

BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, August 25, 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:** Brian Hunt – 20 Years of Service to Yakima County-presented by Steve Hill (see attached)
- **PRESENTATION:** ESGR Certificates presented by Wayne Morse
- **PUBLIC COMMENT: Pam Wickersham** – I am with the Block Watch program with the County and once again there is a group of us here and we are encouraging more funding for the Sheriff's Office so that they might get more deputies on the road. We are going to enjoy your meeting. Thank you.

Neil McClure – I am here on an issue on the roads in our community. I wanted to touch on some of the seal coating that was done and thank you guys for that work. I want to let Rand know, I know it is often an adventure to find some really interesting roads in the next years. We have a great road system in our community and I guess a couple of weeks ago at the most there was a seal coating that was done in the upper valley that I contacted Mike and Rand and spoke to you about and you were already aware of it because your department had already seen that there had been a problem out there and the seal coat that due to all sorts of conditions came out wrong and it was really a touch situation and for motorists and a really tough situation for the group and myself as a cyclist in our community. It became very unsafe because of the seal coating that went there. Again, I want to basically take my time thanking you for responding to that. I very much appreciated visiting with you Kevin, and you Mike coming out and seeing it for yourself. The rock size that went down was the wrong size and it came out of the Summitview pit that at some point somebody even thought that it was the right size, it was mentioned that they thought they had gone down with a half inch rock which is the standard that the county now uses and not the old 5/8ths which would have been inventoried. On examination it was found to be the wrong rock, it was certainly not half inch and frankly quite larger than 5/8ths in many ways. It may have just been totally miss-sized. I appreciated Mike coming out and I hope that this is a commitment of the Commissioners that you are going to look at that Summitview pit and re-screen it. Mike mentioned that when he spoke to a group of concerned citizens about the safety on that road, that you would look at re-screening the rock that is in there. It is already stockpiled for next year. The issue with it, the future to make this work for all of our citizens and for people to come to our community and enjoy this beautiful valley on the roads, specifically cyclists, is to go ahead and go with the actual rock size that you have in your contracts, half inch minus. I appreciate the commitment to do that into the future. Look at any stored rock and screen it to make sure it is the right size. The challenge is that we have a problem going on right now that won't be fixed by re-screening rock on new sites next year. Cyclists are willing to put up with our roads in this valley, they're beautiful and we put up with big rock for a lot of years and it has been a challenge but we love this community and we understand why it was done and we appreciate you changing that to the smaller rock. But the challenge we have right now is that the roads that were seal coated this year with that big rock that have shoulder is going to be a serious problem that won't be solved over the passage of time. The big rock is beaten into the rock over time by the cars and in about 3 years, as a cyclist, you will hardly notice the difference, it might take 4 years on this stuff that went down because it was way too big, but never will the shoulders be fixed unless it is re-rocked. So I am asking that you consider in next years policies that you look at these roads and there is only two of them that I am aware of because our roads don't have shoulders in the upper valley and many of our roads are just farm to market. They are great roads for our community but they don't have shoulders. Where the rock went down where there were shoulders and this is a stretch of road on Old Naches Highway from Sun tides to Old Stage Road. That had about a 5 or 6 foot shoulder. It is a very active cycling road and the cyclists really do ride on the shoulder there because there are a lot of cars and we don't like that conflict. Cyclists don't want to be hit by cars anymore than cars don't want to hit cyclists, believe me. But this shoulder now on that section of road is in essence, ruined forever for cycling and you will find cyclists will not ride on it because the rocks are just too big for road bikes and this is a main road. If we were all riding mountain bikes it would be different I suppose. The road bike cyclists are going to end up riding in that lane of traffic on a busy road and that is just unsafe

and people from out of town are certainly going to be doing that too. So I would suggest on that section, which is probably a half mile, to consider re-coating that with the proper rock. That will make it safe. Without doing so that shoulder will never be safe for cycling. It will be unsafe for cyclists and not used by cyclists. The other section where there are shoulders is Summitview. The hill at Summitview from, it's not quite Summitview Extension but basically the hill at Summitview going into Cowiche was seal coated with the big rock this year also. That is another incredibly popular access road for cycling. It is the road to the upper valley, the Tieton-Cowiche valley and it is been effectively sealed off for riding safely because the shoulders now have this really large rock on it. I would suggest again that next year that would be a site that you really consider, for the safety of your citizens, to look at re-doing that. Maybe it is possible on that one just to do that shoulder and the outside lane to save some money. We're not asking you to spend money, I know from experience that there is not a ton of money in government right now, but I think the safety of the citizens and the quality of life in our valley really is an important. I know it is important to you guys. I know it is important to me. So that would be my hope and suggestion that next year you really would look at those roads that have shoulders on them to re-do those sections only and we'll let the cars beat down the rest of them and in the future your commitment to using the rock size that your contracted for will solve the problems completely for this issue. Again I want to thank Mike and Kevin, and Rand, I thought you were already off beating yourself up on other roads, so I would have called you. Thank you guys for your response to this, thank you for your commitment to re-screen the rock that is up there. I would love to actually see an analysis of what it comes out to because I am sure you are interested too. The other thought I might in the back of my mind is that if you had an engineer saying that they were using the half inch rock and they clearly weren't, you might look at a commitment to your department heads and the folks that are doing the work to really understand the sizing and make sure this doesn't happen again through an oversight. Thanks for your response.

Mike Leita – Just for the record, our road department heads and Director of Public Services are licensed engineers. They are committed and we have had that discussion with them so we are in process of looking at your issues that you have brought forward.

Neil McClure – I appreciate it. Again, I know they knew there was a problem too because the day I called Kevin on Tuesday morning I think they had camped there on a Tuesday morning in front of the office too so they know there is a real problem out there and it is a real problem. Thanks guys.

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

| DEPARTMENT | ITEM | DESCRIPTION | ACTION |
|--|-----------------|--|----------|
| PUBLIC SERVICES Vern Redifer, Director | Reso 398-2009 | In the Matter of Authorizing Advertisement for Bids for the Cheyne Landfill Cell 2 Expansion Phase 1; SP3353: | Approved |
| | Reso 399-2009 | In the Matter of Temporarily Closing a Portion of Nile Road at Dry Creek and at Nile Creek Crossing Structures; C2892: | Approved |
| | Agreement | Execute Professional Services Agreement Amendment 1 with Anderson Perry Associates, Inc. to Provide Septage Lagoon Project Services: | Approved |
| | Agreement | Execute Agreement with Ryan A. Davis, Aaron R. Davis and Barbara Davis for Lease of Stockpile Site: | Approved |
| | Agreement | Execute Agreement for Services with Inland Potable Services for Terrace Heights Water System: | Approved |
| COMMISSIONERS J. Rand Elliott, Chairman | Reso 402-2009 | In the Matter of Appointment of Denny Newell to the South Central Workforce Development Council, Board of Directors, Position #8: | Approved |
| | Minutes | Re-Approve Agenda Minutes of August 11, 2009: | Approved |
| | Minutes | Approve Agenda Minutes of August 18, 2009: | Approved |
| | Voucher/Warrant | Certification of Claims Clearing Warrant No. 530117 through 531341 in the Amount of \$3,333,104.78: | Approved |
| FACILITIES SERVICES Brad Songhurst, Director | Reso 403-2009 | In the Matter of Awarding Bid to Stephens & Sons Construction for Work Associated with Courthouse Jury Assembly /Mailroom Alterations: | Approved |

| DEPARTMENT | ITEM | DESCRIPTION | ACTION |
|--|---------------|--|----------|
| FACILITIES SERVICES Brad Songhurst, Director | Agreement | Execute Contract with Stephens & Sons Construction, Inc. for Construction of the Courthouse Jury Assembly/ Mailroom Alterations: | Approved |
| HUMAN SERVICES Steve Hill, Director | Agreement | Execute Supportive Housing Agreement with Yakima Neighborhood Health Services; SHA 906 09: | Approved |
| | Agreement | Execute Supportive Housing Agreement with Yakima Neighborhood Health Services for Leasing and Supportive Services; SHP1 YNHS 09: | Approved |
| ASSESSMENT & REFERRAL SVCS Brian Hunt, Prgm Manager | Reso 404-2009 | In the Matter of Approving Agreements with Triumph Treatment Services, Sundown M Ranch, Central WA Comprehensive Mental Health, Merit Resource Services and Casa de Esperanza and Authorize Signing of Same: | Approved |
| | Agreement | Execute Dependency Provider Contract with Triumph Treatment Services; TRI FY 2010: | Approved |
| | Agreement | Execute Dependency Provider Contract with Sundown M Ranch; SMR FY 2010: | Approved |
| | Agreement | Execute Dependency Provider Contract with Central WA Comprehensive Mental Health; CWCMMH FY 2010: | Approved |
| | Agreement | Execute Dependency Provider Contract with Merit Resource Services; MRS FY 2010: | Approved |
| | Agreement | Execute Dependency Provider Contract with Casa de Esperanza; CDE FY 2010: | Approved |
| PURCHASING Rhonda Counts, Interim Agent | Reso 405-2009 | In the Matter of Making Findings and Determination to Declare Surplus and Sell Certain Personal County Property: | Approved |
| | Agreement | Execute Agreement with Bilko Towing for Yakima Sheriff's Office: | Approved |


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

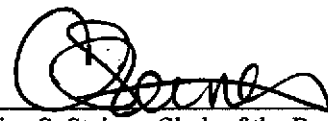
| DEPARTMENT | ITEM | DESCRIPTION | ACTION |
|---|---------------|--|----------|
| PUBLIC SERVICES Vern Redifer, Director | Reso 400-2009 | In the Matter of Awarding Bid for the Cheyne Landfill Septage Lagoons to Scarsella Brothers, Inc.; SP3265: <i>Gary Ekstedt presented.</i> | Approved |
| | Reso 401-2009 | In the Matter of Giving Notice of Yakima County's Intention to Withdraw from the Urban Yakima Area Regional Planning Agreement: <i>Terry Austin presented. Opposed by Dick Zais.</i> | Approved |

Re-Approved this 15th day of September 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: August 25, 2009
Re: **PUBLIC SERVICES: COD05-302 – BROOKS/DAWKINS ON STOVER 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

Dave Saunders, Building Official – We are here for a presentation before the Abatement Board of Appeals. On July 21st I issued a Notice of Abatement with regard to our code case COD2005-302. It is located at 2531 Stover Road, Grandview Washington. The property owners listed are Harry Brooks, Richard Brooks, Betty Dawkins all of whom claim a property interest in the property. The issue is a collection of vehicles, inoperable vehicles, vehicles parts, some illegally occupied outbuildings. The Notice of Abatement is issued as a formal intention on the part of Yakima County to seek a court order to abate the issues should the property owners not take action prior to the deadlines given. The deadlines given were, this was issued on the 21st of July, they would have 30 days to begin the clean up and an additional 30 days to complete that. As a part of our ordinance, my presentation before the Abatement Board of Appeals is scheduled and notice given to the parties of interest that the appeal will be held. They may present any information that they wish. We did take photos of the site yesterday. There had been not apparent change. I have those photos available here. I have included in the report a staff report and recommendations to the Board of Appeals under Tab 1 of the report.

In my summary I indicate that we believe that we have taken all of the appropriate actions that our ordinance requires us to take in the enforcement of these matters. Notice was originally given to the property owners that there was a nuisance in existence on the property. We have followed up with numerous communications. We issued a final notice and that was followed by the Notice of Abatement. In addition, Harry Brooks was issued an infraction. Harry Brooks resides at the property, was issued an infraction for failure to obey an order of the building official. He was found to be responsible and even after that failed to take action. My recommendation to the Abatement Board of Appeals that the Board find that all required and appropriate actions have been taken to gain voluntary correction of the violation, that a preponderance of the evidence confirms that the violation continues to exist and the Board would affirm the Notice of Abatement.

Mike Leita – So this in essence is the Board of Abatement, for clarity and you are seeking affirmation of the Abatement Notice and for action on the part of the county.

Dave Saunders – Yes, seeking affirmation on the Notice. Also, if the Notice is affirmed the Board may wish to take action insofar as assessing any monetary penalties they feel are appropriate. I don't know that anyone representing Harry Brooks, Richard Brooks, or Betty Dawkins is here.

Rand Elliott – This is a public hearing and anyone is welcome to come forward at this time and speak to this issue.

Dave Saunders – We have received no written response or telephone calls and none of the parties of interest are here. The ordinance provides that if there is no response that a default judgment affirming the order be issued.

Mike Leita – I guess that is our option to remain silent and it default or we can actually assert an action here.

Dave Saunders – Yes, I was just providing that for information.

Rand Elliott – Seeing and hearing no public comment, then I will close the public hearing. I see no reason not to move forward and affirm the abatement.

Kevin Bouchey – I did review this several days ago and saw that everything was in order. This action has been since clear back in 2005, so there is a long history and definitely a trail of trying to allow the property owners a sufficient time to address this and they have failed to do so or to represent themselves here today.

Rand Elliott – It strikes me the same way. There have been lots of opportunities to correct this. There appears to be absolutely no voluntary effort to comply and as a result, as I have said, I would support an affirmation of the abatement.

Mike Leita – My comment would be to the community of Yakima County. The Yakima County Commissioners are no longer willing to have members of this community turn their back to code enforcement, to turn their back to being a responsible citizen as part of this county and they will pay the price when they elect to turn their back and the county will assert its authority here and clean up this mess.

Rand Elliott – As part of that affirmation do you want to discuss monetary penalties?

Mike Leita – I think the penalty factor is part of this discussion. The fact is, if I understand, there will be a cost involved with this. Again, if the parties, there will be some time but the county will take action to go in and at county expense, remediate this problem. Clean it up.

Dave Saunders – Yes, that is correct.

Mike Leita – With that understanding, a lien will be placed on the property that must be, if you will, removed through payment before the property could ever be sold. That would be a legal process.

Dave Saunders – Yes, the lien would form an encumbrance on the property and that would have to be recovered – paid by someone. Could be paid by a buyer, by the seller, by the current property owners, but it would form an encumbrance upon the property.

Mike Leita – Terry, are we able to recover our legal costs in this action we are embarking upon.

Terry Austin – I believe those publication fees and such are included in the lien.

Dave Saunders – Yes, it states in the Notice that should they fail to comply with the Notice of Abatement we will be seeking a court order ordering the clean up and ordering the payment of all costs incurred by the county, which would include any legal fees incurred.

Mike Leita – Of course, it is with that understanding that the county would prevail in its legal proceedings to recoup those costs. So there are no significant costs that the county would not be afforded an opportunity to recover.

Dave Saunders – correct, we just have to keep track of them.

Mike Leita – This will embark us upon another long process to, I assume, recoup those costs all the while the tax payers have to carry that bill.

Dave Saunders – It does take some time to recoup those costs. This one will be compared to some, less expensive but there are some costs incurred. There are costs that have been incurred.

Mike Leita – With the understanding that we can reclaim all costs I see no need to assert a penalty aspect.

Rand Elliott – Penalties will not be imposed.

All three commissioners in favor of affirming the Abatement Notice as presented with no penalty.

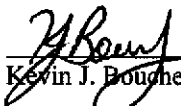
Re-Approved this 15th day of September 2009.



J. Rand Elliott, Chairman



Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner



Christina S. Steiner, Clerk of the Board

Certificate of Appreciation

Brian Hunt

In recognition of 20 years of dedicated service to the community and Yakima County as substance abuse counselor and Program Manager of the Assessment and Referral Department.



Michael D. Leita
Michael D. Leita, Commissioner

Kevin J. Boychey
Kevin J. Boychey, Commissioner

August 25, 2009