29:26 PM EXECUTIVE SESSION:

Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried that the Board move into five minute executive session pursuant to RCW 42.30.110(b) regarding land acquisitions.

1:34:46 PM REGULAR SESSION:

Board resumes regular session.

1:35:20 PM EXECUTIVE SESSION:

Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried that the Board move into 10 minute executive session pursuant to RCW 42.30.110(g) to discuss the performance of a public employee.

1:46:27 PM EXTENSION:

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

1:58:18 PM REGULAR SESSION:

Board resumes regular session.

1:58 P.M. ADJOURN:

Moved by Commissioner Hawkins, seconded by Commissioner Goehner and carried unanimously that the Board recess until Tuesday, May 11, 2007. Board Adjourned.

Vouchers Approved for Payment

2007B4-71

Current Expense	\$ 84,202.11
All Other Funds	<u>216,364.12</u>
Total All Funds	\$300,566.23

BOARD OF CHELAN COUNTY COMMISSIONERS
KEITH GOEHNER, CHAIRMAN

JANET K MERZ, Clerk of the Board