

BOARD OF YAKIMA COUNTY COMMISSIONERS
Weekly Agenda Meeting
Tuesday, April 28, 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.
- **PROCLAMATION:** Yakima County Superior Court – Proclaiming May as Drug Court Month – Presented by Marty Lentsch (See Attached)
- **PUBLIC COMMENT: Robert Poremba** (Submitted Petition – assigned Petition 6-2009) I brought in a petition about a vehicle being parked on private land. I felt very strongly that this was a very unfair code about the vehicles not being able to be parked on your land without license and not running. Other cars were there for repair. I have had the same UPI number since 1994. I changed it from car sales to car repair because I didn't renew my license for selling cars but meanwhile all these cars have value, they have need and purpose and the county code enforcement is saying that every car there must be taken away. They only left for me to have two cars. I have a letter from McIlrath, prosecuting attorney, saying that even the cars I have there for repairs are not allowed to be there. I have a letter showing from Department of Ecology that I don't have a nuisance of oils or anything and I just think it is a very unfair provision. There are many people who have cars on their land. Some people have older people that take their cars away because they don't drive anymore and they don't want to get in their car and hurt somebody. These cars are not licensed but there is a lot of reasons people would have cars and not have to have them licensed or running. There is a position in there saying that you cannot work on your car outside a garage or a shop. This is unfair. There are so many people that need to work on their car and they don't have a place to work on it and this says it is illegal. For instance I had a town hall meeting when I started getting the this petition going and there was one lady that came in from Selah, she said her son had just returned from the service and all he wanted to do was work on his cars and get his mind off of matters. The county came in and said that you cannot have cars unlicensed here and you cannot work on your cars here. It put him in a bad state, it shut him down. There was another soldier who had brought the kind of cars him and his wife had driven when they were kind of young and they told their children about these. He told me to get these cars renovated and present them to the kids when they were 16. Even if he didn't return or not he wanted to do this for his kids. I can't keep these cars there and the people don't have a place to keep them. It is like radiation, you can't keep a car here you can't keep a car there. It is an unfair law. People should have the right to have property and it should be on their land and it shouldn't be illegal. You should be able to work on your car even if it is not inside a shop. This is a basis of what my petitions are. I was going to call these people I have on the list but I wasn't sure I was going to make it today because I am not feeling well but there are a lot of people. I didn't go down to Wapato, Toppenish or Sunnyside as I have petitions down there but I have roughly 500 signatures but I only have a couple hundred here now. I hope that you consider having a freeze on this or action to where this will stop because this old code was formed by a few people surfing the internet finding code enforcements and they chose Kitsap, which is a crowded small county and parking is a very big problem over there and that would fit there but this code does not fit Yakima. It is not by the people, it is not for the people, it doesn't make sense. A lot of people that live out in Tappico, they have a couple three cars out there because they have to drive back and forth everyday and they don't want to miss work so they have extra cars. Usually on that is driving, one that is fixing, and one for a spare cause a lot of these people cannot afford a brand new car that is going to make it but they can't miss work, because if they miss work they lose their job. There are hundreds of people that are in the same boat that I am. I don't see why, I have already lost money. I had 50 something cars there, part of them were mine, part of them were for fixing and I had to give up 26 of them. Even at \$300 a piece to the wrecking yard that is almost \$27,000. I paid lawyer fees already \$2,000. I am paying storage on these cars and between the storage people and McIlrath it is like a pinch between them because they are saying I can't bring them back. I am trying to make some way that people should be able to keep the cars. In Benton County you can have all the cars you want as long as certain aspects are met, no flat tires and they aren't disassembled. Most all that information is in here; showing my business license, showing my letter to Ecology, showing letters from and the value of these cars.

The cars that I am really connected with the low value is like \$33,000 the high value is something like \$200,000 for collector cars and now they're at the storage. The storage people are trying to put me in a pinch; I can't pick them back up. This is not right, this is not right at all. Thank you very much for letting me speak today. I wish that you could overlook this thing and see what you can do. I have a deadline on mine because they gave me until the 20th of next month that I have to have all of this stuff done. I did not have a mess there. You can see by Ecology that I didn't have a mess there. After I had my stroke I had appliances there and I tried to work on them but I couldn't because my fingers wouldn't work. I have all that cleaned up and all now is the cars. These are part of my retirement. I am only going to get \$500 a month and with these cars it would help my retirement fund, I have to work and if I have cars to work on I don't have a push to get them done, I can do them as I can. Thank you again.

Greg James Gessmer, Westside – Every time I keep moving around to try to find a place to stay, they direct me to one shelter and then it moves. The doors were wide open and then I got a vacant ticket that I shouldn't even have whatsoever. Then I have things come out of my pocket in the hidden room area that everyone knows but that you do not see but they're there. What about my welfare? The office, do you know where that is? That gets changed constantly all the time because of your computers.

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


DEPARTMENT	TITLE	DESCRIPTION	ACTION
PUBLIC SERVICES Vern Redifer, Director	Reso 203-2009	In the Matter of Accepting as Complete the Norman Community Water System:	APPROVED
	Reso 204-2009	In the Matter of Formally Denying the Petition to Expand the Boundary of the Stock Restricted Area of Yakima County:	APPROVED
	Reso 205-2009	In the Matter of Setting Date for Public Hearing Date for Franchise Filed by Yakama Power for electrical Power Transmission and Distribution System; <i>Tuesday, May 19, 2009 at 10:30 a.m.</i> :	APPROVED
	Reso 206-2009	In the Matter of Approval of Preliminary Plat SUB08-65/SEP08-44/PRJ08-904 Known as "Plat of Somerset II":	APPROVED
	Reso 207-2009	In the Matter of Approving and Adopting an Identity Theft Prevention Program for County Owned Utilities:	APPROVED
	Reso 208-2009	In the Matter of Approval of a Portion of Final Plat Known as Tract B of "Meadowview Phase I" Submitted by Alvin Norman; SUB04-91:	APPROVED
	Reso 209-2009	In the Matter of Permanently Closing a Portion of Oldenway Road from State Route 97 to East Branch Road:	APPROVED
	Reso 210-2009	In the Matter of Segregating Right-of-Way from Parcel 181426-41433 to Allow Better Site Distance:	APPROVED
	Agreement	Execute Agreement for Certification Acceptance Services with the City of Sunnyside for the Yakima Valley Highway/Lincoln Avenue Intersection Overlay Project:	APPROVED
	Agreement	Execute Local Agency Standard Consultant Agreement with Nicholls Engineering for Consultant Design Engineering for North Meyers Road Bridge #502:	APPROVED
	Agreement	Execute Local Agency Standard Consultant Agreement with Integrity Structural Engineering, PLLC for Engineering Consultant Evaluation and Repair Design Services for Terrace Heights Drive Bridge No. 166:	APPROVED

DEPARTMENT	ITEM	DESCRIPTION	ACTION
	Agreement	Execute Amendment No. 1 to Professional Services Agreement with URS Corporation for a Solid Waste and Hazardous Waste Management Plan Update and Rate Study:	APPROVED
PUBLIC SERVICES Vern Redifer, Director	Agreement	Execute Supplemental Agreement No. 1 to Consultant Agreement with Shannon & Wilson, Inc. for Phase II Environmental Site Assessment; #C3211:	APPROVED
	Agreement	Execute Contract Renewal with Pacific Groundwater Group for Monitoring the Landfill Gas and Groundwater:	APPROVED
COMMISSIONERS J. Rand Elliott, Chairman	Reso 188-2009	In the Matter of Clarifying Names of Certain Boards listed on Resolution 3-2009 that Appoints Yakima County Commissioners to Certain Boards:	APPROVED
	Minutes	Approve Minutes from Agenda of 4/7/09:	APPROVED
	Minutes	Approve Minutes from Agenda of 4/14/09:	APPROVED
	Minutes	Approve Minutes from Agenda of 4/21/09:	APPROVED
	Minutes	Approve Public Hearing Minutes of 4/21/09 Regarding Amending Zoning Ordinance concerning ORV usage:	TABLED
	Voucher/Warrant	Certification of Salary Clearing Warrant No. 415650 through 416458 in the Net Amount of \$705,268.93:	APPROVED
FACILITIES SERVICES Brad Songhurst, Director	Agreement	Execute Contract with Central Valley Glass to Replace Window Glass and Skylight Dome covers in Yakima County Department of Corrections Building on Front Street:	APPROVED
HUMAN RESOURCES Linda Dixon, Director	Reso 189-2009	In the Matter of Additions/Changes to Budgeted Positions in Fund 108, Department of Corrections:	APPROVED
ALTC Lori Brown, Director	Reso 190-2009*	In the Matter of Approving Listed Agreements and Authorizing Director of ALTC and Clerk of the Board to Sign the Same with Alternative Nursing Services and Sharon Smith:	APPROVED
	Agreement*	Execute Agreement with Alternative Nursing Services for Delivery of Respite Services in Lewiston, ID:	APPROVED
	Agreement*	Execute Personal Services Agreement with Sharon Smith for Nurse Consulting Services:	APPROVED
	Agreement	Execute Personal Services Agreement with Barbie Dickerson, MSW, for Powerful Tools for Caregivers Class Leader Services:	APPROVED
	Agreement	Execute Contract Amendment with State/Federal DSHS to Increase Title V Amount; #0869-45431-03:	APPROVED
AUDITOR Corky Mattingly, Auditor	Reso 192-2009	In the Matter of Altering Certain Voting Precinct Boundary Lines:	APPROVED
CORPORATE COUNSEL Terry Austin, Chief Civil Deputy Prosecuting Atty for Sheriff Kenneth Irwin	Agreement	Execute Settlement Agreement with Law Enforcement Guild Regarding Richard Mottice Grievance:	APPROVED

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

PURCHASING Rhonda Counts, Interim Purchasing Agent	Reso 191-2009	In the Matter of Advertising for a Request for Proposal for a Video Visiting System for Department of Corrections: <i>Steve Robertson presented. Goal is to get all of the visiting into the centers and out of the centers.</i>	APPROVED
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Approved this 19th day of May 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: April 28, 2009
Re: **PUBLIC SERVICES: CONSIDER VACATING UNOPENED DEEDED RIGHT-OF-WAY
EAST AND NORTH OF SOLE ROAD**
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

Gary Ekstedt, Yakima County Engineer – This has been before you before on several occasions. There is a strip of unopened right-of-way that actually goes through property owned by the Sparks. This right-of-way enters into property that is owned by the Peyser's and then continues north up to the Humphries property. Again this is the third public hearing we have had on this. The issue really has been how to assure access to all the parties, the Peyser's and the Humphries while still accommodating them in vacating the right-of-way there have been several issues that we have went back and forth with but we're back here today. Essentially what we have on March 4, 2009, Paul McIlrath our Deputy Prosecuting Attorney received a letter from Mike Shinn who is the Peyser's attorney. Basically with a set of mutual easement agreements, Maintenance agreements and water line and utilities agreements. Paul and I have reviewed these and essentially find all the agreements satisfactory to meet the conditions of providing access and utilities and whatnot. In the cover letter, these agreements have not been executed yet but in the cover letter there are essentially four issues that were kind of outstanding and we have all agreed to these but I want to state them for the record.

One is that the Peyser's do have preliminary short plat subdivision approval and that these approvals would continue to remain in force until December of 2010. Again because of this delay in sorting this thing out we want to make sure that he can act on those conditions of his subdivision and Public Services has no issue with that. Also there is a small reduction in standards. The easement, we are agreeable to allow a 30 foot wide easement, which is contemplated in these agreements to access the various properties as well as paving only 20 feet of that easement. Again, that is considered in these agreements. Then lastly the county would vacate that property kind of as a trigger point to execute those agreements that are attached. I am going to pass a copy of this letter and the draft agreements over to Christina so that she may populate the record with that. With that I would recommend, pending public comment, staff recommends that the vacation be approved subject to recorded copies of these documents being submitted to Public Services. What I would suggest is that if the Board finds that it is in the public's interest to vacate this that prior to bringing a resolution back to the board to actually finalize the vacation that we receive the executed and recorded copies of these agreements and we would come forward with the resolution to actually vacate the property if that is the final decision of the board.

Rand Elliott – This is a public hearing and also the time to make public comment on this issue.

Mike Shinn, Represent Peyser's – I want to thank Mr. Ekstedt for the time that he has spent on this for he and counsels review of the documents that I submitted in March and I want to make sure the record reflects that the proposal of Mr. Ekstedt is certainly acceptable to the Peyser's. I just want to bring the record up to date from

March 4, when I sent the letter to Mr. McIlrath with a copy of the agreement that we were proposing to be circulated and signed. The agreement concerning vacation of unopened right-of-way has been signed by all parties with the exception of the Sparks. The original agreement resides in Mr. Adams office. It is my understanding the Sparks will be in to sign it soon. They actually have the least to lose and the most to gain by virtue of this agreement they have no obligations under the agreement to do anything other than to agree to the vacation of the unopened right-of-way, which goes through their property and through a building on their property so I don't expect there to be any objection from them and I am told by Mr. Adams yesterday that they are certainly still in agreement with vacating the right-of-way and again I expect to get the fully signed agreement soon.

All of the agreements attached to the agreement concerning vacation of unopened Yakima County right-of-way, in other words, the quit claim deed from the Peyser's to the de Lamas, the grant of easement and road maintenance agreement, which is between the De Lamas, Peyser's and Humphries, and then the final easement for utilities, they have all been signed and I have the originals and I am merely awaiting receipt of the Sparks signature on the original agreement to be in a position to record those. I've got copies of the agreement signed by everyone except for the Sparks, actually the de Lamas signature doesn't appear on these, I didn't make a copy after I got their signature, the original is with Mr. Adams and it is signed by them, I can attest to that. For the sake of distributing the most current document though I will provide these to the Clerk for dissemination.

The only modification, if you will, of any of the documents is on the road maintenance agreement to specifically identify where the easements and roads will be. At the time I sent this on March 4, it was unclear whether the extension of road through the de Lamas's property and the Peyser's property would be going at a 45 degree angle to intersect with the Humphries or some other route. Since that March 4 letter the parties have agreed upon the route that the road would take. T-ing off from the de Lamas/Peyser's property heading due north. I have a map which depicts that, it has been surveyed by Tom Upton and a legal description for that located roadway is contained in the new road maintenance agreement that the parties have signed. With that, unless the commissioners have any questions, we are in agreement with the proposal of Mr. Ekstedt as to how to proceed at this point. I will be collecting the original signature of the Sparks' on the agreement and then I will contact Mr. McIlrath to let him know that has been done and we can take it to recording at that time.

Rand Elliott – Is there anyone else that would like to comment on this issue? Hearing none I will close the public hearing.

Gary Ekstedt – What I would suggest given Mr. Shinn's recap of what has gone on, we would go ahead and prepare the resolution if it is the Boards wish and we would get it on agenda pending these agreements.

Mike Leita – I think based on public comment that was given, I am glad to see that this is being resolved. I do have a little concern that the commissioner do not sign the resolution until Mr. Sparks has signed off on this so that we don't have to do a conditional sign-off so that has to be in order. Gary, did you say that Public Services had provided a Memorandum of Understanding or some document that institutionalizes the game plan here, if you will?

Gary Ekstedt – The agreements themselves contain that information and my proposal would simply be to recite those covenants in any resolution that I bring forward.

Mike Leita – So we have consensus on all the terms and provisions of the agreement in order to vacate the right-of-way.

Rand Elliott – Not much to add. I agree with Mike, I am glad it is resolved. It seems to have been a difficult process but I am glad the neighbors were able to get together and with the right help, resolve this issue. I think it preserves the county's interest in making sure all the parcels were accessible and I would be happy to see it move forward to resolution.

Kevin Bouchey – I as well, I agree with Mike as well in making sure we do not take final action until we have all the signatures in place.

All three Commissioners in favor of brining resolution to vacate unopened dedeed right-of-way east and north of Sole Road as discussed in the Agreement.

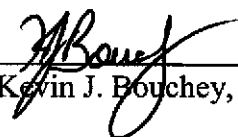
Approved this 19th day of May 2009.



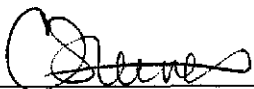
J. Rand Elliott, Chairman



Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner



Christina S. Steiner, Clerk of the Board



PROCLAMATION



WHEREAS, Yakima County Drug Court, a program of Yakima County Superior Court, was created in February 2000; and,

WHEREAS, Yakima County Drug Court has graduates and active members committed to sobriety and crime-free living; and,

WHEREAS, Yakima County Drug Court continues to contribute to reducing crime and establishing sober living and healthy futures for its participants, their families, their friends, and community members; and,

WHEREAS, National Drug Court Professionals have proclaimed May to be National Drug Court Month; now, therefore,

BE IT HEREBY PROCLAIMED by the Board of Yakima County Commissioners that the month of May be declared

Drug Court Month

with recognition of the significant contributions of practitioners and participants who make drug courts work.

DONE this 28th day of April, 2009.

J. Rand Elliott, Chairman

Michael D. Leita, Commissioner

Kevin J. Bouckley, Commissioner