

BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, September 22, 2009 at 10:00 AM

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

- **PRESENT:** Chairman J. Rand Elliott, Commissioner Michael D. Leita, Commissioner Kevin J. Bouchey, Legal Counsel Terry Austin, Clerk of the Board Christina S. Steiner.
- **PRESENTATION:** Present Sheriff Kenneth Irwin with Traffic Safety Plaque – Edica Esqueda
- **PUBLIC COMMENT:** Al Brown, Yakima Greenway Foundation – I just want to take a minute to talk about a couple of contracts you are about to approve, want to give you a little history. Back in January of this year the river came up and we went to flood stage and the Greenway suffered pretty close to \$300,000 worth of damage. That was our initial preliminary damage estimates. The County, fortunately and with our great gratitude, stepped in and from your emergency management, Jim Hall's group, helped us get started on a FEMA process with the County sponsoring FEMA for us. Without that assistance that entire \$300,000 would have been on our shoulders to take care of and that is a pretty healthy chunk. That is almost a years worth of our budget. We were assigned a county employee, Matt Pietrusiewicz from Public Services has been nothing short than amazing to work with. This is actually my third time in dealing with FEMA. It doesn't get any easier it just gets different and these two items that you have on your agenda today are kind of a follow-up to the one you had last week. Last week you approved a contract to clear the rock that was deposited in Harlan Landing. Harlan Landing is in Selah Gap, it has been virtually unusable since January. The ones you have today are to move the off-leash dog park that was partially destroyed and it is in the wrong spot and by going through mitigation process, FEMA allowed us to move it out of the floodway and move it to a park where it should have been all along. The other part is to repair the pathway under the twin bridges that was heavily damaged and will continue to erode at any high water events that we have. This will give us a better permanent fix on it. I wanted to thank you for sponsoring the grant and thank you for the folks that have helped us put this together and work on it. Again it is not easy and it is a pretty sharp learning curve but 75 percent from FEMA and 12 ½ percent from the State is greatly appreciated by us. Thank you.
- **CONSENT ITEMS:** Approved as modified.

DEPARTMENT	ITEM	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Reso 434-2009	In the Matter of Setting a Public Hearing Date to Consider Revising Fees for the Disposal of Solid Waste at Yakima County Solid Waste Facilities: <i>Tuesday October 6, 2009 at 10:30 a.m.:</i>	APPROVED
	Reso 435-2009	In the Matter of Approval of Preliminary Plat No. SUB08-104 Known as "Horseshoe":	APPROVED
	Reso 436-2009	In the Matter of Granting Non-Exclusive Franchise 17-2009 as Represented by Stan and Linda Emerick to Construct, Operate and Maintain a Water Line in, Along, Over and Under Carson Road in Yakima County:	APPROVED
	Agreement	Execute Community Development Block Grant Request for Amendment to Parker Water System Project to Extend Project Period:	APPROVED
	Agreement	Execute Contract with Leingang Excavating, Inc. for Greenway Dog Park Relocation:	APPROVED
	Agreement	Execute Contract with Leingang Excavating, Inc. for Greenway Twin Bridges Fence Repair:	APPROVED
	Agreement	Execute Agreement with Picatti Brothers Well and Pump Division for Well Pump Repair at Cheyne Landfill, Terrace Heights Landfill and Lower Valley Transfer Station:	APPROVED

DEPARTMENT	ITEM	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Agreement	Execute Amendment No. 1 to Professional Services Agreement with Western Scale Inc. to Provide Solid Waste Landfill Scale Maintenance and Repair Services:	APPROVED
COMMISSIONERS J. Rand Elliott, Chairman	Minutes	Approve Agenda Minutes of September 15, 2009:	APPROVED
	Voucher/Warrant	Certification of Claims Clearing Warrant No. 532858 through 534185 in the Amount of \$5,242,817.14:	APPROVED
CORPORATE COUNSEL Terry Austin, Chief Civil Deputy Prosecuting Atty	Agreement	Execute Addendum No. 1 to Interlocal Agreement for Law Enforcement Mutual Aide Between Yakima County Sherriff, Yakima Police Department, Yakima County Department of Corrections, Sunnyside Police Department, Federal Bureau of Alcohol Tobacco and Firearms, Immigration and Customs, United States Marshal, Yakama Nation Police, and Washington State Department of Corrections:	TABLED
911 Wayne Wantland	Agreement	Execute Washington State Military Department Contract E10-057 for State Enhanced 911 Funds:	APPROVED
HUMAN RESOURCES Linda Dixon, Director	Reso 437-2009	In the Matter of Additions/Changes to Budgeted Positions in Fund 110, Noxious Weed; Fund 153, Aging and Long Term Care; Dept. 450, Superior Court; and Dept. 460, Juvenile Court:	APPROVED
HUMAN SERVICES Steve Hill, Director	Agreement	Execute Modification to Agreement with Triumph Treatment Services to Extend Term of Agreement by 60 days; #TTS09-01:	APPROVED
ALTC Lori Brown, Director	Reso 438-2009*	In the Matter of Approving of and Authorizing Department Head to Sign Agreements with Washington Dental Service Foundation, Shevonne Baldwin, and Cindy Beaulaurier:	APPROVED
	Agreement*	Execute Washington Dental Service Foundation Grant Agreement:	APPROVED
	Agreement*	Execute Personal Services Contract with Shevonne Baldwin for American Sign Language Interpreter/Translation Services:	APPROVED
	Agreement*	Execute Personal Services Contract with Cindy Beaulaurier for American Sign Language Interpreter/Translation Services:	APPROVED
PURCHASING Rhonda Counts, Interim Agent	Reso 439-2009	In the Matter of Setting a Bid Opening Date for the Purchase of One Twin Engine Wheel Tractor Scraper for Public Services:	APPROVED
TECHNOLOGY SERVICES George Helton, Director	Agreement	Execute Product Services and Professional Services Agreement with Divitas Networks for Unified Mobile Communication:	APPROVED
SHERIFF Kenneth Irwin, Sheriff	Reso 440-2009	In the Matter of Establishing a Petty Cash/Revolving Fund for Violent Crimes Task Force:	APPROVED
	Reso 441-2009	In the Matter of Establishing a Flash Account Fund for Violent Crimes Task Force:	APPROVED
YAKIMA COURTS Paul Davis	Agreement	Execute Personal Services Agreement Addendum with Zonia Ziada for Interpreter Services in Yakima Courts:	APPROVED

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


DEPARTMENT	ITEM	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Agreement (Gary Ekstedt)	Execute Memorandum of Agreement with Yakama Nation for Engineering and Design Activities for Wesley Road: <i>To provide road design services.</i>	APPROVED


DEPARTMENT	ITEM	DESCRIPTION	ACTION
CORPORATE COUNSEL Terry Austin, Chief Civil Deputy Prosecuting Atty	Reso 442-2009	In the Matter of Authorizing the Office of Attorney General to Prosecute Department of Labor and Industries Case No. 08-E-4330660	TABLED

Approved this 6th day of October 2009.


 J. Rand Elliott, Chairman


 Michael D. Leita, Commissioner


 Kevin J. Boychey, Commissioner


 Christina S. Steiner, Clerk of the Board

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: September 22, 2009
Re: **FRANCHISE 20-2009: MARYIVA CARPENTER – CARPENTER ROAD IN GRANGER**
Time: 10:30 A.M.
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman J. Rand Elliott
Commissioner Michael D. Leita
Commissioner Kevin J. Bouchey
Legal Counsel Terry Austin
Clerk of the Board Christina S. Steiner

Record of Proceedings

Alan Adolf, Public Services – On August 20, 2009, Maryiva Carpenter submitted a franchise application to place a 6-inch domestic water line across Carpenter Road. Yakima County has reviewed Ms. Carpenter's application to place this water line in County right-of-way and recommends approval of the franchise.

Rand Elliott – This is a public hearing and this is an opportunity for members of the public to come forward and address this issue. Hearing and seeing none I will close this public hearing and invite action.

All three Commissioners in favor of approving Franchise 20-2009.


Approved this 6th day of October 2009.



J. Rand Elliott, Chairman



Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner



Christina S. Steiner, Clerk of the Board

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: September 22, 2009
Re: **COD09-284: 120 B ST, OUTLOOK WA**
Time: 10:30 A.M.
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman J. Rand Elliott
Commissioner Michael D. Leita
Commissioner Kevin J. Bouchey
Legal Counsel Terry Austin
Clerk of the Board Christina S. Steiner

Record of Proceedings

Dave Saunders, Building Official – I have issued a Notice of Abatement on property located in Outlook at 120 B Street. The owner of record is Monnie Lee Lyczewski and Edward Myers, who is a relative, has come forward as a party responsible for the property. We have been dealing with Mr. Myers. I issued a Notice of Abatement. The property is in a nuisance condition and the structure on the property is in an unsafe condition as detailed in the Notice of Abatement and in the Notice of Unsafe Building that was originally issued. Mr. Myer has not, at this time, taken action to demolish the building and remove nuisance conditions from the property. However, John Walkenhauer passed you some information, Mr. Myer did contact our office yesterday and faxed us a written statement at about 4:50 yesterday afternoon. This is the first time we have had an opportunity to get this information to you. As I detail in my staff report and recommendation, we received a complaint on June 11, 2009 and investigated the property for violation. We did find that it was an unsafe structure and nuisance conditions existed on the property. We sent a written Notice of Violation and an order to correct those. It was posted at the property and also notice was given to the occupant of the property, Rose Cruz that the building was unsafe and it must be vacated. She did vacate the property and informed us who her landlord was, which was Mr. Myers. That is how we started working with him.

We scheduled a review session for June 25, 2009 to review with the responsible parties the status of any efforts on the part of those parties to correct the conditions. They were offered a correction agreement and the responsible party, Mr. Myers, declined to enter into such an agreement. The conditions constituting the violation as listed in the original Notice and Order to correct remain uncorrected. We have photographs of those conditions detailing the unsafe conditions of the structure and the nuisance conditions of the property. My recommendation is that the Board of Abatement Appeals find that all required and appropriate actions to have been taken to gain voluntary correction and that a preponderance of the evidence confirms that the violation continues to exist and that the Board affirm the Notice of Abatement.

Mr. Myers, if I may read this, if that would be appropriate. Mr. Myers faxed us the following statement. "I have been actively checking with demolition contractors to demolish the residence at 120 B Street, Outlook Washington. I believe I have found one who will be willing to work with my payment requirements and his estimate will be called into me Tuesday afternoon, September 22, 2009. As long as he has a reasonable price for demo and removal and there is no asbestos abatement required, I should be able to have the house down and gone by the end of September or early October. I'm sorry I couldn't attend this hearing but I can't afford to miss a day of work. I work full time and am raising my 4 year old daughter by myself and am very strapped for time. Thank you for your time. Edward A. Myers"

The Notice of Abatement did give certain dates. The date to begin abatement, demolition must start no later than 30 days from the date of the notice, that date being September 28, 2009. So he would have until next Monday to start under this order and must be completed no later than 60 days from the date of the notice and that date being October 28, 2009. If he were to start prior to the 28th of September he would be within the times

given in the Notice of Abatement. Hopefully we will be able to contact us later today if he does get the proposal from one of the demolition contractors he has contacted.

Kevin Bouchey – Did you say that date was 30 days or 60 days?

Dave Saunders – 30 days from the date of the Notice of Abatement to start and 60 days from the Notice of Abatement to complete. That concludes my presentation on this case.

Rand Elliott – This is a public hearing and I will invite members of the public or anyone interested in this issue to come forward. Hearing none I will close the public hearing. Commissioners have any comments or questions. Seems to me our action here does not preclude Mr. Myers from moving forward on his own and as a matter of fact, the time frames in his letter match those in the requirements. I have no problem with supporting staff's recommendation.

Kevin Bouchey – In review of events that has happened since this first arisen on a comment that once again appears that county staff has been very thorough and followed through with documentation and willing to work with individuals. Have been in or attempted to contact them many many times. I would support action to affirm this abatement as well.

Mike Leita – What is the latest date that the county, by our affirmation of this abatement notice, what actions would the county subsequently take?

Dave Saunders – If the structure were not demolished by October 28th, the county could take action to seek an order of abatement from Superior Court, which would allow Yakima County to abate the property and the costs thereof would be filed as a lien against the property.

Mike Leita – Is the county prepared to do that? You used the word could.

Dave Saunders – Yes, we would be prepared to do that.

Mike Leita – I would like to change that word to will so that Mr. Myers clearly understands a hard line here and that he has reasonable opportunity until some time in October – October 28th to show significant response. He has a window of opportunity here but the window closes October 28. Just want to make sure that he is very clear on that. So he will receive some kind of notice of our decision and a letter characterizing what actions the county will take October 28?

Dave Saunders – Yes.

Mike Leita – I am then comfortable with affirming the Notice of Abatement.

All three Commissioners affirm the Notice of Abatement.

Approved this 6th day of October 2009.




J. Rand Elliott, Chairman



Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner



Christina S. Steiner, Clerk of the Board