BOARD OF YAKIMA COUNTY COMMISSIONERS
Weekly Agenda Meeting
Tuesday, March 26, 2019 at 10:00 AM
City Council Chambers, 129 North 2nd Street, Yakima, Washington

- **PRESENT:** Michael D. Leita, Norm Childress, Ron Anderson, Legal Counsel, Don Anderson, Interim Clerk Linda Kay O’Hara

- **PUBLIC COMMENT:** Mike Leita: As always we accept public comment concerning any of our agenda items. We do have an agenda item concerning an outdoor festival permit for Northwest Nitro and because of the need for the Board to hear this in light of its consideration we are going to have public comment made at the that time we consider this resolution. So, if you have public comment, not concerning Northwest Nitro, now would be the time to come forward and address the Board of Commissioners. So, with that and seeing no one coming forward, we will move on to our consent Agenda. (See below for Public Comment NW Nitro).

- **CONSENT ITEMS:** Approved as Presented

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<tr>
<th>DEPARTMENT</th>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>FUNDING LEVEL</th>
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<tbody>
<tr>
<td>Auditor</td>
<td>Reso 105-2019</td>
<td>Approving Amendments to the Current Certification of Investing Officers and Alternate Investing Officers for Various County Funds:</td>
<td>B</td>
<td>APPROVED</td>
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<tr>
<td>Commissioners</td>
<td>Voucher/Warrant</td>
<td>Certification of Claims Clearing Warrant No. 755036 through 755847 in the net amount of $5,078,260.19</td>
<td>A</td>
<td>APPROVED</td>
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<td></td>
<td>Minutes</td>
<td>Approve Agenda Minutes of 1/22/19:</td>
<td>A</td>
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<tr>
<td>Corporate Counsel</td>
<td>Reso 106-2019</td>
<td>Claim No. 18-2019 as Filed by Noemi Carrasco:</td>
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<tr>
<td>Facilities Services</td>
<td>Agreement BOCC73-2019</td>
<td>Agreement with Sevigny Construction to Complete the Modernization Project of Elevator #3 at the Yakima County Courthouse:</td>
<td>D</td>
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<tr>
<td>Human Resources</td>
<td>Reso 107-2019</td>
<td>Establishing Salaries of Certain Elected Officials of Yakima County:</td>
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<td>Reso 108-2019</td>
<td>Adopting a 2019 Direct Reports Pay Plan for Certain Direct Reports and Department Heads:</td>
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<td>Reso 109-2019</td>
<td>Additions/Deletions to Budgeted Positions; in Fund 401, Public Services, Solid Waste</td>
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<td>Reso 110-2019</td>
<td>Adopting a 2019 Non-Represented Pay Plan and Medical Rates for Certain Non-Represented Employees of Yakima County:</td>
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<td>Agreement</td>
<td>BOCC64-2019</td>
<td>2019 MOA Between Board of County Commissioners and Council 2, Washington State Council of County and City Employees Representing Local 87, 87P and 87PS:</td>
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<td>Agreement</td>
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<td>2019 MOA between the Board of County Commissioners, and Yakima County Public Works Department Clerical, Technical and Professional Employees Group:</td>
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<td>Agreement</td>
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<td>2019 MOA between the Board of County Commissioners, and Teamsters Local Union No. 760 Representing Department of Corrections Clerical, and Supervisors:</td>
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<td>Agreement</td>
<td>BOCC67-2019</td>
<td>2019 MOA between the Board of County Commissioners, and Teamsters Local Union No. 760 Representing County Clerk Supervisory Employees:</td>
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<td>Agreement</td>
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<td>2019 MOA between the Board of County Commissioners, and Teamsters Local Union No. 760 Representing County Clerk Non-Supervisory Employees:</td>
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<td>2019 MOA between the Board of County Commissioners, and Teamsters Local Union No. 760 Representing Solid Waste Employees</td>
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<td>Agreement</td>
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<td>2019 MOA between the Board of County Commissioners, and Teamsters Local Union No. 760 Representing Yakima County Sheriff’s Office Department of Security Employees:</td>
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<td>2019 MOA between the Board of County Commissioners, and Teamsters Local Union No. 760 Representing Public Services Department Maintenance and Operations Employees:</td>
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<tr>
<td>Public Services</td>
<td>Reso 111-2019</td>
<td>Accepting as Complete Agreement with Yellow Jacket Drilling Services, LLC for the FC 3463 Lower Yakima Valley GWMA Monitoring Wells Project:</td>
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- **REGULAR AGENDA:**

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<td>Financial Services</td>
<td>Agreement</td>
<td>Master Services Agreement with Workday as the Enterprise Resource Planning Solution for Yakima County:</td>
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<tr>
<td>Craig Warner, Director</td>
<td>BOCC74-2019</td>
<td>Master Service Agreement with Sierra-Cedar for Information Technology Services to Implement the Enterprise Resource Planning Solution Known as Workday:</td>
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<td>Agreement</td>
<td>BOCC75-2019</td>
<td>Statement of Work Agreement with Sierra-Cedar for Information Technology Services to Implement the Enterprise Resource Planning Solution Known as Workday:</td>
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<td>Agreement</td>
<td>BOCC76-2019</td>
<td>Business Associate Agreement with Workday as the Enterprise Resource Planning Solution for Yakima County:</td>
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<td>Agreement</td>
<td>BOCC77-2019</td>
<td>Approving with Conditions an Outdoor Festival Permit Application Submitted by Anthony Andreas on Behalf of Northwest Nitro Nationals, LLC for the Northwest Nitro Nationals Pro Hill Climb; <em>Tommy Carroll Presenting:</em></td>
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<td>APPROVED AS AMENDED</td>
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<tr>
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• **10:00 AM – PUBLIC HEARINGS:**
• **FINANCIAL SERVICES:** Educational and Employment Needs of Low and Moderate Income Residents and Receive Comments on the Proposed 2019 Activity and Past Performance of the 2018 CDBG Public Services Projects, **Craig Warner Presenting:**
  **PUBLIC SERVICES:** Temporary Closure of Satus Longhouse Road & Barnhart Road; **Kent McHenry Presenting:**

• **PUBLIC COMMENT RE: NW NITRO RESOLUTION 112-2019:**
  **Tommy Carroll, Planning Section Manager-Long Range:** Thank you, sorry I’m late ever body, Tommy Carroll, Yakima County Planning. Before the Board today is a resolution approving with conditions an outdoor festival application that was submitted on March 14, 2019 by Anthony Andreas on behalf of Northwest Nitro National, LLC for a May 3rd through 5th event for the Northwest Nitro National Pro Hill Climb. By the way the resolution is number 112-2019. As part of the approval, like I said this is a resolution approving with conditions. There are five conditions imposed. As allowed under YCC Chapter 8.10.050-1. Would you like me to go through each condition? **Mike Leita:** Sure.
  **Tommy Carroll:** OK. The first condition the applicant must obtain a general commercial liability insurance and waiver at a value of 2 million dollars per current and 5 million aggregate. This policy must show the insured has a liquor liability coverage. Host liquor liability in selling alcohol. And all policies shall name Yakima County as an additional insured. The second condition is the approved applicant will immediately dismiss their pending land-use petition act case and waive any potential damages associated with their attempts to obtain the outdoor festival permits in the 2018 calendar year. The next condition is prior to the County’s release of the applicant’s surety bond, the applicant shall restore Dry Creek and its associated 100 year flood plan to its unaltered condition by removing all fill material, structures and those areas within the staging area that are located in the flood plan of the creek. And if the stream and flood plan are not restored to their original, unaltered condition within 30 days after the event as per YCC 8.10.0702. Yakima County will seek damages against their surety bond for the restoration of the creek bed and the flood-plan. The fourth condition is all structures on the at the after mentioned site requiring a building permit from Yakima County, i.e.: The cargo container and the announcer’s booth must be removed within 30 days after the event. And the last condition is the Board will not approve any future outdoor festival permit applications after the 2019 calendar year. So, i.e.: 2020 and beyond for this site, this condition will allow time for the property owner to utilize the rest of 2019 to meet the necessary permit requirements needed by Public Services to effectively review and forward the submitted rezone land-use critical area building and grading permit applications to the Board for their consideration and approval later this year. That being the last condition the Board of the County Commissioners authorizes the Chairman to sign the outdoor festival permit. Pending comment today. **Mike Leita:** Any additional comments Tommy?
  **Tommy Carroll:** No.
  **Mike Leita:** OK, so at this time, Tommy have a seat. Again, the way this is going to work, we’re going to ask you to share your public comment concerning this resolution to the Board of Commissioners. At that time, we will stop taking public comment and have a motion on the floor to deliberate and the Commissioners may request clarification on issues that was shared during public comment and clarification on issues that was shared during public comment and call maybe those individuals forward. So, with those understandings, anyone wishing to come forward at this time to make public comment regarding resolution 112-2019. Just come forward to the podium. Thank you. Introduce yourself and place of residence please, like Yakima County or whatever.
  **Doug Miller:** Good Morning. My name is Doug Miller I am a resident of Yakima County, I’ve lived here most of my life. I take a lot of pride in our community. I’ve spent about 5 years selling a product that required permitting of pole buildings in Yakima County. I’ve seen all kinds of different types of land uses from agricultural, commercial, industrial to residential. And you know there’s not a parcel of land that I know of that is zoned for ORV use in Yakima County. We have other places in other Counties that have this. In Yakima County there just really is no where to go. There is a private piece of land known as Rankville or Ranks or the Slab. It’s privately owned, and non-profit clubs clean this place up every year in the Spring and keeps it open. When the owner passes, he’s in his 80’s you know, we don’t know what is going to happen. We really don’t have anywhere to ride our dirt bikes or 4 wheelers or off road vehicles. I really strongly encourage the Yakima planning board to approve this resolution. The conditions I hope are a little more lenient than they sound. I hope that further we can look forward to looking at an application to change the use of this property to ORV for Yakima County. I believe this land is probably the best land in Yakima County to make ORV. It’s been a hill climb for many, many years. The Yakima Valley Dust-Dodgers performed a hill climb event in the 80’s and 90’s. I don’t think a permit was required. There was very
little or no regulation and there was never an issue, or a problem and it was a great event. And now we have some private investors that have boughten the land and spent a lot of their own money and they’re not asking for tax-payer dollars here. They want to bring in a profitable, successful business to Yakima County and we need to have open arms and just let this happen and work with them.

**Board of County Commissioners:** Thank-you

**Jason Feist:** Thank you for letting us speak. I am a resident of Yakima County, I have lived here my whole life and I also am a professional hill climber. I travel around the nation with these guys. I’ve been to venues all over the place. The one we have out here, is the most organized, most family friendly place I’ve ever seen or been to. And it would really, a lot of people in this valley love this place and its something fun for everyone to do and it would really be heartbreaking to see it go away.

**Mike Leita:** Thank you.

**Lorri Feist:** Hi I’m Lorri Feist and thank everybody for coming that supports the hill climb and thank you. The first thing we do at the hill climbs here is the national anthem, OK. My son and his friends just got back from Afghanistan and they support this as well but cannot be here today. I am a competitor and I’m also a spectator and one thing that I see when I come off that hill with my bike is children, adults, seniors, people who are disabled. The smiles I see on children’s face in the community is worth every bit of it. I see kids in the streets every day in Yakima and I just want to say, they need, they love this hill climbing, I’ve seen it and that’s what I love about it. So, I just wanted to say that. Thank you very much.

**Board of County Commissioners:** Thank-you

**Paul Tilley:** I am an Afghanistan (inaudible) and I don’t support this...meaningful. Meaningful (inaudible) I don’t ....(inaudible)

**Eric Anderson:** This is my neighbor. My name is Eric Anderson I live across Highway 241 from the hill climb. Paul here suffered a major stroke last year during the hill climb. Unfortunately, he is not able to make his case, obviously.

**Paul Tilley:** I don’t support it

**Mike Leita:** I understand sir, thank you for your comments. Continue, what was his name again.

**Eric Anderson:** His name is Paul, he’s the neighbor directly next to the hill climb. I’m sure the Board has received letters.

**Mike Leita:** Yep.

**Eric Anderson:** I know letters received last year, when this came up last year. Obviously he’s had issues speaking. So, you know the things you you’ve put in place for this permit, I understand, the only issue I have is you’re going to issue the permit. They have 30 days after the event to carry that out? Is that correct? Is that my understanding-ok.

**Mike Leita:** Correct

**Eric Anderson:** They have not followed any rules, any laws, they have violated every law every building code that has been pointed out. They held their event last year illegally in direct conflict with the red tag that was issued by the County, so what makes anybody think they would continue, or they would start agreeing and fulfilling their obligations. Law is law. They thumb their nose at the law. They’ve chose not to adhere to any of it and continue to hold their events illegally. The neighbors do not support it. I don’t care what anybody says on Facebook. Most the neighbors unfortunately are working right now, I’m taking time off work, because this is important to me. You know, we there aren’t a lot of us neighbors, it’s not a large population out there. That’s the way we like it. We all like our space and our freedom. The hill climb is a very dangerous event. People have been killed. There was one individual that was killed at the hill climb. There’s another couple of motorcyclist that were killed in an auto wreck as somebody drunk came out of the hill climb and hit them on their motorcycles after they came out of the restaurant. That stuff all happened. So, family fun event, full of drunks, no. There is a reason most other Counties don’t like to have ORV parks. Fire danger is high, risk to the public and health is high, there’s a whole bunch of things about this that isn’t good for the County. Doesn’t help the County. Tax dollars is another reason. Their event was held last year with all cash. You know, what was actually sent to the County for taxes? Is a good question, what accountability there was. If there was 12,000 people last year, was all that tax money accounted for? That’s a lot of people a lot of money that should have went to the County. When they have all cash, it’s hard to track that. That’s what I have to say for now.

**Norm Childress:** Thank you

**Will Sanders:** Good Morning. My name is Will Sanders. I am a resident of Yakima. I’ve been going to the hill climb with my boy since we got him out of the hospital. (Laugh) I mean every year he’s turning 7 this year. He will be 7 by the time the hill climb comes around. It is an important thing for me and my family. I mean we have family
from all over the state of Washington come to this event and we spend it together as family. I have never had an issue with people being drunk out there. We go there to the beer garden. I’ve never had an issue with belligerent drunks or worry about my son while we’re there. He runs around has a good time. It’s a great family event and I don’t want to see it taken away from other families like mine.

**Board of County Commissioners:** Thank-you

**Amber Weddle:** My name is Amber Weddle and I’m from Grandview and living in Yakima County. I only heard about this meeting a couple of hours ago, so, I kind-of grabbed a goody bag of things that were important to me. That share what the hill climb looks like and how much fun we have out there. I’m not here to attest to the money or the dirt that’s out there or anything, just that how much fun we have there and how it’s a family event that’s been taking place that we hope to continue for over the years. Here’s a picture of how nicely laid-out the ground work is. It’s a beautiful place, it’s well kept, it’s well organized, um (inaudible)…I’m just a hop skip and a jump from over there. I’ve watched this sport of hill climbing since I meant my husband Jason, when I was 20 years old. He introduced me to the hill climbing events and I introduced my family and now I have an extended family that is the hill climb people who go there. The hill climb events have evolved into one of the greatest fun-filled exciting family friendly events I’ve ever attended. Before going there, I’ve been to the beach, you know, a couple of times or camping but this is an event that is exciting and it’s very fun to go to. Once you’ve been there you, kind-of get hooked and you always want to go back. The events support Pro-riders who have a large fan base. They’re followed, you know nationally, they make careers out of this. The event also encourages amateur racers, I have several of my family members who compete in the events. They don’t discriminate against age, you can be a boy or a girl, big or small, I mean you know there’s nothing more that wows a crowd than seeing a little guy on a 50 or a little girl on a 50 all decked out in their racing clothes ready to make their mark on that hill. You know even some of those 50’s have training wheels. I mean, this is the future of our kids being able to race and have a good time. And be somewhere where there is an event that supports this. Or you can have a 16-year-old daughter, like myself, who has been racing since she was that little, and now she is the women’s pro-champion in this event. So, it’s for everyone. Those people are our kids. This event gets more fun each year. The sport is alive and it’s still going to continue. Our greatest hope is that the Northwest Nitro National event has its place on the map on the NAHA series. We need this event. The family time we spend on the weekends, at the Nitro Nationals has serious benefits to us. I’m sure the families that attend the Northwest Nationals can relate for the spectator, making memories with their families is priceless. The time that they spend there, keeps them coming back, year after year. So, we know it’s something that is necessary and needed and for the riders, myself, my family and our friends the event has everlasting benefits, kids who spend time with their parents out there, they participate in the events together, they build a positive sense of self-worth. It helps to develop positive behaviors. The hill climb event strengthens family bonds and reaches just past our own immediate families, because at the end of the day, at every single hill climb event your greatest competitor on that hill turns out to be your greatest friends in life. So, I know a lot of people would like to be here to speak on behalf of the hill climb. But, I’m hoping I did my part for that. There’s nothing, um, no other sport that I love more than hill climbing. We travel far and wide. We just got back from Tracey, CA. Which a lot of us just rolled in, to watch an event down there. And we’re hoping that our next event will be in Sunnyside, we really need that. And I wanted to mention a few names that I’m speaking on behalf of: Jeff Rheinmuth, Ken Rheinmuth, Frank Debach, Doug Dill, Tim Perry, Tanner Tobin, Ryan Clark & Family, Dan Stanley, Blakenship Family, Weddle Family, the Lowell Family, the Humel Family, the Allen Family, Jeff Snipes and family, Michael Flower and family, Maximus family, Colby Peck and family, Jacob Davis and family, Ryan Gallegos and family, Matt Miller and family, Carson Lloyd and family, Austin Miller and family, Dustin Behr and family, Bailey Dillard and family, Nick Scarlett and family, Jessica Bobson & Family, Curt Helter and family, Dale Storlay and family, Tyler Goin, Kyle Woodcummin family, Andrew Fountain family, Brent Kenburg and family, Mike Norton and family, Hyatt Rogers and family, Mercedes Ball and family, Joe Maples and family, Dustin Sullivan and family, Nick Behr and family, Woodlock family, Sailor family, Breaudy Bell and family, Joe Shipman and family, Joseph Allman family, Nathan Grogendale and family, Kyle Woodcome, Matt Miller and family, Brent Kenburg and family, Jason Cowen and family, Jessie Warfield and family. I can go on and on and on and on. I have lists of names of people who love this event and don’t want to see it go. Thank you for letting me speak.

(Note: Some of the names may not be spelled properly)

**Board of County Commissioners:** Thank-you

**Mike Leita:** Ok, I think it’s clear that there are many people here, that think this is a great and fun event. It’s an event of significant here in the Valley. Has economic significance. So, I think that message has been clearly expressed here, by your public comments. So, if there is anymore public comments concerning the benefits of this
event, is no longer necessary. What is necessary is that we have a resolution before us that has conditions and so if you want to speak specifically about the resolution or the conditions of those resolutions I would encourage you to do so. So, if you come up here and start saying what a great event this is, I’m going to ask you to sit down.

Any other public comment?

**Audience Member:** Where is it located?

**Mike Leita:** It is in the Eastern portion of Yakima County, by the Silver Dollar, thank you.

**Don Anderson:** It’s located at the corner of SR 24 and SR 241

**Mike Leita:** Ok, Thank you. You’ve already given comment, we only allow one time around. Anyone else wishing to give public comment before I cut it off. Jaimie, you want to finish it? You bet.

**James Carmody:** Thank you Mr. Chairman, members of the Commission. For the record, my name is James Carmody. I represent NW Nitro Nationals. I’m here to address the proposed resolution. I’ve had an opportunity to speak with you before about a number of concerns we have the backgrounds we have on this and the significance and the importance, so I’m not going to go through that again. I so want to address a couple things, before I get to my comments on the resolution itself. We have been trying on a regular basis, since almost 2 years ago, to have meetings and to discuss and find solutions to this situation. Each time we’ve tried to have those meetings, have those discussions, we’ve been welcomed by staff, but it stops there. Because of what’s been explained to us is the signals or the interpretations of the Commissioner’s positions. I have no idea where these conditions came from today. Nobody talked to me about them, no one discussed them with me and I was sent an email told, telling me that I was not to talk to Corporate Counsel, or to Planning about any aspect about the conditions. That would have been a logical way to approach this and deal with it. But that was not what the instructions were and we complied with those, with those instructions. I didn’t expect people being here today, to attend and express the interest in the event. I appreciate those comments. I want to talk about a couple of the points that have been raised and have come up both in earlier comments and over the course of time and that’s the view or perception that this group has thumbed their nose at the County. Has ignored compliance with zoning regulations and responsibilities and hasn’t abided by what their responsibilities are with respect to this permit. I strongly, strongly disagree with those characterizations and I’ll tell you exactly why. This event originated in 2011 with Jeff Snipes and his vision and dream to have a nationally significant hill climbing event in Yakima Valley. On the hill that his father and other racers had competed in the 60’s and he went to Yakima County and he asked what am I supposed to do? What process should I follow to hold this event? And Yakima County was very helpful. And in 2011 they went through the process, Yakima County spelled out exactly what the requirements were and what the responsibilities were. Submit an application for a short-term single event, 3-day event, provide a site plan, provide all sorts of compliance requirements, get health district involvement, get fire department and fire marshal involvement, have it reviewed and approved. And so, in 2011 Yakima County with the fire marshal, deputy fire marshal and with Yakima Health District outlined and put together permits for the very first event. They did exactly the same thing for 7 straight years after that, each year they went in, detailed site plan, how many porta potties, where’s the water, what’s the access point, what safety measures do you have in place, what are you doing with it, site plan and then people gather before the event, go out to the site take a look at it. Ok, this is where parking is, here’s where camping is, here’s where the hill is, here is where everything is laid out, here’s what we’re doing. So, in 2011 everyone went out reviewed it and issued a permit. The same thing happened occurred in 2012, 2013, 2014 and the significance of 14 is that’s when much of the gravel parking was laid for safety purposes. Because you have cobbles out there, you have rocks that stick up that were unsafe for public and spectator participation and involvement. The County new exactly what was going on looked at it, approved it, Health District did exactly the same thing. 2015, the same thing happened again.

**Mike Leita:** Excuse me Jamie, when you said the County approved it, who from the County approved it in those times?

**James Carmody:** Fire Marshall,

**Audience:** (In audible)

**James Carmody:** In fact, I do know. The fire marshal, Yakima Health District, the Sheriff’s office became involved in that review, during that process.

**Mike Leita:** So, the Board of County Commissioners did not approve it.

**James Carmody:** No, no it didn’t go there, but I’ll get to that.

**Mike Leita:** Because we did not have the festival permit requirements that we currently do.

**James Carmody:** That’s right, no but that’s right, but that’s an important point.

**Mike Leita:** Yes it is.

**James Carmody:** Because in early 2016 you changed your outdoor festival permit.
Mike Leita: Yes, we did.

James Carmody: And you adopted it and your primary concern that you had was Chinook fest. I’ve read the minutes, I’ve read through that and the concern you had and the testimony that you got on a very broad basis had to do with Chinook fest. So, you changed your rules. After you changed those rules, you issued an outdoor festival permit to these people for 2016 and 2017. So, two years after you adopted that, you followed the same procedures exactly.

Mike Leita: Correct.

James Carmody: In 2017 a letter was sent that you were not going to issue those anymore and that we needed to go through a process. One of the things with your assistance on the litigation and presenting this to the court, 2 weeks ago, was that it led to having depositions taken. I had no idea where in the world that interpretation came from, what the basis was for changing what had been the prior historic interpretation which had been AG and in this use in an AG zone for 7 straight years. The interesting thing that came out of the discovery is no body in the County knows where in the world that idea came from. The code enforcement people, Janet Jackson, had no idea, she did not write that into the violation. Harold Maclean your code enforcement officer had no idea where it came from. Lynn Dietrich barely even knew there was such a thing as an outdoor festival permit and had no idea what was going on, other than he had heard we had applied for things. I don’t know where it came from and I can’t find it in the materials. But, I’ll touch, I’ll get back to that in just a second. Then there’s been claims about thumbing their nose in violations. There are 2 violations that came to bare on this piece of property, they were issued in 2017. Immediately after receiving that, John Alba who is here, meant with Dave Saunders, said: What do we do? One had to do with a container that had the announcer booth on the top. The problem that they saw there, the concern expressed was this much too short (made gesture as to length). It needed to be increase by 2 inches. The only other problem they saw is when you walk down the steps you need to extend the hand rail out by (made gesture as to length) so it now has a loop on the end. That was the violation. Now they had seen it before, they had seen for years prior to that, but that was the violation. They immediately corrected it. They went in and said ok, what do we need to do? And they said well, we’ll see. Nobody acted on it. In two years to this day, there are building permits sitting on the 4th floor it is corrected, it has been asked time and time and time again to resolve that violation and the answer that is given is: We will not act on the violations until you go through all of this other stuff. So, it is not NW Nitro’s violation, it’s Yakima County’s decision to refuse to process that correction. The second one has to do with grading of a type 4 stream. A type 4 stream is an intermittent stream that runs 30 days or more a year, has groundwater connectivity and has riparian vegetation. If you’ve ever been out to the site you will see no water no stream, nothing. But, despite that we tried to go along with this.

Mike Leita: So, you’re saying that it’s not a type 4 stream?

James Carmody: No, and we’ve told the County exactly that position, we explained it to the Court the other day, we have real problems with what we are being required to do. Just yesterday, I sent another letter saying this is not a type 4 stream. In your zoning ordinance there is a provision that says your mapping is just for illustrative purposes, you need to do site specific. Nobody has (inaudible) despite our requests, it hasn’t happened. Now, what does that mean legally, it means it is not a type 4 stream. At best it’s what’s called a type 5 stream or an ephemeral stream and as you guys are aware those are not subject to your critical area ordinance. That was part of what Future Wise sued you on and said you have to include type 5 streams you took it to the Court of Appeals and you won and it says no critical area on type 5’s. Type 5 is just an intermittent one, less than 30 days a year. Now, here’s the reality.

Mike Leita: So, Mr. Carmody would you please speak about the resolution before us, rather than all the historical actions prior to this. I think we have a decision here we are called upon to make.

James Carmody: And the comments in the background bare upon the conditions, but I’ll address…..

Mike Leita: Well I don’t whether (inaudible) whether it’s a type 4 or type 5 stream are relevant here at this time. But we have a designation of that area and that specific spot as a type 4 stream (inaudible) to abide by, so.

James Carmody: What I wanted to make clear is that, that issue has been presented and not resolved and there has been contentions that we have consciously thumbing our nose at the rules and the regulations and that hasn’t been the case.

Norm Childress: Point well taken.

James Carmody: Let me talk about the conditions specifically. Condition #1 is the imposition of an additional requirement for Liability Insurance. This came up quite honestly at the hearing with the Judge, two weeks ago. And what they were told and the County was told at that point in time was that this group has insurance in place has had insurance in place for each and every event that includes both comprehensive liability insurance as well as liquor insurance coverage. Not exactly in the terms and I don’t know where the phraseology came here, because it
is an event insurance and the County has been named as an additional insured and will continue to be named as an additional insured, that was something they did on their own. So as far as insurance, that’s always been in place and that’s not a problem. Item #2 is that we drop LUPA appeal and our damage claim and that’s not something that’s acceptable. And the reason it is not acceptable is that you chose to pursue litigation against us and what we were told is that you wanted to hear what the Court had to say about this activity and what the Court specifically said with respect to the outdoor festival permit was this: To address one of the elements considered as part of the basis for the injunction a clear or equitable right this Court on this record cannot hold that Yakima County has a clear legal or equitable right to refuse to consider an outdoor festival permit on the land in question. So, the Court’s preliminary decision and giving basis to his denial of the injunction was that we have every right to a festival permit under the laws that exist and were entitled to that on an administrable basis. So, there is no basis number one, for the request or requiring us to dismiss actions. Secondly this has nothing to do with the conditions or the event presented to you.

Mike Leita: Understood.

James Carmody: Totally separate (inaudible). Number 3, the surety bond and this goes to the purported code violation of flood plain issue surety bond provision is YCC8.10.070 we have provided a bond every year and that bond can only be used for four separate things under your ordinance. Number 1: Cost incurred to regulate health matters. So, if you have to incur extra costs as a County with respect to this you can use the bond to deal with that. You can use it to cover clean up of areas outside of the festival grounds. So, if you have problems along the road you have to clean up there, you can use the bond for that purpose. If you incur extra costs for law enforcement you can use that bond for that and the 4th one is if you incur extraordinary costs to regulate traffic, you can use the bond for that. None of those costs have ever been incurred and those are the only basis you can use it for. You can’t use if for a back handed back door effort to have someone correct what they think is a violation. But I want to add another thing to that. NW Nitro spent $60,000 with HLA Engineering and Eric Herzog is here, to do a ridiculous flood plain study of this desert area, $60,000 and they did it and they showed exactly what had occurred they showed the functions of whatever was theoretically a flood plain, unimpaired, unimpacted and they gave that report to planning on November 9, 2018. Nobody looked at it. Eric would call and finally in the first of January, he made contact and they said oh, that’s been sitting at the front desk. That doesn’t go to planning that needs to go to the building official, who’s, what three doors down the hallway? Herzog goes on January 9th picks up his papers walks down the hallway to Harold Maclean and says here Harold, Harold gets it on January 9th. Do you know how much that’s been reviewed since then? Zero. Harold’s deposition three weeks ago said he hadn’t even look at it. I said why aren’t you looking at it? He said: Oh, were not going to look at those things, until we get done with all the rest of the stuff. That is absurd. There is no reason for that surety bond, there is no reason for any of that. All the information is sitting on the desks in Public Services. All they have to do is look at it. It is simple, straight forward and clear.

Mike Leita: So, you wanting section C stricken?

James Carmody: I want section C stricken.

Mike Leita: Ok, move on to D.

James Carmody: The container, you could take the container off site, there is no reason to. There has been building permits sitting there that has corrected the razing and the steps for nearly 2 years. There’s no reason for item number 4. Item number 5, is there will be no future festival permits. There’s no legal basis for that. I read you what the Court said about that. You don’t have a sound legal position in taking that or imposing that requirement. I’ll also read you to what else the Court said.

Don Anderson: I might point out to the Board, if you will there has been no order entered by the Court at this point.

Mike Leita: Ok, you know what, we’re just taking public comment here and will finish and we’ll invite other questions from the board.

James Carmody: Mr. Anderson may not be aware that....

Mike Leita: Let’s just proceed Mr. Carmody, I apologize for the interruption.

Colloquy: Inaudible

James Carmody: I am, I am proceeding and the Court did enter an order

Colloquy: Inaudible

Mike Leita: Please proceed

James Carmody: The record appears to indicate that the defendants have been diligent in their efforts to seek a rezone and to address County’s concerns regarding the alleged violations. It appears obvious to the Court that the process has taken longer than either side anticipated. The County did not advance an argument that the activities would not be eventually allowed once the previous alleged violations had been addressed and the rezone improved
instead the County appears to argue until the future time the event cannot occur. The evidence on the record indicates defendants have spent tens of thousands of dollars addressing the concerns raised by Yakima County. The evidence in the record also strongly suggests that if the motor cross activity is enjoined as of the date of the hearing the defendants would lose all the money they’ve put into attempting to address the County’s concerns that the event would not occur here and that the event would be moved permanently to another location. Which brings me to my final point. There is an alternative location: Pendleton, Or.

Mike Leita: I don’t know that, that has relevance to the issuance of a festival permit. That’s a public opinion thing that we don’t need to go. You can go elsewhere, I think, suffice it to say.

James Carmody: We may not have a choice, but to go elsewhere.

Mike Leita: I understand.

James Carmody: And I think that’s part of the decision here, is whether that’s where the County wants to go with it, but it is approved. The Commissioner’s there have approved it. There was a $100 filing fee and that was it. It’s like the old days in Yakima County. We believe that the permit should be issued and must be issued with the sole condition of the insurance requirement that we would agree to that, with the other conditions removed. Thank you.

Mike Leita: Thank you. Seeing and hearing no further public comment, the Board will now consider a motion.

Ron Anderson: Mr. Chair I move to approve resolution 112-2019 as presented.

Norm Childress: OK, I would second that.

Mike Leita: Motion has been made and seconded for the purposes of discussion to approve the resolution as presented. Commissioners, comments, question of those who have made presentations.

Norm Childress: Well for one, I’d like clarification from Mr. Anderson, he had something he wanted to say, I’d like legal counsel to clarify anything he wants to.

Mike Leita: OK

Don Anderson: With regards to the entry of an order. No order has been entered. Judge Federspiel drafted a letter, which he sent to the parties, indicating he had made his thoughts known that he considered his letter absolving the issue, but if the parties wished to, they could present an order for the Court to be consider. To the best of my knowledge, no order has been presented by the parties to the Court to consider. My colleague who argued the matter has been out of the office on a medical reason and just learned of the materials yesterday when he returned to work. So, he hasn’t even had an opportunity to draft an order. The fact that the Judge, any attorney worth his salt understands a letter is not an order. At this point all we have is the letter.

Mike Leita: A couple of my comments, just to get the juices flowing here. I’m going to first of all ask to amend the resolution. I would ask that we amend the resolution by striking item B and item E, based on public comment.

Colloquy-Audience

Mike Leita: There’s copies, I’m sorry I should have said, there’s, we made about 20 some copies of this resolution back on the podium. So, the resolution B is about dismissing the LUPA. I’m asking that the LUPA be struck. I’m still speaking in favor of the motion but amending by striking item B or condition B and condition E, about future festival permits. I think it’s important to remind ourselves that we will not be necessarily Commissioners forever, so I don’t want to presuppose what future Commissioners may decide or even what this Board may decide. So, I think, do I have a second?

Ron Anderson: As the maker of the motion I would accept those changes.

Norm Childress: I would accept that.

Mike Leita: My further comments is, that this Board of County Commissioners took an oath to uphold the laws of this County, this State and this Country and these laws are absolute. We will not cross those lines, because the public opinion says that this is a great event or this is a fun event and we should be doing these things. So, what is incumbent upon the Board is understanding what is legal and what is right and what the ordinance currently require. I think one of the best points that was given in the public testimony was that maybe we should change some of ordinances or allow ORV’s in the future at some site. We have not done that. We did go through a public process where about 200 people attended an event to create a piece of private property if you will into an ORV site or to provide ORV accommodations on that property. So, there is a method where the community can come forward and say you know what, we don’t like the ordinances the way they are right now. That we want to have in this County an ORV site that is permitted. But, currently we do not. Plain and simple and you cannot simply in the Court of public opinion and through various platitudes and follies of saying type 4 doesn’t apply here. Well you know what, they do apply and the County entered into extensive negotiations several year ago, to define what a type 1, type 2, type 3, type 4 steam was. As Mr. Carmody said, the County rejected (inaudible) assertion that we needed to have type 5 streams and we won. But we are bound to uphold what are called or classified as type 4
streams and for an attorney to come out here and say well that doesn’t really count here. I don’t agree with that. We’ll I’m sorry that’s the way it is and we’ll go through a process, a legal process and maybe we’ll start discussing if this is a type 4 stream or not. But, that’s for a Court of law to decide. But for right now my understanding is that it’s a type 4 stream and it has been violated. People have historically and unilaterally decided to put in permanent facilities, there outside the boundaries, permitted boundaries of AG land. They have decided to create parking lots, they have decided to create beer parlors. They have decided to do all of these things and you know we had a menagerie of this previously, and Mr. Carmody refers to Chinook Fest. Why can’t we have a festival out here in a park? We did not have any methodology to allow that. So, we went through an extensive process with the public, much as what we’re starting here now, to accommodate a festival permit that would allow the use of a facility that maybe is not permanently permitted or changed. But this is becoming a permanent event. You cannot rule a permanent event with one time permits. You have to go through the process required by law to orchestrate that zoning to be different to allow that activity out there. That has simply has not been done and I’ve been quite frustrated for the past 2 years, of this going on. I’m not buying into it. I think there’s ownership by both parties and to say it’s the County’s fault or for the County to say it’s the applicant’s fault. Let’s do away with all of that. In fact, I’m suggesting we’re going to get this application submitted for and let it either be approved or not approved for a rezone and we’ll go through that public process and we’ll see where it ends up. What were being asked to do here is to rule by exception. We’re being asked to make one time festival permits and ongoing decision and were not willing to accept that. That’s not the way we do business. We also have a few people that live out there, that have had their lives disrupted by an event that is not congruent with the zoning and I have to respect that. It’s kind of like you living in your house and then all of a sudden finding someone bringing in farm tractors and doing farming activities in a residential area. You can’t do that. So, we’re going to get past this finger pointing. That’s totally irrelevant, as to whose fault it is or where we’ve been, it’s about where we’re going. So, as a County I’m suggesting that there will be where can I have an ORV park? Maybe this is the place. But we’re going to go through a legal process to determine that. So, what’s before us here today are we going to allow officially, they went ahead and did its last year unofficially, they turned their back to us, but again, I don’t want to get into the finger pointing. So, the question before us today are we going to allow this one event with this festival permit and by the way the festival permit that was issued to Chinook Fest, their required to restore that park like it was before they were there. So, there’s a condition in here to say, you know what, you need to restore this land back to the condition it’s permitted for. I don’t think that’s onerous, I think that’s fair. Unfortunately, what the applicant has done over time is unilaterally decided to change and do things such as excavating the land, changing the terrain of the land, putting rock out there, because there was some cobbles in the way, well that’s farm land Mr. Carmody, it’s not a parking lot. So, we’re going to cut through all of this. I’m sorry I’m being passionate, but I have had it up to here for two years with this back and forth stuff. We’re going to make a decision here and now to allow this festival to go forward this time, and I have an amendment to strike item B and Condition B and Condition E.

Colloquy: B & E

Mike Leita: But you know what, when this event is over, you’re going to take those structures back out and return that land the way it was as AG land and then change the permit and the zoning later.

Norm Childress: Alright, I’d like to speak. As a late comer to this party, I’m a newly elected County Commissioner, I’ve been here a couple of months, I’m not going to shirk any of my responsibilities. I have a responsibility to as much as what Commissioner Leita has said, I agree. One of the things I’m concerned about, this has went on for many years and I would like to think if we would be able to go back in time, both the County and this group would do things a little bit differently. I think there’s some miscommunication, somethings we would like to do differently. And guess what, we’re learning from this experience, were going forward, we’re looking at our ordinances, we’re trying to make things user friendly, were trying to process things quicker and we’re learning from this process. That being said, there are somethings that I think we have some latitude that we can work with, I know there’s time sensitive issues here, to get the event going. It’s been going, there’s a history of this thing happening. I’d like to see it go forward, but much as Commissioner Leita said, there’s somethings we can’t bend on and I think with that, in order to make this go forward we put some conditions on it. That we feel or that I feel that are important that we get done and I don’t think that onerous in order to get it accomplished. The County’s bending on this issue and hopefully in the next year we can work through and get the rezone and get everything done appropriately. That being said, I’m willing to approve this, if you meet the conditions as amended.

Ron Anderson: No, I don’t have any comments.
Mike Leita: So, with that the question on the floor or the motion on the floor is to approve the festival permit with conditions, A, C and D. And if the applicant chooses not to agree to abide by A, C and that’s their choice. So, call for question, all those in favor of the motion with the amended actions say aye:

Board: Aye

Mike Leita: And so, ordered. That concludes are regular agenda. We will take a 5-minute break and then start on a couple of public hearings regarding Financial Services and Public Services. We are adjourned.

Approved this 2nd day of April 2019

Michael D. Leita, Chairman

Norm Childress, Commissioner

Ron Anderson, Commissioner

Linda Kay O’Hara, Interim Clerk of the Board
BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING

Date: March 26, 2019
Re: Consider Educational and Employment Needs of Low and Moderate Income Residents and Receive Comments on the Proposed 2019 Activity and Past Performance of the 2018 CDBG Public Services Projects
Time: 10:00 AM
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman Michael D. Leita
Commissioner Norm Childress
Commissioner Ron Anderson
Legal Counsel Don Anderson
Interim Clerk of the Board Linda Kay O’Hara

Record of Proceedings

Mike Leita: Good Morning the Yakima Board of Yakima County Commissioners is reconvening for the purpose of two public hearings. The first one is regarding Financial Services, Educational and Employment needs of low- and moderate-income residents.
Craig Warner: Good morning Commissioners, Craig Warner, you’re Financial Services Director. Before you is, well let me give you a little background. Yakima County receives money from the Community Development Block Grant. In 2019 it’s going to be: $155,971.00, this is to provide educational and employment needs for low and moderate income residents. We each year for part of the process for application for the new year and to close out the prior year grant, we have to have a public hearing. All of our money is passed through to NCAC which is the Northwest Community Action Center, which is a sub-group I believe of Yakima Valley Farm Workers Clinic. Today I have Janice Gonzales from NCAC to come in and talk to the Board about what they do with these resources.
Mike Leita: Ok, so this is starting the process of receiving public comment?
Craig Warner: No, this is actually the public hearing, I’m sorry.
Mike Leita: This is the hearing, alright, alright. Thank you. Welcome Janice.
Janice Gonzales: Thank you Craig, as Craig indicated I am Janice Gonzales and I’m the Emergency Services Manager with Northwest Community Action Center. Northwest Community Action Center is a division of Yakima Valley Farmworkers Clinic. I happy to be here today to have an opportunity to provide testimony regarding how the services provided by the Community Development Block Grant help to improve our community and the lives of the people in the communities that we serve. For the purposes of Community Development Block Grant Northwest Community Action Center provides services to citizens residing south of Union Gap, that southern portion of Yakima County. Over the past year, we have touched the lives of over 11,000 individuals. So, we have a pretty significant impact that would not be possible if weren’t for the Community Development Block Grant. It enables our organization to enhance or maintain services in the areas of education, employment and training and emergency services. I have provided you with an annual report. I’m not going to go over every bit of it. If you have any questions about it, please feel free to ask me about them. There are a few programs I just wanted to mention to highlight, to pull out, because these programs would not exist if it were not for the Community Development Block Grant. I don’t know if you’ve heard about our program that we operate out of Safe Haven it was initially a program that the City of Toppenish was operating and they were unable to continue. So, we picked up that program and it was initially an afterschool program and provided public services in the community. We developed some of the other services to focus on services to the seniors. We have a new program called: Seniors On The Go and we provide informational seminars, we provide activities and fieldtrips for seniors to help them be oriented to the world of technology to take advantage or services and resources and in otherwise to help them engage in the community and also help them maintain their self-sufficiency and independence. Another program we have a particular success is our citizenship and civic classes and as a result of those citizen classes, 59 new US citizens are members of our community this year, so we’re pretty proud of that. I have some other members of my staff and some clients that have benefited that would also like to provide testimony today. So, I am going to first ask you, did you have any questions for me before I relinquish the mike?
Mike Leita: So many positive things are happening because of these grants.
Janice Gonzales: Absolutely
Mike Leita: Ok
Janice Gonzalez: Absolutely, very positive, yes, yes very positive things are occurring in our community
Mike Leita: Ok, just wanted to make sure I understood.
Janice Gonzalez: So, I’m going to ask Arcelia Parabol (sp?) to come up. She is a member of our parents’ teachers’ program.
Mike Leita: Good morning, introduce yourself please.
Arcelia Parabol: My name is Arcelia Parabol and I am a case manager for the parents’ teachers’ program which is located at ANCC, part of Farm Workers Clinic. So, our program is home visiting program, evidence-based program and we go to their homes and we basically on three components in the home visit. The first component is the parent/child interaction that’s where we see and model parent/child interaction with the mom and the child and the second component is the family well being and the last one is development center parenting. I’m going to hand the mike over to Medium (sp?) this is current Mom with parents as teachers and she’s going to talk about her experience and the benefits of the program. So, I am going to be next to her, she’s going to say it in Spanish and I’m going to be translating.
Board: Oh, Ok, Oh, Ok, right, thank you. Welcome.
Medium Gambino: Good Morning my name is...I little speak English, but it is a process. My name is Medium Gambino, I live in Sunnyside. In Spanish as translated by Arcelia Parabol: I was in the program Parents as teachers. During my first my children, I have two children, the program assisted me and helped me a lot with my children and get them ready for preschool. During the program year, myself Arcelia assisted me in worked with me throughout a few of my lifetime stories. Would bring me community resources. Program for the children in the community. One of the activities was play and learn and currently I am working for play and Learn. It’s very beneficial to make it short. I am like she said I am an employee of Play and Learn, with the activities I was bringing her she was able to do work more hands on and expanded those activities during that time. The Court inaudible from that program saw my work and offered me a job. I am very grateful for the program that helped a lot of families through-out the community. I know a lot of families now that I am working for that program. Those activities helped a lot, cuz not only do they do them there, on site but they are able to take them to home so that they can do more activities and work on the activities with their children and that program not only helps us to play and do activities, (Arcelia: I lost my thought, sorry). When we have family issues it helps us a lot. My kids would see me as an extra, additional family member when I would go to their home.
Board: Gracias, Thank-you, Thank-you
Arcelia Parabol: Thank-you
Mike Leita: Any other public comment concerning this issue?
Tony Corssey: I’ve got multiple issues.
Mike Leita: Concerning the issue for the Community Block Grant, sir?
Tony Corssey: The money that’s been coming in the first start and the ACLU money plus, it’s discrimination that we changed over from the City Council, I realize I’m talking to County right now, but we all live in the same area I would believe, and I would believe if you watched tapes you would see everything and so...
Mike Leita: Are you speaking in favor of the Community Block Grant.
Tony Corssey: I’m just trying to clear out my records and get everything done.
Mike Leita: Ok, thank you
Ron Anderson: Thank you.
Tony Corssey: Get everything done on a positive way, we’re going the wrong way...inaudible
Mike Leita: Ok, thank you. You’re welcome to your opinion. Thank you.
Elvira Lopez: Hello, my name is Elvira Lopez and I am a case manager for Youth-Build Yakima Valley to the Northwest Community. Isaiah Alec is one of my clients through the Youth-Build Program and he was not able to be here today, but I am here to share his story and give you a little background of what he did through Youth-Build along with his statement he wanted me to share with all of you today. So, Isaiah Alec was enrolled in Youth-Build in January 2018 and was transitioned to follow-up in December. During this period, I was informed that his Father had recently passed away. Due to these circumstances he was facing many challenges at school and at home. While in school, Isaiah was often disruptive in class and did not seem to care about his education. The decisions he made lead him to be expelled from school. Youth-Build provided Isaiah with leadership development, mentoring, support and case management. While in Youth-Build Isaiah was able to learn the construction trade and continue his education while working towards his GED. He also participated in community service events while engaging with other community events. Isaiah was able to form friendships with other class mates, which he had, which had a great impact in his life. Isaiah’s goal was to graduate from CATS Academy, so we worked...
with the school to get him re-enrolled back into class. It was challenging because they were aware of his past behaviors but had also noticed a change in his attitude. He was given a second chance to attend CATS Academy where he is anticipated to graduate next year. Isiah’s life completely changed after being enrolled in this Youth-Build Program his views of importance of education changed drastically. And now I want to share with you Isiah’s statement he wanted me to share with you: “I wish I could start Youth-Build all over again. Now that I am not in Youth-Build I miss it. I wish I had realized what I know now at the beginning of the program. Youth-Build taught me not to be afraid of trying new things and how important it is to pay attention and ask for help. I don’t know what I would do now if it wasn’t for Youth-Build. I tell my classmates help me make better choices and how Youth-Build truly cares about students. I made my mother very proud when I got my HBI certificate. She has hung it up in the living room and it reminds me every day that I have accomplished something great. I want to continue making my Mom proud and I can’t wait for her to see me graduate.

Board: Thank you
Mike Leita: Any other public comment? Hearing none we will close the public comment concerning the educational and employment needs of low- and moderate-income residents and the proposed 2019 activity and past performance of the 2018 CDBG Public Services project. So that closes any final comments from the Commissioners.
Ron Anderson: No, I think we’ve heard some good examples of how the program is succeeding and doing well, so, I encourage you to keep it up.
Norm Childress: And we will carry it forward. Sounds terrific, good use of the money.

Approved this 2nd day of April 2019

Michael D. Leita, Chairman

Norm Childress, Commissioner

Ron Anderson, Commissioner

Linda Kay O’Hara, Interim Clerk of the Board

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Page 14 of 15
BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING

Date: March 26, 2019
Re: Temporary Closure of Satus Longhouse Road & Barnhart Road
Time: 10:00 AM
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman Michael D. Leita
Commissioner Norm Childress
Commissioner Ron Anderson
Legal Counsel Don Anderson
Interim Clerk of the Board Linda Kay O’Hara

Record of Proceedings

Mike Leita: Next we have a public hearing concerning the temporary closure of Satus Longhouse Road and Barnhart Road. Thanks for waiting Kent.

Kent McHenry, County Traffic Engineer: Absolutely, Good Morning Commissioners.
Introduce yourself please.

Kent McHenry, County Traffic Engineer: I’m the County Traffic Engineer. So, we have a public hearing to talk about the temporary closure of two roads for the Burlington Northern Santa Fe Railroad to come in and do some work and rebuild the crossings. There they tell us that it’s required they can’t do the work in parts, they have to close the road to get it done. It will take about 2 days per crossing. I may point out, that BNSF was aware of the hearing today and the process, but they chose to declare an emergency and do it last week.

Mike Leita: And, and Pardon me.

Kent McHenry: And completed the work last week
Mike Leita: I guess that concludes public comment.

Kent McHenry: Yah, we weren’t real please they went ahead and just did it and didn’t follow the process.
Mike Leita: Well, that brings back memories from about an hour ago

Kent McHenry: (Laughter)
Mike Leita: So, so Ok, great Kent. You need proceed no further I guess. Is there any other public comments? Anyone want to say anything about BNSF? Hearing none, we will close the public hearing and we are adjourned.

Approved this 2nd day of April 2019

Michael D. Leita, Chairman

Norm Childress, Commissioner

Ron Anderson, Commissioner

Linda Kay O’Hara, Interim Clerk of the Board