

BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, February 12, 2019 at 10:00 AM

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

- **PRESENT:** Chairman Michael D. Leita, Norm Childress, Ron Anderson, Legal Counsel Don Anderson, Deputy Clerk of the Board Linda Kay O'Hara.
- **PRESENTATION:** Recognizing Facilities Director Brian Griff for 5 Years of Service to Yakima County; *Commissioner Michael D. Leita Presenting:*

Michael D. Leita: First order of business today is a presentation. Brian would you like to come forward and receive your recognition? We have the honor and we appreciate having the honor every so often to recognize County employees that have tenure. And, today we are recognizing Brian Griff as our Facilities Director having five years of service now with Yakima County. Time flies when you're having fun, I guess, as they say. So, Brian, we appreciate your service to the County. It's a special moment to recognize your five years of service and so today in celebration of that 5 years, we have a proclamation of recognition for you as well as a five-year pin. Do you want to make a couple of comments here, while you can?

Brian Griff: Its amazing how fast five years goes by. This has been an amazing place to work, an amazing opportunity. Thank you, guys for providing that working environment here. I look forward to the tenth, fifteenth, twentieth and probably twenty-fifth at the County.

Michael D. Leita: Job well done, I won't be here, but we hope you serve well.

- **PUBLIC COMMENT:**

Jamie Carmody: Thank you, Commissioner Leita. My name is Jamie Carmody. I'm here today to express some concerns and thoughts to you regarding the Dry Creek Recreation/Northwest Nitro National Event. This has been something that's been in the process in this community for eight years. We have struggled over the last two years in trying to comply with requirements or requests to process and revise the land use authorizations for the event. I've been at this a long, long time and I have to tell you this is perhaps one of the most exasperating situations I've ever encountered in this process. I feel thrown back to the days of early nineties, late eighties when we redid and created Public Services and tried to create a vehicle where there was communication, facilitation and assistance in the processing of project applications. All of that work, I think, has been compromised over time. I'm not here today because necessarily I want to be or that I think it's a good idea. I'm here because Paul McIlrath told me that you had encouraged me to attend and express some of our concerns and ask for your assistance in trying to move this project forward. I know you are familiar with the project, but just by way of background, it's an eight-year project. It is a national event. It has grown in stature and draws more than 12,000 attendees and participants each year. It fills hotels, motels, restaurants and retailing facilities throughout our Valley. It is a jewel that we should cherish and support and try to move forward. The complications that exist right now is the event is typically scheduled for the first weekend of May. And, in order to properly put that event on, efforts begin in the late portion of the preceding year, so in the November and Decembers, and we should be at the height of our activities now. You filed a lawsuit, you've requested an injunction to prohibit this year's event. We have been working diligently with the Planning Department to process, which are a number of reports and studies, that are, to be perfectly honest are absurd. But, we're doing it and we're doing it in good faith. Let me give you a quick example. You are familiar with the site? It's at the corner of Highway 24 and SR 241. It is a desert. There are no streams. There is no water. And, since we've had to begin this process, one of the things we've had to do is develop a floodplain study for this desert without water or streams. We engaged the best people. HLA has been assisting us. There was also requirements that we do a geo-tech study for the hillside because a motorcycle driving up the hillside, there was a concern it would cause the mountain to fall down. Even though, we provided engineering support to say its not an issue, we were required to do a geo-tech study with GN Northern, for \$65,000 and a floodplain study for \$50,000. We were told that in the Spring of 2018. We immediately went to work, we started questioning it and to Planning's credit they recognized the geo-tech study wasn't necessary and this was about in September they came to that conclusion, but that they wanted the floodplain study. So, Eric Herzog and HLA presented that floodplain study, the topos of the entire area, mapped the floodplain, processed it as a type four stream for which there is no stream. By way of background, there's been one

water event in ten years that we're aware of. And, that was a three-day run off on a Chinook, melting of snow and the water goes to the edge of our property and just stops. But, for \$50,000, we filed that. We filed that report on November 9th, three months ago. We've heard nothing on that report, zero. We became concerned in November and December because we knew planning was coming up. We knew that the timeline was going to get tight, that there was going to be struggles in meeting that process. So, we tried to set up meetings with Planning in order to address that specific issue. Eric Herzog was told in Planning that they had put this on hold because they understood one of our members, John Alba, had died. John has not died, but he has been in a really serious fight and battle with cancer, but he has continued to work. There was no reason to put it on hold. So, then we knew we had a problem, so we set up, called for a meeting. And, Bill Hordan's here, he's been helping on this from day one, met with the Planning Department the first week of January. We met with Tommy Carroll, Byron Gumz, Jason Earles and Paul McIlrath and Dinah Reed, everybody who should be involved. They were great. They were supportive. They understood the complications with timing. They understood the limitations they had on review and we had put together an approach to deal with this year's event. Everyone in that room felt this was the right place to go and the right path to follow. The concern they had, and rightfully so, is they weren't the one's who could make a decision. This is something that had to go to the Commissioners to decide if this path could be followed or not. But, they found that path to be appropriate and constructive and protective of all the legitimate interests. For the last month, we've been trying to find a way to communicate with you. To communicate what the situation is, to communicate ideas and work on solutions instead of continuing litigation. Each of those efforts has been channeled through the legal department and we have been told that there was perceived an ability to discuss or resolve this because of concerns over ex-parte communications. I've addressed that legally to counsel. We have every right to have meetings and it is totally appropriate to have meetings to discuss resolution of lawsuits. There are two pending lawsuits. We can work on that in that context. And, I'm asking and urging that we try to find some way to solve this problem. This is nothing but a train running down a path to a total disaster, in my mind. And, a disaster that's unnecessary and can be addressed. We don't know where else to turn at this point. We have tried each and every channel that we can to have dialogue. We have been candid, transparent and open. The circumstances, the timing and all of those situations and we've been a total failure in being able to bring about a meaningful discussion. So, we're here, asking the Board to think about options. We will do anything, anytime, anywhere in an effort to tackle this. If this event doesn't go this year, it will be devastating, not to the event, it will be devastating to the reputation of this community. Harley Davidson is a huge sponsor, this is a nationally televised event. This is second step in a national series of events. This is a venue that has been named nationally as a national venue of the year because of the quality of the work that's done, the quality of the environment, the quality of the venue. We have operated for eight years without incident. Each and every year we have operated with Fire Marshall review, Health District review, Sheriff Department review, Bonding, everything that's required. We expect although, we worry, that the processing will be completed by May, but that's in the hands of Planning. They told us that these reports may be too complicated for them and they may have to farm them out. If that's the case, we don't have a prayer. But, there's a real-world component too and that's planning this event, getting people and accepting reservations, hotels accepting reservations, people scheduling to come from all over the world to participate, Harley Davidson making their commitments, all of the sponsors here making commitments. We are between a rock and a hard place in knowing whether it's going to be a go, or it isn't. Our simple solution was to carve off the rezone because there had been expressed concerns about the zoning of this property and finalize or present to you an outdoor festival permit for this one event with everybody's commitment to try to have everything in place before then, so the event is protected. And, then we would have time if something fell through the cracks, if the County needed more time to process or needed more time to review, we'd have a cushion because the only other thing scheduled on this property that they would like to do is one, the Pirate's Plunder, which has always been done down by the old Kmart, but because of the changes down there, needed a new home. These people offered a home and a sponsorship and there's one other event called the Peterson Cup, which is a big national event that Harley Davidson wants to have sponsored that would be in October. We have time to deal with that. All of the materials are in to the County. It's all there. The interesting thing about the floodplain report is it makes the small amount of grading done, which is what triggered it, had absolutely no impact on anything at all. If there was ever water to go across there, there's more than adequate capacity. There was no change or loss of capacity, the flow direction is the same, the velocity is the same. In fact, it's improved for flood purposes. So, substantively, there's absolutely nothing negative on this site. Final point I'd make, is there's been hang-ups and problems with dealing with the County's notice of violations that they've served. There were two notices of violation. One had to do with a container unit that they built a stand on top of and the steps up to it were wrong. One week after we got that, the corrected proposal was given to the County on that violation. The second one was grading without a permit. That's

what Eric Herzog prepared and has filed, and they've been sitting on for three months. Now, everything's been done. We've been told they cannot and will not deal with those until everything else gets down. I don't know what the law is that says that, I don't know what the common sense is that fits that. But, this has gotten so jumbled up that we need some help and some guidance, and some common sense applied so we can just move forward. Substantively, everyone is prepared to do what they need to do. They have done that in terms of reports, so I'm asking for your help. I know we can't have a communication because of concerns over ex-parte, but that's our request to you. What I can commit to you is what we've committed all the way through is to make our very best effort, spent probably in excess of \$100,000 on nonsensical studies, but nevertheless, did them and meet any time, any place, anywhere to find a resolution. I harken back to what our whole point was with Public Service restructure was to find a way to support projects, make sure responsible decisions are made and move things forward. We don't have an advocate anymore within Planning like was originally in that legislation so we're turning to you. I appreciate the time, I apologize for the amount of time I've taken, but this is a really important event and we really, really need your help.

Michael D. Leita: Thank you Mr. Carmody. This is public comment anyone else? Hearing and seeing none, I will close public comment and move to consent agenda.

- **CONSENT ITEMS:** Approved as presented.

FUNDING LEVEL: A=No Impact B=Under \$100,000 C=\$100,000- \$500,000 D=Over \$500,000				
DEPARTMENT	ITEM	DESCRIPTION	FUNDING LEVEL	ACTION
Auditor Charles Ross, Auditor	Reso 53-2019	Altering Certain Voting Precinct Boundaries to Reflect Annexations and Precinct Splits:	A	APPROVED
Commissioners Michael D. Leita, Chairman	Minutes	Approve Agenda Minutes of 2/5/19:	A	APPROVED
County Roads Matt Pietrusiewicz, County Engineer	Agreement BOCC37-2019	Local Agency Agreement with KPFF Consulting Engineers to Provide a Deck Rehabilitation Evaluation for S. Naches Road Bridge No. 35:	B	APPROVED
Human Resources Jacqui Lindsay, Director	Reso 54-2019	Additions/Deletions to Budgeted; in Dept. 410, Prosecuting Attorney:	B	APPROVED
Public Services Lisa Freund, Director	Reso 55-2019	Establishing Procedures Relating to Public Works Contracting and Amending the Small Works Roster Process to Award Public Works Contracts:	A	APPROVED
	Agreement BOCC38-2019	Personal Services Agreement with HDR Engineering, Inc. for Conducting a Study of Best Management Practices and Maintenance Responsibilities on Similar Stormwater Management Programs:	B	APPROVED
	Ordinance 1-2019	Amending the Official Zoning Map of Yakima County to Rezone One Parcel Owned by Brian Sali from Rural - 10/5 to Highway/Tourist Commercial:	A	APPROVED

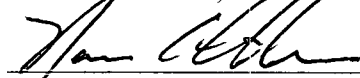
- **REGULAR AGENDA:** Approved as presented.

FUNDING LEVEL: A=No Impact B=Under \$100,000 C= \$100,000- \$500,000 D= Over \$500,000				
DEPARTMENT	ITEM	DESCRIPTION	FUNDING LEVEL	ACTION
Department of Corrections Ed Campbell, Director	Agreement BOCC36-2019	Professional Services Agreement with Jail Education Solutions, Inc. dba EDOVO to Provide Supporting Equipment for YCDOC Facilities for Education and Programs:	D	APPROVED
Financial Services Craig Warner, Director	Reso 56-2019	Selecting Workday as the Enterprise Resource Planning Solution for Yakima County and Authorizing Negotiations of Contract Terms and Conditions:	D	APPROVED

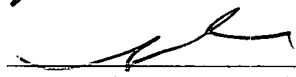
Approved this 19th day of February 2019.

Excused


Michael D. Leita, Chairman



Norm Childress, Commissioner



Ron Anderson, Commissioner

Rachel Michael, Clerk of the Board