

**CHELAN COUNTY COMMISSIONERS  
MINUTES OF SEPTEMBER 10, 11, 2007**

**MONDAY, SEPTEMBER 10**

**9:01:07 AM OPENING:**

Chairm Protem Walter opens session with Commissioner Hawkins in attendance. Also present for session are County Administrator Cathy Mulhall and Clerk of the Board. Commissioner Goehner excused from session.

**9:01:25 AM APPROVAL OF MINUTES:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board approve the September 4, 2007 minutes as corrected.

**9:03:03 AM CONSENT AGENDA:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board approve the following action items correcting the item (f) listing from length of service to resignation:

- Vouchers as submitted and listed
- Payroll changes:
  - a) Shelby Torres, Elections, Extra Help
  - b) Kristi Burger, Auditor Extra Help, Pay Increase
  - c) Ernesto Terrazas, District Court, Resignation
  - d) Edmundo Gonzalez, Farm Worker Camp Director, Cell Phone Stipend
  - e) Nicholas Reams, Public Works, Length of Service Increase
  - f) Royce Peterson, Public Works, Resignation

**9:03:57 AM BOARD DISCUSSION:**

- Road Standards Issues on Private Roadway to Development
- Wilderness Society Meeting Update
- Economic Development District Council
- Transportation Meeting to Discuss Transportation Benefit District
- Assessor Remodel Expected Move-in September 20, Door Removal

**9:35:15 AM Recess to View Assessor Space 9:49:14 AM Commissioners Return)**

- Excessive Short Plat Timelines 2007C8-159
- Finance in Government
- County Fair Update

**ADMINISTRATIVE AGENDA**

**County Administrator, Cathy Mulhall**

**9:59:19 AM 10:00 A.M. DISCUSSION ITEMS:**

1. Criminal Justice Sales Tax
2. Request to Fill Vacant Position in Assessor's Office

**10:07:26 AM ACTION ITEMS:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board approve the following action items with stipulation that in Item 1(b) the added expense will be funded from the 2007 Assessor's Office Budget:

**1. Request for Personnel**

- a) Request to Fill Two Vacant Positions in District Court 2007B4-118
- b) Request to Fill Vacant Position in Assessor's Office 2007B4-118

**2. Notice of Hearing**

- a) Imposing Parking Restriction in County Parking Lots 2007H6-24
- b) Supplemental Budget Appropriation, Regional Justice Center, \$166,500  
2007H6-25

**10:09:31 AM ADMINISTRATIVE DISCUSSION ITEMS CONTINUE:**

- 3. Larry Hamilton meets with Board regarding Code Enforcement Issue in ValleyHi. (See attendance sheet). Dr. Howard Lonsdale, MD, speaks on insect problem and health concerns on property as well as Mike Weil discussing sewage issues and requests Commissioners continue to monitor situation. Peggy Lopez states she believes the mosquito problem has increased this year. Commissioner Walter feels the code enforcement of this problem is a priority issue for Chelan County. 2007C8-160
- 4. Executive Session regarding Performance of a Public Official (to be held at later time)

**NATURAL RESOURCES DEPARTMENT**

**Mike Kaputa, Natural Resources Director**

**10:57:53 AM DISCUSSION ITEMS:**

- 1. Grant No. G0800077 with Department of Ecology for Stream Flow Gauging
- 2. MOA with WSU Chelan County Extension for Riparian Restoration Educational Efforts
- 3. Stehekin Update

**11:08:42 AM ACTION ITEMS:**

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

**1. Contracts/Agreements**

- a) Grant No. G0800077 with Department of Ecology for Stream Flow Gauging  
2007A5-185
- b) MOA with WSU Chelan County Extension for Riparian Restoration Educational Efforts  
2007A5-186

**11:09:17 AM EXECUTIVE SESSION :**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board move into a 20 minute executive session regarding Performance of a Public Official

**11:25:47 AM REGULAR SESSION:**

Board resumes regular session. **Recess.**

**11:28:03 AM EXECUTIVE SESSION:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board move into executive session for 30 minutes pursuant to RCW 42.30.110 regarding potential litigation with Counsel Susan Hinkle present.

**11:51:14 AM REGULAR SESSION:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried that the Board resume regular session. **Recess.**

**NOON**

**CHELAN COUNTY SHERIFF'S DEPARTMENT**

**Sheriff Mike Harum**

**1:32:35 PM DISCUSSION ITEMS:**

- Revenue Stream from Juvenile Bond Fund
- Stehekin Update
- Stehekin Law Enforcement Issues
- Law and Justice Council
- DOC Work Release Facility
- Hulk Vehicle Deputy
- Budget Information

**FARM WORKER HOUSING CAMP**

**Edmundo Gonzalez, Manager**

**2:03:24 PM HOUSING CAMP ISSUES:**

- Kitchen Trailer Damage Repair to be Paid by Custodial Service Contractor (Trailer Found to be at 30% Useful Life Replacement Cost)
- Douglas County Farm Worker Housing Camp Management Training
- 150 Residents in Camp Working Mainly in Pears at this Time

**WENATCHEE RIVER COUNTY PARK**

**Jerry Niebuhr, Manager**

**2:19:27 PM PARK DISCUSSION ITEMS:**

- Reservation System Installed
- Park Running at 6% Over 2006
- Shake Roof Inspections Needed at Park

**2:22:55 PM RECESS**

**2:28:12 PM EXECUTIVE SESSION:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried that the Board move into 15 minute executive session pursuant to RCW 42.30.140 (4) (b) regarding grievance issues.

**2:40:28 PM REGULAR SESSION:**

Board resumes regular session.

**2:41:01 PM BOARD DISCUSSION CONTINUES:**

- Board District Road Trip Planning

**2:41:47 PM RECESS** (Tape left running for voucher approval)

**2:46:01 PM PUBLIC HEARING**

**Petition to Form Columbia Shores Water/Sewer District**

Community Development Director John Guenther gives a brief staff report that the application is for the establishment of a water service area in which the community development department has done research on the project location and the applicant appears to have done their research as well for application. Previous comment from the Department of Ecology is discussed and public comment on the petition was received at previous hearings. No additional information has been received. The hearing today is not a continuation of a previous hearing but a new hearing to hear the new petition. The previous application was denied based upon the service area and the petitioners involved in the service area.

**2:47:52 PM PUBLIC TESTIMONY:**

Mark Peterson speaks supporting the applicant Premium Development. Previous petition was denied and this hearing is for the new petition. They hoped to have addressed the concerns from previous hearings. There are water issues still to be resolved as outlined in the Department of Ecology letter to the Board and the hope is that they will be successfully resolved. The purpose of this petition is to form a water district entity intended to administrate and operate the system that is being developed pursuant to the subdivisions that have already been approved. The alternative would be to have a homeowner's association involved.

Commissioner Hawkins states that it is the applicant's duty to show that a clear and compelling public benefit exists in creating the district and he is still torn on the issue of water rights. Is the clear public benefit served by creating a district in the absence of available water rights? One of the issues would be selling the lots that would be part of the development would be the availability of water. Why is there a clear and compelling public benefit to create this district, and, why now?

Mr. Peterson responds to the question raised by Commissioner Hawkins. He states the interest to form the water district has little to do with the water rights per se. The formation of a municipal corporation, such as a water district, is intended to create an entity to serve the

interest of the public within its boundaries to follow through with public work type projects, in this case which could be the creation or maintenance of a water system. The benefit to a water district as opposed to a private utility company or a homeowner's association is that it has a clear duty to serve and has the statutory framework that empowers it to operate and maintain the system in a way that cannot be done by private utilities. Homeowner's associations have some ability to set up lien rights to approximate the flexibility that a district has in serving that purpose. The water district advantage is it is a special purpose district and its focus is the public works for which it was created and homeowner's association interest could be diverted differently. This formation is the most favorable and lends the strongest guarantee that the water system district will remain financially solvent in the future and its obligation to serve.

Commissioner Hawkins asks how do you reconcile the issue of this point in time an unverified source of water which is represented by the contested water right and the public benefit to create a water district and use that water and why do it now before you actually get the water right. Mr. Petersen responds that a water district creation may not only necessarily be to operate and maintain but can also be used to construct and produce a water system and acquire water rights so the availability of the water rights is not particularly germane to the formation of the water district. If there are inadequate water rights in the district then it is the district's obligation to remedy that and procure the water rights for the public that it serves. In this case there is a water right certificate 23434 approved for a small amount of water which will not serve the whole project. There are two other certificate numbers 6962 and 6963 that have the bulk of the water rights and the issue on those rights and the issue before the Pollution Control Hearings Board is whether or not those rights were put to use before 1932. They are getting together the documents for the property owner who initiated the development of the property known as the Harris property prior to 1917. Historical information on the Harris Orchards is shared.

Commissioner Hawkins questions the urgency to create and form a water district prior to having water rights. Petitioner Calvin White speaks on the issue as to why the need to get this water district in place for the upper property. There is currently preliminary plat approval and almost construction approval on the Columbia Shores which is the water front parcel that is part of the project. There is also preliminary plat approval on the up hill portion of the project which is 32 lots. Part of that project is to go forward with the construction project and build a water system. The water that is referenced on the smaller water right is sufficient to handle the initial 18 lots but they would like to do the process at one time rather than piece meal. This is a domestic right for year round use. There are four separate subdivisions that will be served off of this planned water system. Once you max out the capacity they will have the right to go out and purchase other water rights. There are current irrigation water rights and the challenge is to put them into potable water. Documentation from Ecology dated June 19, states that there are potable water and the applicants state this is sufficient water to serve 18 lots and the urgency is to go forward and to build the water system and the benefit is that there are buildable lots and tax revenue that would be created.

No further comment from the public

**3:03:41 PM ACTION ITEM:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried that based upon the information provided today, the clarification of testimony and the June 19, 2007 letter received into the record from the Department of Ecology, the Board approves the application to approve the creation of the Columbia Shores Water District, and approved by resolution as follows:

1. **Resolution**

a) Adoption of **Resolution No. 2007 – 131** Approving the petition to form the Columbia Shores Water District as submitted by Premium Developments. Also appointing Byron Lott, Monique Lott, and Jared White as Water District Commissioners.

**3:06:51 PM RECESS.** (Tape left running for voucher approval.)

**7:13:52 PM COMMISSIONER/PLANNING COMMISSION WORKSHOP- TITLE 15**

Commissioner Goehner opens planning workshop. Present are Commissioner Goehner, Commissioner Walter, Commissioner Hawkins, Public Works Director Greg Pezoldt, Development Utility Coordinator Shirley Berg, and Clerk of the Board. (Planning Commission member Aaron Young arrives at 7:24 p.m.) Planning Commission members are not present due to communication error.

**DISCUSSION POINTS:**

- Significant changes are highlighted in plan as well as layout
- It is believed Chelan County is first to design such flexible standards in Washington State
- Base road standards, alternative design criteria
- Late-comers agreements
- Drives and sidewalks
- Stormwater requirements to be addressed at later date

**8:28:53 PM RECESS**

**TUESDAY, SEPTEMBER 11**

**8:00 A.M. DEPARTMENT HEAD MEETING**

Meeting Room #1 Administration Building

- Facilities Update
  - Courthouse Exterior Improvement
- Financial Update

- Salary Survey Report
- County Campus Parking Update
- Visioning Update

**9:04:26 OPENING:**

Commissioner Goehner Opens Session with all present.

**FACILITIES MAINTENANCE**

**Pat DuLac, Director**

**9:04:26 AM DEPARTMENTAL ISSUES**

- Examination of Courthouse Exterior Estimate Submitted by Crosby Restoration. The Board directs the architect to get competitive bids on the project.
- Draft Proposal from MW on Law and Justice Building Mechanical. It is **consensus** of board to submit proposal from MW to the Jail Partnership for review and discussion on bond financing

**PUBLIC WORKS DEPARTMENT**

**Public Works Director Greg Pezoldt**

**9:30:28 AM Call for Bids – Collector Highway Delineation - CRP 619**

**Call for Bids – Malaga/Alcoa Highway Intersection Illumination - CRP 621**

Commissioner Goehner closes further submission of bids.

Bid Opening for Collector Highway Delineation - CRP 619 by the Public Works Department.

Bid opening proceeds with one bid submitted as follows:

Northstar Enterprises \$220,200.00 includes tax

Engineer's Estimate \$160,153.00

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board accept the bids as presented and forward the documents to the County Engineer for review. 2007B1 -65

Bid Opening for the Malaga/Alcoa Highway Intersection Illumination - CRP 621

Bid opening proceeds with one bid submitted as follows:

Colvico Inc \$119,960.00 includes tax

Engineers Estimate \$158,650.00

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board accept the bids as presented and forward the documents to the Engineer for review. 2007B1-66

**9:35:47 AM DISCUSSION ITEMS:**

1. Agreement for the Acquisition of Right of Way from C. Douglas and Linda Elsner
2. Deed for Easement for C. Douglas and Linda Elsner
3. Warranty Deed for Adamson Family, LLC
4. Temporary Agreement for Access and Construction Easement for Adamson Family, LLC
5. Call for Bids – Chelan Transfer Station – New Tipping Slab. Leo Miller of Zippy Disposal, Zippy employee Jerry McKinney, and Mayor Jay Witherbee present for discussion.
6. Order of Examination to Vacate a Portion of County Road Right of Way Petition by Paul Volkmann
7. Commissioners Notice of Hearing for the Road Vacation of a Portion of County Road Right of Way Petition by Paul Volkmann
8. Resolution and Commissioners’ Notice of Hearing for a Portion of County Road Right of Way on Chiwawa Loop Road
9. Manson Street Closure for the Shore to Shore Marathon for Pedoi Street and Manson Blvd Contingent on Manson Community Council Approval
10. Nason Creek Bridge Project
11. ValleyHi Right of Way Safety Issue

**10:18:45 AM ACTION ITEMS:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried that the Board approve the following action items (**pulling**) item **1(c)** and (**adding**) item **2(c)** for Manson Blvd, providing it is supported by the Manson Community Counsel:

1. **Agreements/Deeds for Signature**
  - a) Acquisition of Right of Way between Chelan County and C. Douglas and Linda Elsner for Manson Boulevard, County Road Project No. 572 (CRP 572)  
2007A5-187
  - b) Temporary Agreement for Access and Construction Easement between Chelan County and Adamson Family, LLC for Chiwawa Loop Road, County Road Project 559 (CRP 559)  
2007A5-188
  - c) (**Pulled**) Warranty Deed between Chelan County and Adamson Family, LLC for Chiwawa Loop Road, County Road Project 559 (CRP 559)
2. **Miscellaneous**
  - a) Call for Bids – Chelan Transfer Station – New Tipping Slab 2007B1-67
  - b) Deed of Easement between Chelan County and C. Douglas and Linda Elsner  
2007A5-189
  - c) (**Added**) Adoption of **Resolution No. 2007 - 132** Manson Street Closure for the Shore to Shore Marathon for Pedoi Street and Manson Blvd
3. **Road Vacation**



- a) Order of Examination to Vacate a Portion of County Road Right of Way Known as Boleslaw/Jagla Road Petition by Paul Volkmann 2007V1-17
- b) Commissioners' Notice of Hearing for the Road Vacation of County Road Right of Way Known as Boleslaw/Jagla Road Petition by Paul Volkmann 2007H6-26
- c) Commissioners' Notice of Hearing and **Resolution No. 2007 – 133** for the Intent to Vacate a Portion of Chiwawa Loop Road Scheduled for October 23, 2007 2007H6-27

**COMMUNITY DEVELOPMENT**

**John Guenther, Director,**

**10:15 A.M. DISCUSSION ITEMS**

- 1. Letters of Support for Grant Applications
  - a) City of Leavenworth
    - Trails
    - Regional Planning
  - b) City of Chelan
    - Regional Planning
  - c) City of Wenatchee
    - Foothills Development
  - d) Douglas County/DOT
    - State Highway Managed Access Models
- 2. Update on Permit Processing Deliverables and Time Frames with Karen Peele
- 3. CTED Visit and Discussion with Leonard Bauer and Joyce Phillips
- 4. Notice of Hearing
  - a) Notice of Public Hearing for Amendments to Road Standards Section of Title 15 on October 2, 2007 at 1:30
- 5. Economic Development Discussion
- 6. Shoreline Grant Update and Signature
- 7. Contract for Permit Tracking System

**10:52:29 AM ACTION ITEMS:**

**Moved** by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board approve the following action items (**adding**) item **1(e)** and (**pulling**) items **3(a)** and **4(a)**:

**1. Letters of Support – Signature by Chair**

- a) City of Leavenworth 2007C8-161
  - a) Trails
  - b) Regional Planning
- b) City of Chelan 2007C8-161

- Regional Planning
  - c) City of Wenatchee 2007C8-161
    - Foothills Development
  - d) Douglas County/DOT 2007C8-161
    - State Highway Managed Access Models
  - e) **(Added)** CVHA Land Trust Application 2007C8-161
- 2. Notice of Hearing**
- a) Notice of Public Hearing for Amendments to the Road Standards Section of Title 15 on October 2, 2007 at 1:30 p.m. 2007H6-28
- 3. Contracts**
- a) **(Pulled)** Contract for Permit Tracking System
- 4. Grants**
- a) **(Pulled)** Signatures for the Shoreline Grant

**10:54:06 AM Community, Trade and Economic Development Meet with Board  
Joyce Phillips and Leonard Bauer of CTED Present**  
Attorney Mark Petersen and Fred Ross of Tuscan Village Project also present.

- Comprehensive Collaborative Planning Efforts

(11:46:11 AM Commissioner Hawkins excused from session for a meeting.)

**NOON**

**11:57:44 AM RECESS**

*1:00 P.M. (Cancelled) Becky Heath, Forest Supervisor for the Wenatchee/Okanogan National Forest Meets with Board.*

**1:00 P.M. BOARD DISCUSSION:**

Board reconvenes with all Commissioners present.

**1:02:21 PM EXECUTIVE SESSION:**

**Moved** by Commissioner Walter, seconded by Commissioner Hawkins and carried that the Board move into one hour executive session to review the performance of a public official pursuant to RCW 42.30.140(4)(b).

**1:24:47 PM REGULAR SESSION:**

Board resumes regular session.

**1:24:58 PM BOARD DISCUSSION:**

- Columbia Shores Water District Petition Approval
- ValleyHi Code Compliance Issue
- Fairview Canyon Tire Clean Up

- Chelan County Fair

**1:31:15 PM EXECUTIVE SESSION:**

**Moved** by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board move into 10 minute executive session to review the performance of a public official pursuant to RCW 42.30.140(4)(b).

**1:40:30 PM EXECUTIVE SESSION:**

Board extends executive session for an additional five minutes to review the performance of a public official pursuant to RCW 42.30.140(4)(b).

**1:44:01 PM REGULAR SESSION:**

Board resumes regular session.

**1:44:32 PM ACTION ITEM:**

It is the recommendation of the County Administrator to sign a contract with the Prothman Company to hire an interim Jail Director at a cost of \$56 per hour and \$600 per month housing costs, as well as the recommendation to sign a contract in the amount of \$38,461.50 with the Prothman Company to engage in a full departmental review of the regional jail.

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried that the Board approve and execute the following documents according to the recommendation of County Administrator Cathy Mulhall for signature by County Administrator and Chairman Goehner.

**1. Contracts Agreements**

- a) **(Added)** Regional Justice Center Departmental Review Contract with the Prothman Company in the Amount of \$38,461.50 2007A5-190
- b) **(Added)** Contract for Interim Director for the Regional Justice Center at the Hourly Rate of \$56 and Housing Costs of \$600 2007A5-190

**1:48:22 PM BOARD DISCUSSION:**

- Commissioner Road Trip
- Budget Calendars
- EDD Update
- Board Meets with WSAC Officials at p.m. at the Cottage Inn

**2:17:31 PM ADJOURN**

**Moved** by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board adjourn until Monday, September 17. **Board Adjourned.**

4:00 P.M. WSAC Executive Director Bill Vogler and Commissioner Leo Bowman Meet with Board

**Filed Correspondence:**

- Department of Community Trade and Economic Development Letter regarding Principles Governing State Agency Correspondence on Growth Management  
2007C8-162

**Vouchers Approved for Payment**

2007B4-101

Current Expense	\$ 38,353.43
All Other Funds	<u>359,645.75</u>
Total All Funds	\$397,999.18

BOARD OF CHELAN COUNTY COMMISSIONERS  
KEITH GOEHNER, CHAIRMAN

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JANET K. MERZ, Clerk of the Board