

BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, March 24, 2009 at 10:00 AM

City Council Chambers, 129 North 2nd Street, Yakima, Washington

- **PRESENT:** Chairman J. Rand Elliott, Commissioner Kevin J. Bouchey, Legal Counsel Terry Austin, Clerk of the Board Christina S. Steiner. Commissioner Michael D. Leita is excused.
- **PUBLIC COMMENT: Glen Johnson, Gleed** – In 2003 we were looking into some property that we were looking to buy and we checked out this, you get full disclosure so we had the Pottinger parcel, this 10-acre lot for four homes they had some major restrictions and they did their critical review, listed all their wetlands, labeled the irrigation ditch on the property. It is the Nelson-Chapman Irrigation ditch. This was from 1997 and my Critical Review they okayed me on putting my house where it is supposed to go, set everything up, said I was fine. I purchased the property in 2004 and on the day of permits, then they said oh no, there was a new guy in the office when they give you that stuff that you have to have a Critical Review. They did the same critical review on the same irrigation ditch that comes right from this property. They said that it was no longer an irrigation ditch, it is now a wetland. So now I have a piece of property that 95 percent of it is junk.

If I want to put up a swing set within 100 feet of my buffer fence from that irrigation ditch, which is 25 feet away from the ditch, another 100 feet after critical review to put up a swing set, a barbequer, anything. But yet, it is still Nelson-Chapman Irrigation ditch. To speed it along, we kind of go down there. Our address never seems to stick. They keep sending it to somebody down the road on the other side. We figured we were stuck with it then they raised our taxes this year but before that after, Don Young in July had won his case on a wetland, quagmire irrigation thing he fixed. An irrigation ditch is an irrigation ditch. August – if you don't mind me presenting a couple of pictures to you. (submitted pictures) **Inaudible as commenter was away from microphone.**

So I lose 95 percent of my land and the wetlands that are supposed to be there that they show marked here and all their stuff. We were supposed to go in on their Critical Review meeting. The ditch company wanted to have their excavator there to put in their two cents. He has dealt with Dean Patterson so many times and low and behold we will call you up when we are going to have this little meeting, never does, sends back a final. So we are locked in and now I have got that... All this Pottinger originally, four homes in that 10 acre lot they would have had to asphalt all the way from the bus stop, which is the intersection all the way to our turnabout, buy more easement because the road wasn't satisfactory enough for a few more cars, which there is tons of information there. Well, it's okay to put a bin lot storage there. They have completely leveled it out. They were supposed to stay 100 feet away from that buffer zone. The neighbors and everything tried to stop this thing; there was a new guy in the office that day, nothing we can do about it. We can't put a stop work order because this guy is away on vacation so they go ahead and finish off a week. We get back from vacation; we start in on it on Monday or Tuesday. They finally come out and put a stop work order on it. Evidentially they only had a permit to excavate hundreds of square feet.

We are going to get this fixed is what, well Dean's gone, so now you have Byron Gumz, they are going to have to put everything back the way it is because they know there was wetland swamp area, natural spring and a flood channel that is supposed to go through there that is all gone. They have pushed it over towards our side and it is supposed to be good. I have got a public letter here that you guys are more than welcome to have. (Submitted) That doesn't have all the neighbors signatures but there was only one that wasn't complaining about this deal and the one that doesn't complain is the only one in the neighborhood that their property value dropped a few thousand when everybody else's went up. So I guess my concern is what is going to be done about it. I lose 95 percent of my land and I can't put up a swing set without going down there on a critical review on an irrigation ditch that's still marked an irrigation ditch. They have such restrictive stuff on me, on that 25 buffer for that irrigation ditch it says that 25, I do not disturb the soil. I have to pull all the noxious weeds and whatnot, plant native grasses and everything else. But, at any time, I can have an excavator come in and scrape that ditch out

with his backhoe. They can't stop him; it is Nelson-Chapman irrigation ditch. I have lots of proof of what it is and I can supply piles and piles.

Rand Elliott – Mr. Johnson if I may. I understand your frustration and you are, I think, expressing your displeasure with the Planning Department. What specifically are you asking of us this morning?

Glen Johnson – I am asking cause every time I go over there they are supposed to be sending me information. They don't know my address. I change the address, on that letter; I couldn't send one of those in because they didn't give me the notification. If you want to talk to a Ms. Carol Faith, Project Coordinator, on July 31 the neighbors were starting to call and starting to voice their complaints. We got back returned on the 2nd of August, returned on vacation. Finally on the 4th of August the County had called the Department of Ecology stop work order that was because of their small permit problem, starts going on. Also I might add, we have bedrooms on that side of the house for my daughter. Those guys don't even have an outhouse. They finally got an outhouse a month ago so you can imagine some of the pictures I could get for you. On August 4th they did stop it. On August 15th the little thing they were calling "not a wetland" filled up with water, flows over the road. Still can't get a county member out there to look at it. Code Enforcement comes out once, says obviously they have gone into the 100 foot buffer but it doesn't matter, they could go 25 feet away from it and scrape everything out.

Rand Elliott – Mr. Johnson, if I may? This is a little more complex of an issue than we are going to be able to resolve this morning and I am going to invite you to contact Christina in our office. Mr. Bouchey or I would be happy to review your case with you to see if we can find some resolution for you and determine what it is we need to try and resolve and then we will take steps to resolve it. Without a file in front of us, we are at a disadvantage to discuss this.

• **CONSENT ITEMS:** Approved as modified.

DEPARTMENT	ITEM	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Reso 148-2009	In the Matter of Setting a Date for a Public Hearing for Franchise 11-2009 Zirkle Fruit Co to Construct, Operate and Maintain an Irrigation Line In, Along, Over and Under Guinan Loop Road in Yakima County; <i>Tuesday, April 14, 2009 at 10:30 a.m.: Changed to April 14 from April 21. Within RCW timeframes.</i>	APPROVED
	Reso 149-2009	In the Matter of Setting a Date for a Public Hearing as Filed by R.A.S. Contracting Corp. – SUB08-65/SEP08-44/PRJ08-904 "Plat of Somerset II"; <i>Tuesday, April 14, 2009 at 10:30 a.m.:</i>	APPROVED
	Reso 150-2009	In the Matter of Setting a Date for a Public Hearing as Filed by Cecil and Sandra Tibbetts – SUB06-161/SEP06-61/PRJ06-954 "Prelude Addition"; <i>Tuesday, April 14, 2009 at 10:30 a.m.:</i>	APPROVED
	Reso 151-2009	In the Matter of Accepting into the County Road System the Road Known as "South 31 st Street (Phase I)" Lying within the Binding Site Plan Between Terrace Heights development LLC and Yakima County	APPROVED
	Agreement	Execute Agreement with Fraser Sand and Gravel, Inc. to Pump, Spread and Disc Septic Waste from the Cheyne Septage Lagoons:	APPROVED
	Agreement	Execute Agreement with Natural Selection Farms, Inc. for Hauling Chipped Yard Debris from Terrace Heights Landfill for Composting:	APPROVED
	Agreement	Execute Local Agency Standard Consultant Agreement with Nicholls Engineering for Load Rating and Repair Design for Hillcrest Drive Bridge No. 160:	APPROVED

DEPARTMENT	ITEM	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Agreement	Execute Local Agency Agreement and Federal Aid Project Prospectus with the Washington State Department of Transportation for Federal Funding for the West Wapato Road Corridor Safety Enhancement Project:	APPROVED
	Agreement	Execute the Local Agency Agreement and Federal Aid Project Prospectus with the Washington State Department of Transportation for Federal Funding for the Yakima Valley Highway Corridor Safety Enhancement Project:	APPROVED
COMMISSIONERS J. Rand Elliott, Chairman	Reso 153-2009	In the Matter of Appointing a Member to the South Central Workforce Development Council Position #9:	APPROVED
	Minutes	Approve Comp Plan Amendment Public Hearing Minutes of December 8, 2008:	APPROVED
	Voucher/Warrant	Certification of Claims Clearing Warrant No. 516304 through 517356 in the Amount of \$3,367,844.88:	APPROVED
CORPORATE COUNSEL Terry Austin, Chief Civil Deputy Prosecuting Atty	Reso 154-2009	In the Matter of Affirming the Decision of the Hearing Examiner in APL08-008 Concerning SEPA/MDNS Appeals Filed by Jordan Arreola, SUPR Co., and Pride Packing:	APPROVED
	Reso 155-2009	In the Matter of Approving the Application of Columbia Ready Mix (CRM), Inc. to Modify the Development Agreement Concerning CRM's Lateral 1 Mine:	APPROVED
	Agreement	Execute Personal Services Agreement with All Weather Storage:	APPROVED
FACILITIES SERVICES Brad Songhurst, Director	Reso 156-2009	In the Matter of Accepting as Complete Contract with M. Seigny Construction for Tenant Improvements for Prosecuting Attorney and Financial Services; #PW08003-G:	APPROVED
	Reso 157-2009	In the Matter of Accepting as Complete Contract with M. Seigny Construction for Tenant Improvements for Technology Services, Human Resources, and Clerks; #PW07003:	APPROVED
WSU EXTENSION Christine Jackson, Director	Agreement	Execute Nutrition Education Agreement with Yakima County for Food Stamp (SNAP-Ed) Nutrition Education:	APPROVED
TREASURER Ilene Thomson, Treasurer	Reso 158-2009	In the Matter of Awarding Request for Proposal for Professional Services - Auctioneer:	APPROVED
	Agreement	Execute Personal Services Agreement with Paul Newman for Auctioneer Services:	APPROVED
AUDITOR Corky Mattingly, Auditor	Agreement	Execute MOU with Simplifile for Electronic Recording:	APPROVED

DEPARTMENT	ITEM	DESCRIPTION	ACTION
HUMAN RESOURCES Linda Dixon, Director	Reso 159-2009	In the Matter of Additions/Changes to Budgeted Positions in Fund 115-300, Sales Tax Fund- Department of Security; Fund 159, Department of Food Services; and Dept. 300, Department of Security:	APPROVED
	Agreement	Execute 2009-2010 MOU with Yakima County Department of Security/Teamsters Local Union No. 760:	APPROVED
DEPT OF CORRECTIONS Steve Robertson, Director	Agreement	Execute Personal Services Agreement with Ronald Schenk for Chaplain Services:	APPROVED
COURTS Paula Davis	Agreement	Execute Personal Services Agreement with Saul Castillo dba The Interpreter for Interpreter Services for Yakima County Courts:	APPROVED
COURTS Paula Davis	Agreement	Execute Personal Services Agreement with Maria Vera dba Connections Consulting for Interpreter Services for Yakima County Courts:	APPROVED
SHERIFF Ken Irwin, Sheriff	Reso 160-2009	In the Matter of Authorizing Sheriff's Office to Complete Application for Funding Assistance for a Non-Highway and Off-Road Vehicles Activities Program (NOVA) Project to the Recreation and Conservation Office as Provided in Chapter 46.09 RCW, Non-Highway and Off-Road Vehicles Program:	APPROVED
	Agreement	Execute Personal Services Agreement with Washington State Department of Corrections to Allow Blockwatch Volunteer Vehicle to be Parked at the Ahtanum View Corrections Center:	APPROVED
	Agreement	Execute Vital Care Systems Support Agreement Renewal with Stencil Solutions for Recording System Maintenance:	APPROVED
	Agreement	Execute Agreement with Cummins Northwest, LLC for Generator Maintenance:	APPROVED
HUMAN SERVICES Steve Hill, Director	Agreement	Execute Contract Modification with S.L. Start and Associates for Additional Funding; #SLS07-09 (Mod 3):	APPROVED
	Agreement	Execute Contract Modification with Goodwill Industries for Additional Funding; #GW07-09 (Mod 4):	APPROVED
	Agreement	Execute Mental Health Block Grant Agreement Amendment with Greater Columbia Behavioral Health; #YAKIMA-MHBG-08-09, Amend 01:	APPROVED
	Agreement	Execute Grant Agreement Addendum with Building Changes/Washington Families Fund; #FIESTAS 08, Addendum 2:	APPROVED
ALTC Lori Brown, Director	Reso 161-2009*	In the Matter of Approving and Authorizing Director of ALTC to Sign MOU with Cherie Rash, RN for Foot Care Services in Asotin County:	APPROVED
	Agreement*	Execute MOU with Cherie Rash, RN for Foot Care Services in Asotin County:	APPROVED

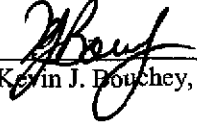
• **REGULAR AGENDA:** Approved as modified.

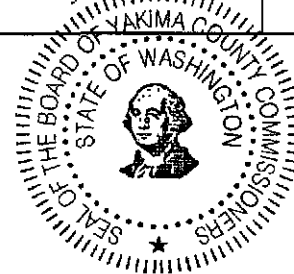
DEPARTMENT	ITEM	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Reso 152-2009	In the Matter of Limiting the Weight of Vehicles Authorized on Hillcrest Drive Bridge No. 160; #C3330: Gary Ekstedt presented. Load restriction needed due to structural proficiency.	APPROVED
	Agreement	Execute the Local Agency Agreement and Federal Aid Project Prospectus with the Washington State Department of Transportation for Federal Funding for the Terrace Heights Drive Overlay Project: Gary Ekstedt presented. From Snokist to approximately 41 st Street.	APPROVED
	Agreement	Execute Certification Acceptance Services Agreement with the City of Grandview for Resurfacing Forsell Road to Stassen Way: Gary Ekstedt presented.	APPROVED
	Agreement	Execute Certification Acceptance Services Agreement with the Town of Harrah for the Harrah Road Improvement Project from South Town Limits to North Town Limits: Gary Ekstedt presented.	APPROVED
	Agreement	Execute Certification Acceptance Services Agreement with the Town of Naches for Resurfacing 2 nd Street to 3 rd Street: Gary Ekstedt presented.	APPROVED
	Agreement	Execute Certification Acceptance Services Agreement with the City of Selah for the Speyers Road Improvement Project from West Fremont Avenue to the West City Limits: Gary Ekstedt presented.	APPROVED
	Agreement	Execute Certification Acceptance Services Agreement with the City of Wapato for the South Camas Avenue Project from 3 rd Street to 9 th Street: Gary Ekstedt presented.	APPROVED

Approved this 21st day of April 2009.


 J. Rand Elliott, Chairman

EXCUSED
 Michael D. Leita, Commissioner


 Kevin J. Bouchey, Commissioner




 Christina S. Steiner, Clerk of the Board

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: March 24, 2009
Re: **FRANCHISE 7-2009: Loftus Ranches, Inc.**
Time: 10:30 A.M.
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman J. Rand Elliott
Commissioner Kevin J. Bouchey
Legal Counsel Terry Austin
Clerk of the Board Christina S. Steiner

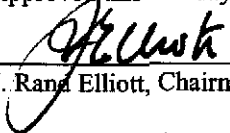
Record of Proceedings

Alan Adolf, Public Services – On February 5, 2009, Loftus Ranches Incorporated submitted a franchise request. This is a request to extend an irrigation line across Gun Club Road. Yakima County has reviewed the application and recommends approval.

Rand Elliott – This is a public hearing and this is the opportunity for anyone wishing to speak to this matter to come forward. Seeing and hearing none I will close this public hearing.

Commissioners Elliott and Bouchey in favor of approval of Franchise 7-2009.

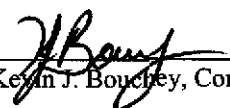
Approved this 21st day of April 2009.



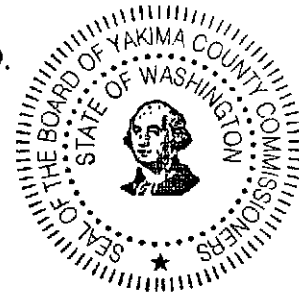
J. Rand Elliott, Chairman

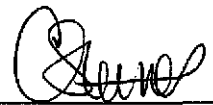
EXCUSED

Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner





Christina S. Steiner, Clerk of the Board

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: March 24, 2009
Re: **FRANCHISE 8-2009: Loftus Ranches, Inc.**
Time: 10:30 A.M.
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman J. Rand Elliott
Commissioner Kevin J. Bouchey
Legal Counsel Terry Austin
Clerk of the Board Christina S. Steiner


Record of Proceedings

Alan Adolf, Public Services - On February 5, 2009, Loftus Ranches Incorporated submitted a franchise request to extend some wiring to operate their irrigation system. Yakima County has reviewed their application to extend wire across Faucher Road and recommends approval of the franchise.

Rand Elliott – This is a public hearing and this is the opportunity for the public to comment on this issue. Seeing and hearing none I close this public hearing.

Commissioners Elliott and Bouchey in favor of Franchise 8-2009.


Approved this 21st day of April 2009.



J. Rand Elliott, Chairman


EXCUSED

Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner





Christina S. Steiner, Clerk of the Board

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: March 24, 2009
Re: **FRANCHISE 9-2009: Borton Fruit**
Time: 10:30 A.M.
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman J. Rand Elliott
Commissioner Kevin J. Bouchey
Legal Counsel Terry Austin
Clerk of the Board Christina S. Steiner

Record of Proceedings

Alan Adolf, Public Services – On February 6, 2009, Borton Fruit submitted a franchise application. This is to extend an irrigation line across South Ahtanum Road connecting the applicant's parcel with the leased parcel across the road. Yakima County has reviewed the application and recommends approval of the franchise.

Rand Elliott – This is a public hearing and this is the opportunity for the public to comment on this issue. Seeing and hearing none I will close the public hearing.

Commissioners Elliott and Bouchey in favor of approval of Franchise 9-2009.

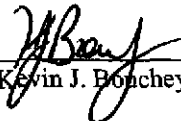
Approved this 21st day of April 2009.



J. Rand Elliott, Chairman


EXCUSED

Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner





Christina S. Steiner, Clerk of the Board

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: March 24, 2009
Re: **PUBLIC SERVICES: VACATION AND ABANDON CERTAIN ROAD (PIONEER)
RIGHT-OF-WAY IN THE NW QUARTER OF THE NW QUARTER OF SECTION 10,
TOWNSHIP 13 NORTH, RANGE 17 EAST. W.M.**
Time: 10:30 A.M.
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman J. Rand Elliott
Commissioner Kevin J. Bouchey
Legal Counsel Terry Austin
Clerk of the Board Christina S. Steiner

Record of Proceedings

Mike Waits, Right-of-Way Manager – In January we received a petition to vacate right-of-way on Pioneer Road. On February 24th we had a resolution to set today as a public hearing for this vacation petition. What we have is Pioneer Road was re-aligned and hard-surfaced last year and the right-of-way in question was excess of that new alignment that was dedicated in the 2002 short plat by the applicant for the vacation. Staff has investigated and has determined that this is surplus to the county road system. There are existing utilities so we would recommend a vacation subject to existing utilities.


Rand Elliott – By vacating, are we giving property to an adjacent land owner or is this going up for sale or auction?

Mike Waits – The applicant dedicated it from the short plat so we are giving it back to him because of the re-alignment we actually pulled the road away from it.

Rand Elliott – This is a public hearing so this is the opportunity for the public to comment on this issue. Seeing and hearing none I will close the public hearing.

Commissioners Elliott and Bouchey in favor of vacation of this petitioned road right-of-way on Pioneer Road.

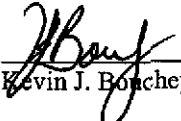
Approved this 21st day of April 2009.



J. Rand Elliott, Chairman

EXCUSED

Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner



Christina S. Steiner, Clerk of the Board

