

**CHELAN COUNTY COMMISSIONERS
MINUTES OF JULY 2, 2007**

MONDAY, JULY 2

9:01:53 AM OPENING:

Chairman Goehner opens session with Commissioner Hawkins and Commissioner Walter in attendance. Also present for session is the Clerk of the Board. County Administrator Cathy Mulhall is excused from session this week.

9:03:15 AM MINUTES:

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board approve the June 25, 26, 2007 minutes as corrected.

9:17:19 AM CONSENT AGENDA:

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board approve the following action items (**adding**) a letter for signature to Governor Christine Gregoire, and (**adding**) payroll change notice for Sheriff's Department:

- Vouchers as submitted and listed
- Payroll changes:
 - a) Juanita McKellar, Sheriff, End of Extra Help
 - b) Walter Doll, Sheriff, End of Extra Help
 - c) Jeffery Fogelstrom, Sheriff, End of Extra Help
 - d) Charles Gilley, Sheriff, End of Extra Help
 - e) Warren Hazen, Sheriff, End of Extra Help
 - f) Lynn Palmer, Sheriff, End of Extra Help
 - g) Jeffery Wilson, Sheriff, End of Extra Help
 - h) Frank Files, Sheriff, End of Extra Help
 - i) William McCunn, Sheriff, End of Extra Help
 - j) Donovan Valdez, Sheriff, End of Extra Help
 - k) Brett McGinnis, Sheriff, End of Extra Help
 - l) Cliff Wavra, Community Development, Resignation
 - m) Jorge Vargas-Mata, Juvenile, Extra Help Hired
 - n) Delia Garcia, Juvenile, Longevity Step Increase
 - o) Barry Rejniak, Juvenile, Longevity Step Increase
 - p) Andrew Behler, Public Works, Temporary Hire
 - q) Daniel Ford, Regional Justice Center, Corrected Hrly Rate
 - r) Maria Vazquez, Farm Worker Housing Camp, Discharge
 - s) Celia Vargas, Farm Worker Housing Camp, Promotion
 - t) Maria Lima, Farm Worker Housing Camp, Part Time/Temp/New Hire
 - u) Maria Elena Vazquez, Farm Worker Housing Camp, Discharge
 - v) Celia Vargas, Farm Worker Housing Camp, Promotion
 - w) Maria Luna, Farm Worker Housing Camp, Temporary Hire

- x) **(Added)** Ron Hupp, Sheriff's Office, Uniform Allowance
- **(Added)** Letter for Signature to Governor Gregoire Supporting the Appointment of Holly Ledgerwood to the Washington Fish and Wildlife Commission 2007C8-104
- June Payroll 2007B4-92

9:20:05 AM 9:00 A.M. BOARD DISCUSSION:

- Record of Decision (Approved) on Shoreline Management for Manson Stormwater Permit
- Commissioner Hawkins' Meeting with Park Service Superintendent Chip Jenkins and Senator Linda Evans Parlette
- Federal Land, Water, Conservation Fund (LWCF) for Land Exchanges
- Stemilt Partnership Meeting – Stemilt area parcels are not included in the land exchange at this time
- Representative to Attend PILT Fly In, Washington DC in September

ADMINISTRATIVE AGENDA

9:47:00 AM DISCUSSION ITEMS:

1. Maintenance Supervisor Ken Ackland regarding Compactor Purchase. Need to go out to bids, also need to determine the amount needed from the Regional Jail. Board instructs Maintenance to return with complete bid amounts with the Jail included for total cost allocation.
2. City of Chelan/Chelan County Interlocal Agreement
3. IT Director Fred Hart Present to Discuss Information Technology to Purchase 1 Dell Power Edge 2950 Server at a Cost Not to Exceed \$4500 and to Purchase 395 Client Licenses Totaling \$19,500 from the State Contract

10:02:04 AM BID AWARD – Legal Advertisement

BID AWARD

Two bids were presented on June 25, 2007. After review by the County Administrator, Cathy Mulhall, insuring that bids meet specifications, it was recommended that the Board accept the bid proposal from the Wenatchee World as low bidder at \$ \$10.18 daily distribution and \$10.70 for the weekend distribution with the greater distribution figures.

Moved by Commissioner Hawkins, seconded by Commissioner Goehner, and carried that the Board approve the bid award to the Wenatchee World. Commissioner Walter opposes the motion. Commissioner Walter would like to see Chelan County use the service of NCW media in addition to the Wenatchee World for specific jobs in outlying areas such as work done by Natural Resources. 2007B1-49

10:12:23 AM ACTION ITEMS:

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

1. Budget Request – Capital Purchase

- a) Information Technology to Purchase 1 Dell Power Edge 2950 Server at a Cost Not to Exceed \$4500 and to Purchase 395 Client Licenses Totaling \$19,500 from the State Contract 2007B4-93

2. Contracts for Signature

- a) 2007-2009 Agreement between the CCDSA and Chelan County regarding Non-Commissioned Deputies 2007A5-133
b) Advertising Dollar Volume Agreement with the Wenatchee World 2007A5-134
c) Amend #1 to Interagency Agreement IAAA06172 with OAC Regarding Reimbursement for Expanded Jury Source List Project 2007A5-135

10:24:15 AM Board Discussion Continues:

- Northwest Justice Project Letter to Commissioners re: Mobile Home Park Location Change
- Manson Garbage Issue – It is **consensus** of Board to support the one time financial support of interim garbage service for the City of Manson in the amount of \$1000.

NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director

10:33:26 AM DISCUSSION ITEMS

1. Geomatrix Contract Amendment for Lake Chelan Sediment Sampling
2. Jones & Stokes Task Order 2007-3: Stehekin River 1948 Flood Channel Permitting
3. Line of Credit for Natural Resources
4. Meeting Schedule
5. PCB Study
6. Land and Water Conservation Funding

11:06:11 AM ACTION ITEMS:

Moved by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board approve the following action items (**Pulling**) item **2(a)** until next week.

1. Contracts/Agreements

- a) Geomatrix Contract Amendment for Lake Chelan Sediment Sampling 2007A5-136
b) Jones & Stokes Task Order 2007-3: Stehekin River 1948 Flood Channel Permitting 2007A5-136

2. Correspondence for Signature

- a) (**Pulled**) Letter to DNR regarding Stemilt Partnership Parcels

11:07:32 AM Board Discussion Continues:

- Late-Comer Agreement, Resolution and Code Changes

- Promise Club Closure

CHELAN COUNTY REGIONAL JUSTICE CENTER

Gale Wick, Director

11:18:32 AM DISCUSSION ITEMS:

1. Pre July 4 Week End Quiet
2. Creation of New Female Cell
3. Recent Incidents in Jail
4. Jail Water Pipes Wear and Leaking
5. Out of State Travel Request for Billye Hope, and Heather Klinginsmith, to Attend the Correctional Mental Health Conference in Las Vegas Nv. July 15, 16, 2007
6. Risk Pool Seminar on In-Custody Deaths
7. Capital Purchase of Trash Compactor – Determination of Percentage of Use by Jail
8. Phone Contract Being Reviewed by Counsel
9. Jail Partnership Meeting

11:34:59 AM ACTION ITEMS:

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

1. **Budget Request/Out of State Travel**
 - a) Out of State Travel Request for Billye Hope, and Heather Klinginsmith, to Attend the Correctional Mental Health Conference in Las Vegas Nv. July 15, 16, 2007
2007B4-94

11:35 A.M. Board Discussion Continues:

- PUD MOU with Chelan County and the Chelan County Port District

11:36:15 AM RECESS

PUBLIC WORKS DEPARTMENT

Public Works Director Greg Pezoldt

1:16:58 PM DISCUSSION ITEMS:

1. Resolution for Disposal Charges for North Chelan Transfer Station. Commissioners will discuss the Dryden Transfer fees July 10.
2. Resolution for a Temporary Speed Limit Reduction on Manson Boulevard During Construction
3. Resolution to Install a Stop Sign on Burch Mountain Road
4. Resolution and Commissioners' Notice of Hearing for Vacating a Portion of Washington Street in Manson
5. Order of Examination to Vacate a Portion of County Road Right of Way Petition by Tom Reynolds
6. Commissioners' Notice of Hearing for the Road Vacation of a Portion of County Road Right of Way Petition by Tom Reynolds

7. Storm Water Utility Hearing
8. Hearing Examiner Decision on Shoreline Management on Q Street Stormwater Permit
9. Mason Garbage Issues
10. Line of Credit for Natural Resources

2:01:54 PM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board approve the following action items (**pulling**) item **1(c)**

1. Resolutions:

- a) Adoption of **Resolution No. 2007 - 94** to Increase Disposal Charges for North Chelan Transfer Station
- b) Adoption of **Resolution No. 2007 - 95** Temporary Speed Limit Reduction for Manson Boulevard During Construction Season for Phase I and Phase II
- c) (**Pulled**) Installation of a New Stop Sign on Burch Mountain Road at the Intersection with Peters Street
- d) Adoption of **Resolution No. 2007 - 96** Resolution and Commissioners' Notice of Hearing for Vacating a Portion of Washington Street in Manson

2. Road Vacation:

- a) Order of Examination to Vacate a Portion of County Road Right of Way known as a Portion of South Lakeshore Road Petition by Tom Reynolds 2007V1-6
- b) Commissioners' Notice of Hearing for the Road Vacation of County Road Right of Way, part of South Lakeshore Road Petition by Tom Reynolds V1-6

COMMUNITY DEVELOPMENT

John Guenther, Director

2:02 P.M. DISCUSSION ITEMS

1. Resolution for Adoption of Amendments to the Critical Areas in Title 11 for Chapters 11.78, 11.80, 11.82, 11.84, and 11.86
2. Resolution for Adoption of Amendments to Title 11 – Code Updates
3. Resolution for Adoption of Amendments to Title 12 – Code Updates
4. Resolution for Adoption of Amendments to Title 14 – Code Updates
5. Resolution for Adoption of Amendments to Title 15 – Code Updates
6. Discuss Rescinding of Leavenworth References from County Code
7. Shoreline Management Program Grant Discussion
8. MOU Update between the County, PUD and Port
9. Update on Comp Plan Amendment Process with Planning Commission

2:44:46 PM ACTION ITEMS:

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

1. Resolutions

- a) **Resolution No. 2007 - 97** for Adoption of Amendments to the Critical Areas in Title 11: Chapters 11.78, 11.80, 11.82, 11.84, and 11.86

- b) **Resolution No. 2007 - 98** for Adoption of Amendments to Title 11 – Code Updates
- c) **Resolution No. 2007 - 99** for Adoption of Amendments to Title 12 – Code Updates
- d) **Resolution No. 2007 - 100** for Adoption of Amendments to Title 14 – Code Updates
- e) **Resolution No. 2007 - 101** for Adoption of Amendments to Title 15 – Code Updates

2:46:07 PM PUBLIC HEARING – Petition for Form Columbia Shores Water District

Hearing opened by Commissioner Goehner. Present are Planners Matt Hansen and Graham Simon, Counsel Susan Hinkle, Community Development Director John Guenther, Attorney for the Petitioner Mark Peterson. See also attendance sheet.

Planner Hansen outlines staff report beginning with description of the proposed district. A new boundary description was submitted by the attorney for the petitioner. Mr. Peterson outlines the changes in the property description. Mr. Peterson states the only properties requested to be in the proposed district are owned by Premium Development or are under contract with Premium Developments. Jim and Barb Small are present and confirm their property to be excepted out.

Planner Hansen continues to outline the staff report. The Washington State Department of Health has been contacted as well as the Washington State Department of Ecology. The Department of Health states that they have no problem with the application to this point. The Department of Ecology shows issues with water rights and has reversed the decision made by the Water Conservancy Board due to the issues of water rights. No public comment has been received. Based upon the application information, the application may not be in compliance with the development program outlined in the county comprehensive plan. The Department of Ecology has requested more information on water rights from the applicant.

Counsel Hinkle speaks on RCW 57.02.010 (4) regarding the petition and the requirement of an excerpt from the bylaws as well as a notarized signature on the petition. There has been no submission of excerpt of bylaws or adequate signature.

Mr. White is not a registered voter in Chelan County to verify signature.

RCW 70.119(a)060 outlines the conditions for approval of creations of new water systems in a “group A” classification subdivision regarding management and financial resources for safe and reliable service. There needs to be evidence that there are sufficient means to provide safe, reliable, and consistent service in order to implement a federal mandate in addition to

state law. Given that the Department of Ecology has contested the existence of the water rights claim, these questions cannot be resolved easily.

Commissioner Walter questions the typical scenario of a home owners' association formation. Counsel Hinkle states the petition and application cannot meet the terms of RCW 70.119(a)060. There is no evidence of continuous, reliable and safe supply of water if they do not even have water rights. This is also a petition for formation where there are no residents in the predominant geography involved. This is a premature petition.

Commissioner Goehner requests information on RCW 57.04.140 on formation and dissolution and alternative methods for development of a new district that does not have any residents. This section also references a couple of other statutes that also need compliance as stated by Counsel Hinkle. The applicant is required to submit a "group A" public water system plan approval letter from the State Department of Health prior to plat approval. Counsel Hinkle feels this section is speaking in regard to final plat approval but does not require formation of its own water district. This can be done by the PUD or some other means but does not need to be by the formation of its own independent water district. The PUD maintains that the applicant receive favorable opinion from the PUD as to formation of the new district, also required by RCW 70.119(a).

Mark Peterson speaks on behalf of the applicant. He questions the report from the staff and the prosecutor letter on the water rights and claims. Counsel Hinkle notes that the Department of Health is the lead agency in this matter and any staff report by the Planning Department is a courtesy report with what information they have at the time. There will be other issues that come up and they will be addressed when that information is given to us. Mr. Peterson questions if the Department of Ecology commented on the approval of the water right change to certificate 23434. Planner Hansen states he has not seen that information. Mr. Peterson states he was not aware that this information was need today since he only has been notified minutes prior to the hearing.

Commissioner Hawkins notes the information that has been coming in all day and even at the opening of the hearing by the applicant themselves. There have been many changes.

Mr. Peterson states there are three criteria in which the application is to be judged and that is whether the application is in compliance with the comprehensive plan or basin wide sewage plan or the other under RCW 57.02.040. He states that water availability is a distant and unrelated issue. The signature issue is one that can be resolved by the applicant who is here. He is authorized as a representative of Premium Developments as owner of more than 60% of the land described.

Attorney Peterson states that a previous meeting was held with the PUD regarding other applications. He also states that Attorney Hinkle was present when he asked the PUD if they

could see any issues with the formation of this district and that they replied there were no problems.

Mr. Peterson goes on to say that as far as financial resources, that is required to be shown in the water plan. That plan has a financial section to it in which the financial aspect is discussed. Financial responsibility of the district formation is discussed in reference to not having the financial assurance prior to forming the district. Mr. Peterson says the process is done this way prior to having the corporation in existence because you cannot transfer assets to it until after formation. However, Counsel Hinkle states that the very product that is provided by the district is not owned or have ownership settled.

The attorney for the applicant states he has formed 7 water districts and three by this developer petition process. They are invariably formed with nothing because they cannot have assets transferred to them prior to their formation. They do not exist as a legal entity. The creation of the district is defining a service area but not necessarily defining where the water is coming from. The legal boundary of the water district shows the boundary of where and whom votes, etc. The service area is encompassed in the area and the service is determined at a later date. They still have to obtain a water plan approval with the financial and the ability to supply the water. He is requesting the ability to change the boundary description area.

Commissioner Walter speaks on the signature issue needed to clear up the signature of ownership verification.

Mr. Calvin White, owner, speaks on the signature issue. He feels that real estate contracts that have been notarized and would be on file in the County. He states that as far as the process he needs to form the district first. He has filed the water system plan with the Department of Health and is in the process and here to form the district, the first step to take.

Counsel Hinkle states that the burden of proof is on the applicant not the County. He has had a copy of a document from the DOE and he did not supply that information to us. Mr. Hansen produced information as soon as possible that came to him late and did not withhold information. There is also no requirement in the statutes as this application stands, but on other methods of formation. More discussion follows on conversations that were held at the PUD with Ms. Hinkle present. She does not recall that conversation with the PUD in respect to this application and states that others whom were present at the meeting do not recall that conversation as well.

Pat Aylward is present to reflect the correct legal description for the Small family property that is to be excluded from this petition for the three descriptions.

Commissioner Hawkins relates concerns about process and the many changes up until the hearing.

3:35:25 PM ACTION:

Moved by Commissioner Walter, seconded by Commissioner Hawkins, and carried that the Board continue the hearing to Tuesday, July 10 at 10:15 a.m. to present a corrected legal description of the boundaries and exceptions for the petition to form the Columbia Shores Water District. No further public testimony will be taken at that time.

3:41:00 PM Board Discussion Continues:

- Voucher Approval
 - Request for Recognition
 - Cooperative Extension
 - Tipping on County Expense
- Water District Petition

3:55:44 PM ADJOURN:

Moved by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board adjourn until Tuesday, July 9, 2007.

Filed Correspondence:

- Letter from Washington State Auditor regarding State Audit 2007C8-105

Vouchers Approved for Payment

2007B4-95

Current Expense	\$ 376,976.67
All Other Funds	<u>441,394.92</u>
Total All Funds	\$ 818,371.59

BOARD OF CHELAN COUNTY COMMISSIONERS
KEITH GOEHNER, CHAIRMAN

JANET K MERZ, Clerk of the Board