

**CHELAN COUNTY COMMISSIONERS
MINUTES OF NOVEMBER 19, 20, 2007**

MONDAY, NOVEMBER 19

9:05:47 AM OPENING:

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

9:05:56 AM CHANGE OF CHAIRMANSHIP:

Moved by Commissioner Walter, seconded by Commissioner Hawkins, and carried that the Board appoint Commissioner Buell Hawkins as Chairman for the Chelan County Board of Commissioners with Commissioner Walter as Chair Pro Tem in the event Commissioner Hawkins is not available for session.

9:07:00 AM MINUTES:

Moved by Commissioner Goehner, seconded by Commissioner Hawkins and carried unanimously that the Board approve the November 13, 2007 minutes as corrected with Commissioner Walter abstaining from the vote (noting his absence due to attendance at WSAC Conference on November 13).

9:09:02 AM CONSENT AGENDA:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following action items (**pulling**) item (f) for further information:

- Vouchers as submitted and listed
- Payroll changes:
 - a) Amy Haynes, P-A Support Enforcement, Resignation
 - b) Zachary Sahraie, Superior Court, New Hire
 - c) David Hisey, CCRJC, Length of Service Increase
 - d) Kathy Kennedy, CCRJC, Length of Service Increase
 - e) Donald Griffith, Public Works, Temporary Hire
 - f) (**Pulled**) Edmundo Gonzalez, Farm Worker Camp Manager, Salary Adjustment

9:09:52 AM BOARD DISCUSSION:

- Dec 24 and Dec 31 Session Planning. It is **consensus** of Board to hold open session for action items only on Dec 24 and Dec 31 will also be abbreviated session.
- Dogs Policy on County Campus
- Christmas Party for Commissioners Sunday, December 16
- Leavenworth Summer Theater Request for Funding in the amount of \$8500

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board approve the requested funding in the amount of \$8500 for the Leavenworth

Summer Theater from the Commissioners Hotel/Motel Tax Discretionary Funds.
2007B4-155

- Manson Sidewalk Project
- RC&D, EDD Meeting Update
- Governance and Finance Committee
- Mining Issues in Okanogan County and Forest Service Lands
- Prescribed Burning in Forest Lands for Forest Health
- WSAC Update

10:02:50 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

DISCUSSION ITEMS:

1. Proposed Pay Structures from Salary Survey. It is **consensus** to send out 35% salary range proposal as suggested by HR Answers to department heads and elected officials

10:54:19 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items (**adding**) previously pulled payroll change notice (f):

1. **Request for Qualifications**
 - a) RFQ for Engineering Services at Cashmere-Dryden Airport 2007B1-74
2. **Payroll Change Notice**
 - f) (**Added**) Edmundo Gonzalez, Farm Worker Camp Manager, Salary Adjustment
previously pulled from consent agenda

10:57:39 AM RECESS

11:04:15 AM NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director and Kathy Bangs

DISCUSSION ITEMS:

1. Planning Services Contract with NCW RC&D
2. Interfund Line of Credit
3. Standard Maintenance Agreement with Business Interiors and Equipment, Inc., for Sharp Copier/Printer
4. Lease agreement with Key Equipment for Sharp Copier/Printer
5. Response Letter to Governor Regarding Critical Areas Ordinance

11:32:05 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items (**pulling**) item **2(a)**:

1. **Contracts/Agreements**
 - a) Planning Services Contract with NCW RC&D 2007A5-259

- b) Standard Maintenance Agreement with Business Interiors and Equipment, Inc., for Sharp Copier/Printer 2007A5-260
- c) Lease agreement with Key Equipment for Sharp Copier/Printer 2007A5-260

2. **Correspondence**

- a) **(Pulled)** Response Letter to Governor Gregoire Regarding Critical Areas Ordinance

11:33:31 AM Auditor's O&M Committee re : County Document Management Systems

Present are Committee Members Auditor Evelyn Arnold, Clerk Siri Woods, and Jim Blair of TransNation Title Company. Also present are Deputy Auditor Skip Moore and County Administrator Cathy Mulhall.

NOON

12:04:01 PM Recess (Tape left running for voucher approval)

1:32:27 PM CHELAN COUNTY REGIONAL JUSTICE CENTER

Phil Stanley, Interim Director and Deputy Director Mark McCormick

DEPARTMENTAL ISSUES

- Apparent Suicide in Jail
- Cash Flow Issues - Medical Care, Analysis of Food Services Contracts for Cost Savings, Twelve Month Spending Plan
- Maintenance and Repair of HVAC Unit in Law and Justice Building. Wells and Wade Mechanical submitted bid of approximately \$49,850.00 for a new unit and installation. It is the **consensus** of the Board to authorize the maintenance staff to proceed with the purchase and repair of HVAC unit without a bidding process due to an emergency situation, *RCW 39.04.280(3)*. Resolution to follow on Dec 4.

2007B4-156

2:05:18 PM BOARD DISCUSSION:

Letter read into record from Maggie Grant on behalf of President George W. Bush to Commissioner Walter regarding PILT Funding and Secure Rural School funding.

2:03:58 PM COMMUNITY DEVELOPMENT PUBLIC HEARINGS

Director John Guenther, and Planners Graham Simon and Matt Hansen present.

Planner Graham Simon offers staff report on Short and Long Term Mineral Extraction. Through the update of the code sections reference may now be located in section II of the Code.

2:15:52 PM APPROVAL:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board approve the Proposed Amendments to ZC 2006-041 definitions with the resolution to be submitted for approval November 26. *(Postponed to Dec 4)*

Planner Graham Simon offers staff report on Restaurant Food and Beverage Regulations of ZC 2006-047 with continued hearing to be held on December 4, 2007 on the Community Development agenda with corrections to document to be before Board on November 26, 2007 for review. *(Postponed to Dec 4)*

2:40 P.M. HEARING CONTINUATION:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board continue the ZC 2006-047 until December 4, 2007 at 10:15 a.m. Hearing Continued.

2:45:25 PM BOARD DISCUSSION:

- 2008 Revenue Projections and Budget Discussions

2:51:40 PM RECESS:

Recess until Tuesday, November 20.

TUESDAY, NOVEMBER 20, 2007

9:04:09 AM OPENING:

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance. Also present for session are County Administrator Cathy Mulhall and Clerk of the Board. Tiffany Curtis of WHS is also present.

9:05:48 AM CHELAN COUNTY EXPO CENTER

Marsha Clute, EXPO Center Director

EXPO & FAIR DISUSSION ISSUES:

- Fair Board Appointment
- Revisions of Fair Board Rules and Regulations
- Posted Speed Limit on Westcott Drive, Public Works Director Greg Pezoldt present and will evaluate the need for a lower posted speed.
- Expo Center Request for Budget Transfer

9:35:22 AM (ADDED) ACTION ITEM:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following **(added)** action item:

1. **Budget Transfer**

- a) (**Added**) Budget Transfer for Expo Center in the amount of \$5,000 from Salary to Repair, Maintenance and Telephone 2007B4-157

9:36:13 AM PUBLIC WORKS DEPARTMENT

Public Works Director Greg Pezoldt

9:36:51 AM BID OPENING – Snowblower

Chairman Hawkins states that the receipt of bids is now closed.

9:36:59 AM :

Bid Opening for the Snowblower acquisition by the Public Works Department.
Bid opening proceeds with one bid submitted as follows:

Sahlberg Equipment \$83,467.29 including tax 2007B1-75

9:38:56 AM ACTION ITEM:

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board accept the bid as presented for review by the Public Works Director and to be awarded November 27, 2007 on the Public Works Agenda.

DISCUSSION ITEMS:

1. Temporary Agreement for Access and Construction Easement for Shepherd's Staff
2. Agreement for the Acquisition of Right of Way for Shepherd's Staff
3. Temporary Agreement Public Use Easement with Centro Cristiano DeManson
4. Deed for Easement for Shepherd's Staff
5. Quit Claim Deed to United States of America acting by and through the Forest Service
6. No Compression Brakes along US 2 and Blewett Cut Off Road
7. Commissioners' Notice of Hearing for the Proposed Six Year and Annual Construction Programs
8. Stormwater Utility District
9. Opening of West Monitor Bridge
10. 2008 Budget Workshop

10:20:34 AM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following action items (**adding**) item **3(b)** resolution for the re-opening of the West Monitor Bridge

1. Agreements for Signature

- a) Temporary Agreement for Access and Construction Easement between Chelan County and Shepherd's Staff for Chiwawa Loop Road, County Road Project No. 559 (CRP 559) 2007A5-261

- b) Agreement for the Acquisition of right of way between Chelan County and Shepherd's Staff for Chiwawa Loop Road, County Road Project No. 559 (CRP 559) 2007A5-261
- c) Temporary Agreement Public Use Agreement between Chelan County and Centro Cristiano DeManson for Quetilquasoon Road Improvement Project, County Road Project No. 616 (CRP 616) 2007A5-262
- 2. **Deeds**
 - a) Quit Claim Deed between Chelan County and United States of America, acting by and through the Forest Service, Department of Agriculture for right of way now and previously known as Wenatchee River Road 2007A5-263
 - b) Deed of Easement between Chelan County and Shepherd's Staff for Chiwawa Loop Road, County Road Project No. 559 (CRP 559) 2007E1-5
- 3. **Miscellaneous**
 - a) Commissioners' Notice of Hearing for Proposed Six Year and Annual Construction Program 2007H6-35
 - b) **(Added)** Adoption of **Resolution No. 2007 – 151** for the Re-Opening of the West Monitor Bridge

10:24:23 AM COMMUNITY DEVELOPMENT

John Guenther, Director

DISCUSSION ITEMS:

- 1. Fire Marshal Position Recommendation
- 2. Budget Workshop, - Work Programs and Funding for 2008
 - a) Land Use Analysis - \$60,000
 - b) Development Regulations - \$40,000
 - c) Community Indicators - \$10,000
 - d) Fee Proposals
- 3. Planning Commission and Board Agenda – to March 2008
- 4. Contract with Mark Varela for Leavenworth Sewer and Water Levels of Service Analysis in County Areas
- 5. Notice of Hearing – December 4 at 10:15 a.m. for Amendment to the State Plumbing Code adding On-site Sewer Hook-up
- 6. Notice of Hearing – December 17 at 1:30 p.m. for Adoption of Sign Ordinance
- 7. Refund Request for CP Helicopters CUP Application - \$1130.00

11:32:09 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items and continuing ongoing discussions on item 2(a):

1. Contracts

- a) Professional Services Contract for Mark Varela - Leavenworth Sewer and Water Levels of Service Analysis in County Areas 2007A5-264

2. Budget Request -Refund

- a) Refund Request for CP Helicopters CUP Application - \$1130.00 2007B4-158

3. Notices of Hearing

- a) Notice of Hearing – December 4 at 10:15 a.m. for Amendment to the State Plumbing Code Adding On-site Sewer Hook-up 2007H6-36
- b) Notice of Hearing – December 17 at 1:30 p.m. for Adoption of the Sign Ordinance 2007H-36

11:34:41 AM Cascadia Conservation District Updates with Mike Rickel

- BLM Funding for Fuel Reduction in the Squilchuck Area
- Possible County Wide Expansion of Wildland Urban Interface Areas
- Water Quality Issues

11:57:37 AM RECESS

1:32:09 PM PUBLIC WORKS ROAD VACATION HEARING

Vacation of a Portion of County Road Right of Way Boleslaw/Jagla Road

Continued Hearing. *Filed Correspondence*

2007V1-22

County Engineer Jolene Gosselin: The Engineer presents updated report and information. Correspondence from County Engineer, Lorne Brown of Lovitt Mining Company, and Realtor Paul Mares is entered into the record. The County Commissioners requested information at the previous portion of the hearing that research be done on several issues - the rights, the vacation that was done in the 1980's, any subsequent vacations, the road width, and if a parcel would be considered land locked if there was contiguous parcel ownership and access at a different topographical location. Questions were also presented as to the public information for the actions before the Board which were duly satisfied. Legal opinion was obtained on the issue of land locked parcels but there was limited information on the contiguous parcel ownership. A County right of way was recorded with a width of 40 feet, but was deeded and recorded at 30 feet in the approximate location of the current road. There are different standards between opened County Road Right of Way and unopened County Road Right of Way. The right of way in question is unopened and is not part of the County Road System. In order for it to become an open right of way it would require that the road be brought up to County Road Standards with a 50' minimum width right of way. The County would not be party to the development of the road.

Paul Mares: Mr. Mares speaks for Premier Properties representing Lovitt mining. They are in negotiation with a developer who is looking at a development on the lower portion of the property towards Squilchuck Road and possibly the upper portion of the property at a later date. The upper parcel has the possibility to be sold at a later date dependent upon the accessibility of the road in question. To put in a road from the bottom from Squilchuck Road up to the development and upper development with guardrails and storm drainage would be at \$1,000,000 for approximately one mile of roadway. If the owner chooses to sell off the upper portion as a single parcel, the upper road access would appear to be wide enough for access. It is the understanding that the upper portion was designated as access in 2002 during the vacation of the lower portion of Boleslaw/Jagla Road. That has not been perfected at this time. He is speaking against the decision to vacate the road.

Loren Brown: Mr. Brown of the Lovitt Mining Company speaks on the issue. They are speaking in opposition to the vacation. He would like it to be known that five minutes is not enough to speak on the issue. He speaks on issues dealing with the Gates property that previously presented a vacation hearing on the lower portion of the road being discussed here today. Those who have spoken in favor of the vacation have personal reasons for not wanting development there. Mr. Brown states that the request for this hearing should have been addressed at the earlier vacation hearing by Mr. Gates.

Public Works Director Greg Pezoldt: History on the vacation hearing of the lower portion of the same county road coming off of Chapman Road and accessed by Beuzer Street or Boodry Street is recalled. The requirement was for Mr. Gates to provide private easement access to the other parcels. That order of vacation has action upon it for eventual finalization at this time through the Public Works Office.

Chairman Hawkins: A vacation is usually taken under consideration because the road does not have use or value to the County or the public. He does not believe that is the case here. Chairman Hawkins also states he does not favor the process by Mr. Volkmann of using the vacation for the purpose of denying development. For those reasons he is not in favor of the vacation.

Commissioner Walter: He responds to Mr. Brown that there is personal motivation on both sides. These (road vacations) are supposed to be easy and clear cut. He does not want to set a precedent of having a private driveway go down a public right of way. He understands the concern of Mr. Volkmann of having this easement go right through his property. He would be in favor of the vacation if another location of a like width of right of way which can be determined and there be agreement between Mr. Brown and Mr. Volkmann, or a private easement location be found.

Commissioner Goehner: There needs to be a clear and compelling reason to vacate. The parties involved have known there was public easement on the property. He would be concerned about granting the vacation without providing a like easement is cutting off someone's access to their property. The county would not develop this under the current condition. He could support the motion under the proposed remedies.

2:02:32 PM ACTION:

It is **moved** by Commissioner Walter to approve the vacation of the right of way contingent on granting an exchange of a public right of way, of like width, in another location or, a private easement which is agreed upon by all parties. County Engineer Jolene Gosselin explains the difference between a public right of way (for use by the public under current road standards) and a private easement (which is between two property owners and is for the enjoyment or use by the property owners). The motion is seconded by Commissioner Goehner and discussion continues.

Paul Volkmann: If this road is vacated it could then go to a private driveway. Commissioner Hawkins explains that the action would not allow for vacation unless an agreement between the County, the petitioner Mr. Volkmann, and Mr. Brown that this established right of way would be exchanged for a mutually agreed upon private easement to serve as a right of way for a limited number of residents, or, a driveway will be created in another agreed upon location but this vacation would not be completed until those conditions are in place. The beneficiary of the driveway or right of way would be responsible for the construction of the road way or driveway.

Kelli Volkmann: Concerns are voiced in the placement of this road through her home. It is a relocation of a right of way or a driveway in a different location. There is confusion about the location of the right of way.

Billy Elmes: If no agreement is made on the 30' right of way remains the way it is or may be a developed trail. County Engineer Jolene Gosselin speaks to the issue of location of the right of way.

2:12:49 PM The motion is **approved** unanimously.

2:15 P.M. BOARD DISCUSSION:

- Board Calendar Updates

2:38:13 PM ADJOURN:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board adjourn until Monday, November 26, 2007. **Board adjourned.**

Vouchers Approved for Payment

2007B4-159

Current Expense	\$ 179,388.20
All Other Funds	<u>1,299,748.79</u>
Total All Funds	\$1,479,136.99

BOARD OF CHELAN COUNTY COMMISSIONERS
BUELL HAWKINS, CHAIRMAN

JANET K. MERZ, Clerk of the Board