

1 **RECORD OF THE PROCEEDINGS**

2
3 **OKANOGAN COUNTY**

4
5 **JULY 9, 2018**
6

7
8 9:00 AM Review Commissioners' Agenda and Consent Agenda
9 9:30 AM Briefing Among Commissioners' – Discuss Individual Weekly Meetings & Schedule
10 ~~10:00 AM Executive Session – RCW 42.30.110 (1)(g)~~
11 11:00 AM Discussion – Justice Center-Dennis Rabidou
12 1:30 PM Update – Planning – Perry Huston
13 *Planning Dept Study Session*
14 *Planning Dept. Administrative Session*
15 3:00 PM Public Hearing – Okanogan County code 10.10 Illegal WATV Operations –Perry Huston
16 4:00 PM Discussion –Fairground Projects-Fair Advisory Committee
17 4:55 PM Review Meeting Minutes

18
19
20 The Okanogan County Board of Commissioners' met for its regular session on July 9,
21 2018, with Commissioner Chris Branch, Commissioner Andy Hover, and Laleña Johns,
22 Clerk of the Board, present.

23
24 Chairman Commissioner Jim DeTro was absent due to attending a Grizzly Bear
25 meeting in Stevens County today.

26
27 **Review Commissioners' Agenda and Consent Agenda**

28 Commissioners' discussed the items scheduled on the agenda. It appears the Executive
29 Session at 10:00 a.m. was left over from last week in error.

30
31 **Briefing Among Commissioners' – Discuss Individual Weekly Meetings &**
32 **Schedule**

33 Commissioners' discussed their weekly calendars and relayed the dates they would be
34 absent.

35
36 Commissioners' discussed the fairgrounds irrigation system and the proposed well use
37 with Joe Poulin. There were additional leaks discovered and repaired, which has
38 affected the system and the number of sprinklers to be used at one time.
39 Commissioners' really want to be thoughtful in how the system is put back together for
40 both domestic and irrigation water uses.

41
42 Commissioners' stated a cultural survey process will be needed prior to beginning the
43 arena, race track and race horse barns project.
44

45 **Discussion – Justice Center-Dennis Rabidou, Michael Beaver**

46 Perry Huston

47

48 Commissioner Hover asked what the plan was for the old Noxious Weed office. Mr.
49 Rabidou replied that he should ask Judge Short and Ms. Schreckengast.

50

51 The law library might be placed there, but it was a no go when he met with District
52 Court.

53

54 Mr. Rabidou thought a juror staging area and public defender client meeting room. Mr.
55 Poulin stated he needs a place for his maintenance team. He requested the use of the
56 Old maintenance/Probation bottom floor. Commissioner Hover asked what would be
57 ideal. Mr. Poulin explained why he needed the space. The building is centrally located,
58 he has additional workers with no place to meet that isn't in the hall. There is only one
59 computer space, current location is not convenient as it is located in the middle of the
60 floor where many other departments have to traverse to get to their files.

61

62 Mr. Rabidou set up the projector to show the Proposed Juvenile Center plans. He stated
63 there was a plan of District Court to set up an additional courtroom that he heard of.
64 They would use whatever resources they could find such as the older chairs.

65

66 Mr. Rabidou went over the project design that was shovel ready, but at the time the
67 funding was not realized. It is still shovel ready, but it may need to be changed to suite
68 the current needs. There is funding now too.

69

70 He went over the basic vision which included building up from the current Juvenile
71 detention center footprint and building over to the Admin building to fill in the courtyard
72 in between in order to connect the two buildings. The project was drawn up in 2012 by
73 Beaman Architecture. Mr. Rabidou went over the floor plans and discussed the uses for
74 the proposed new areas and remodeling of old areas.

75

76 Mr. Rabidou explained the programs and their success rate. He stated that 95%
77 improvement in truancy. Detention alternative programs focus on doing better and
78 working with probation staff after passing assessments. It is a 10 week flexible program.
79 Less kids coming in staying in school, with numbers right now bleed over. It will take
80 several years to filter those out. Adding to detention classes to help the kids work
81 through the different training.

82

83 Commissioners' discussed the other proposal to build onto the Virginia Grainger
84 building and how this proposal fits into the larger picture. The issues of no emergency

85 operations center and dispatch and communications center needs that the board must
86 also consider and make priorities. Strategic planning for all the various needs will be
87 needed. A reset of the proposal in order to shift the courts may be needed, said Mr.
88 Rabidou.

89
90 Director Huston discussed the funding options that could be considered. Commissioner
91 Hover discussed his desire to wait and see what fund 160 bring in for sales tax. Then
92 next year budget a viable portion of the redesign costs from the 160 fund. Mr. Rabidou
93 understood. Commissioner hover would like to know what rooms would be vacated in
94 the courthouse and shifted to Juvenile center. Superior Court and Superior Court Clerk
95 had been discussed before, but not all of the staff. Commissioner Branch spoke to the
96 courthouse security issues with much of that being remedied with this proposal. A sky
97 walk to transport inmates to the courtroom was discussed.

98
99 Commissioner Branch adjourned for lunch at 12:00 noon.

100
101 Katie Haven, member of the public, arrived at 1:15 p.m. to video record the meeting.

102
103 Commissioner Branch reconvened the board at 1:30 p.m.

104
105 Debi Hilts briefed the commissioners' on an employee whose house burned down, but
106 she is still on probation as a new hire. She requested waiver of the county employee
107 policy to allow her to use annual leave. The person is a non-bargaining employee so the
108 prosecuting attorney is requesting the employee be allowed to use sick leave. But our
109 employment policy doesn't address this situation to allow use of leave during probation.
110 Commissioner Hover stated the union contracts have language that allows this under an
111 emergency, 17.6 of the union contract was read. By allowing this exception, it is
112 consistent with what other employees in the union use sick leave for.

113
114 **Motion Staff Direction-Use of Sick Leave for other than sick leave.**

115 Commissioner Hover moved to allow Mr. Huston recommended staff be directed to draft
116 a resolution outlining the situation and reasons for use of the leave during probation and
117 to ensure proposed policy changes in the new personal manual follows this decision.
118 Motion was seconded, all were in favor, motion carried.

119
120 **Update – Planning – Perry Huston**
121 Connie Iten, DOE

122
123 *Planning Dept Study Session*
124 1) Trail Management
125 Several Back Country Horsemen came to discuss Whistler Canyon trail with the board.

126 The group wanted to discuss the possibility of creating a Recreation Advisory
127 Committee that would make recommendations to the BOCC. The trail management is
128 an issue. April 2014 began a process to pull the FAC out of the Parks & Recreation
129 board and given the charge of running the fair.

130
131 Director Huston said it was contemplated at that time to take over the role of managing
132 the trail system. The MVSTA does most of the oversight of the Methow area trails but we
133 do not have a similar organization for Whistler Canyon Trail or Similkameen. The Parks
134 & Rec Board would research grant funding for trails.

135
136 There is no budget or funding for trail repairs when they come up. Mr. Kvistav explained
137 some Back Country Horsemen history in that funds were provided for trail building
138 maintenance. They do have some funds designated for Whistler Canyon which pays for
139 the porta potty cost every other year. They would like to install a permanent porta potty
140 that is more user friendly. He asked what are the county's plans in terms of the Tabor
141 request. He has all the sign in sheets from the trailhead which shows around 500
142 people signed in to use the trail in 2017. However it was thought more actually used the
143 trail but did not sign in.

144
145 Commissioner Branch commented on the Tabor request stating the county was
146 undecided on that. He said whatever we need to do to make the trail systems work for
147 the county the commissioners' should do. He discussed some of the work he did
148 previously when he worked for the city of Oroville. He recommended the county
149 formalize the situation for these trails. Mr. Kvistav stated they provided a bunch of trail
150 maintenance with a crew of 15 people to repair the trail where it washed out in the
151 middle. Director Huston asked what the commissioners' envision for the Whistler
152 canyon trail and perhaps amending the agreement. How do we want to deal with the
153 recreational properties? There is a need to connect to National Scenic Byway Trails and
154 NW Trails. There are bits and pieces of recreation property scattered around that is not
155 managed by the county.

156
157 Commissioner Hover explained the lodging tax gets used on the Methow trails for
158 capital improvements because the county owns those trails. The reason for improving
159 the trails is to bring people from out of the area to stay in paid accommodations and
160 recreate here. They need to know what the commissioners' wish to do so they can
161 move forward to address the needs. Would the commissioners' consider some designs
162 for building a gazebo/ pergola at the trailhead with two picnic tables for gathering in
163 the shade. The commissioners' discussed that if it is a donated item put there by
164 volunteers. Does the current parking lot format work for the group. Mr. Kvistav stated
165 some changes would make it more user friendly for pulling in horse trailers. The group

166 thought a plan should be adopted for consistency and forethought of the bigger picture.
167 Commissioners' need to get the Parks and Recreation Board idea into the forefront and
168 see where that left off after the FAC was formed.

169
170 Director Huston summarized the discussion.

171
172 2) USFS-Coordination letter
173 A letter was drafted for August 6 and August 20 at 10:00 a.m.

174
175 Commissioner DeTro arrived at 2:30 p.m. from the Grizzly Bear meeting in Stevens
176 County.

177
178 3) Well tracking grant

179
180 The memo to DOE Vanessa Brinkhuis was discussed. (attached) The memo
181 summarized the deliverables. Director Huston stated what has been discussed in past,
182 is bringing in a county employee that works for this project until the funding is gone.
183 There is about \$60,000 in grant funds. The work would entail gathering all well logs
184 within the county so in the end we have the necessary info. In the end we will still have
185 developed parcels, which would generate a letter to people to identify water sources.
186 Determine the current and future water demand, which parcels are undeveloped without
187 a water sources. The thought would be to project the hard costs and set aside funds for
188 that and then the rest would be used to determine how long the \$60,000 will last for
189 staffing.

190
191 A list of senior water right holders was provided to the commissioners'. (attached) The
192 commissioners' discussed what their vision is for a watershed unit. Commissioner
193 Branch discussed the list which shows the cities, irrigation districts, and three different
194 reaches. Director Huston relayed the variables for constituting the group.

195
196 A joint resolution to codify the situation to date will be drafted for commissioners'' review
197 next week. February of 2021 is not very far away.

198
199 4) WRIA 49

200
201 5) Comprehensive Plan
202 There will be value in talking about rural designations. The map will make it easier to
203 zero into the areas. We will need to be careful not to pad the acreages for resources.
204 Commissioner Hover discussed some information on soil types that he researched,
205 stating that information might be a good format for determining soil types based on ag

206 use.

207

208 *Planning Dept. Administrative Session*

209

210 3) Lake Management District #1

211 Commissioner Hover stated he will not be able to attend the meeting tomorrow. Director
212 Huston discussed the map and lots to be included. Veranda Beach including common
213 lots were removed. At the end of the day his direction was to prepare the map without
214 Veranda Beach.

215

216 4) Champerty Shores

217 He has nothing from Champerty Shores at this point he still needs to get together with
218 the Treasurer and Auditor to see how that would work.

219

220 **Public Hearing – Okanogan County code 10.10 Illegal WATV Operations –Perry**
221 **Huston**

222 Commissioner DeTro opened the hearing up. Director Huston provide his staff report.
223 (attached) Josh Tomson County Engineer also in attendance. The purpose of the
224 hearing is to consider amending the code to address illegal ridership.

225

226 Consider the adoption of a county ordinance that provides a local fine which is doubled
227 if the violation occurs in a sensitive area.

228

229 Added a requirement that riders must have a list of county roads open to WATV or ORV
230 use on their possession while operating the vehicle on designated road ways.

231

232 The draft ordinance was reviewed and discussed. The ordinance is consistent with the
233 past discussions of the board.

234

235 Three amendments were proposed. The county may list critical areas that are sensitive
236 where riders would get double fined. Commissioner Hover asked if it would be
237 considered under a traffic infraction. It is uncertain how this infraction would affect a
238 person's driving record.

239

240 Engineer Thomson agreed with the penalty section and stated the Public Works website
241 would have the information there.

242

243 Commissioner DeTro asked everyone in attendance to sign in if they wished to testify.

244

245 Spencer King, President of NCW ATV Club. Mr. King stated he discussed this with
246 people throughout the state and no one else has this type of infraction code. The list of

247 roads required by a person was questioned as it seems to be a target for that type of
248 travel. No one else needs to have a list of roads they can be on. Access for getting the
249 list isn't always available in electronic format for those coming in from out of town. How
250 are they to get the information to carry with them? He thinks it imposes some problems
251 for people coming to the county. He also doesn't recommend the \$500 infraction for a
252 WATV traveling on a non-designated road. It almost seems to bully the WATV groups.
253 Everything else out there that can do damage and has been seen to happen is blamed
254 on WATV use. The list of roads is unfair to some user groups. Making a stiffer penalty
255 doesn't go well with the community of motorized recreationalist who come to Okanogan
256 County. He has not seen these type of high infractions imposed in other counties and
257 additionally doesn't seem fair to double the fine. He recommended this structure for
258 changes should be looked at and re written to not include doubling fines unless you are
259 actually off the road tearing up the countryside. Many disable persons recreate this way.

260
261 Jasmine Minboashin Methow Citizens Council. The group agrees but it is not fair to
262 single out WATV's and suggested the language include all motorized vehicles. A
263 change should include "any motorized vehicle". It would be cleaner to have signed
264 roads. They still want to know what is holding that up, and at what point will the signs be
265 up so people know. It is too grey to consult the website. There are many who do not
266 have access to the internet to obtain the list. Signage and maps are critical to
267 enforcement and without those enforcement is very difficult. Thanked the board for their
268 approach on this.

269
270 Isabelle Spohn thanked the board for addressing this issue. She agreed with the
271 proposed, but stated inconsistencies in the terms. She discussed the board's discussion
272 June 26 which demonstrates the need for these additional rules. The county doesn't
273 have funds for significant enforcements. FW also commented on their priorities in terms
274 of WATV enforcements. It would be essential for a dedicated sheriff deputy be assigned
275 this particular task. The legalities of confiscating vehicles should be researched and
276 suggested the vehicle be taken and sold to pay for the enforcement program. There
277 should be a provision for restoration by the person liable. Another look should be taken
278 about going on a road that is not open. There are some really dangerous roads with
279 many young people driving unsafely or if there is a collision with another vehicle. She
280 thanked the board for their time.

281
282 Richard Tanglested Twisp. Agrees with the fine. Consideration of someone on a road
283 spur where the \$500 is too stiff for certain circumstances. He does agree with
284 everything he heard. He strongly agree that folks with 4x4 pickups tear up roads and
285 nothing is done even when they are caught and should be subject to the same penalty.
286 He agrees with the confiscation of the vehicle when found riding on critical or sensitive

287 areas damaged by WATV. Kick em in the wallet that will get their attention.

288

289 Director Huston asked the board how they wish to proceed. Commissioner DeTro
290 closed public testimony and opened up to commissioners' discussion.

291

292 Commissioner Hover stated the double fine was not meant be applied when someone is
293 found riding on the wrong road bed. It would be a traffic infraction and not under this
294 \$500 fine. He knows this type of system works. He is not ready to make a decision
295 today, as he wanted to look again at the wording before adopting. Many hunters carry
296 information so as not to trespass or carry a map to know where they are going. Whether
297 it is the county publishing these official maps, or whatever forms is needed, those
298 coming here have a responsibility to know the rules.

299

300 Commissioner Branch agreed there some more to understand. Riding off road is one
301 thing and riding on the wrong road is something else. He isn't sure what the state
302 provision is for that. The fine for driving off the roadway should be applied to all
303 vehicles. There are a few things he would like to look into further. The enforcement side
304 of the situation will need to be discussed more. It is incumbent to making the information
305 available either by website or by paper version so enough information is out there.

306

307 Commissioner DeTro explained the board's jurisdiction stating the board must be clear
308 in whatever they do, because if the Sheriff elects not to enforce the rules, the board
309 cannot tell him to do so. He feels additional consideration of the draft ordinance is
310 needed. The other thing is identifying critical/sensitive areas because more and more
311 people will come here and that means more work.

312

313 Director Huston asked what staff is to do in the interim? Shall the draft be worked on
314 together during another meeting? Director Huston stated the hearing should remain
315 open and be continued to another date if there are not substantial changes.
316 Commissioners' directed Director Huston to work into the draft the discussed changes
317 then consider those at a continued hearing.

318

319 **Motion Continue Hearing OCC 10.10 WATV Off-Road Vehicles**

320 Commissioner Hover moved to continue the public hearing to July 16, 2018 at 4:00 p.m.
321 Motion was seconded, all were in favor, motion carried.

322

323 Commissioners' signed the attached letter to Mike Williams, Forest Service, to invite
324 him to discuss the county's proposed WATV.

325

326 **Discussion –Fairground Projects-Fair Advisory Committee**

327 Maltais, Carol Sivak, Tracy Reagles were present.

328
329 Commissioner Hover stated the county applied for two USDA grants for fairgrounds with
330 one having been awarded at \$80,000. Lumbering Trust funds will be used for match as
331 well as well as the requested grand stand cover. He previously discussed the plan with
332 Richard Cook of the Saw Dust Makers Lumbering Trust. The information was provided
333 to the FAC members in attendance. He stated the award would cover a portion of the
334 costs of the race horse track, arena, and race horse barn. The track quote was for inner
335 and outer track rails. We must go through the competitive bid process. Most tracks only
336 have the inner track rail made with the special rails and the outer rail being different. He
337 would like to hear from the FAC about what they think.

338
339 Boots and Saddle club representative discussed her thoughts for use of the facility.
340 Commissioner Hover discussed affordability for someone to ride their horse in the arena
341 or utilize the track. It has gotten to the point money has to go into it, so a charge must
342 be made accordingly which will be higher now that the grounds are so bad. Boots &
343 Saddle club provided some ideas for race activities. They have \$30,000 they can put
344 towards a covered arena. The barn location at the north end was a good location.
345 Commissioner Hover wants to ensure the funds are used for what was applied for.
346 There is a lot to be done to create a work flow chart and start the permitting process.
347 An Equestrian Facility was discussed and plans provided by Andy Aiden?. He has been
348 involved in both the racing and rodeo side of things. Mr. Aiden put together a package
349 using a phased approach for the 80x120 Equestrian Facility at the fairgrounds.
350 (attached) Costs were provided for each of the three phases of the project. The
351 potential uses of the covered arena are great.

352
353 Commissioner Hover stated the biggest safety issue is the track rails so that is a priority.
354 Tracey Reagles suggested categorizing the projects in order to figure out priority and
355 costs to cover. She discussed an equestrian club as many indicated they would be
356 willing to volunteer towards a specific purpose. A club is more organized and would be
357 created as a nonprofit 501 c(3) and be able to do some fund raising activities to raise
358 funds for the things they want.

359
360 Mr. Buchert discussed the possible revenue generated by the covered arena.
361 Commissioner Hover explained the board will need to ensure funds are secured for the
362 purposes it was either donated or collected for. Ms. Maltais said there should be an
363 onsite manager 24/7 at the grounds because many sneak in and out before staffing
364 even knows.

365
366 Volunteers have indicated to Mr. Buchert they would be available to help set up the

367 arena and barn. There appears to be enough help line up when the project starts
368 coming together. Commissioner Hover discussed the work flow time frame and the
369 preliminary ground work. Setting up the arena is not going to be a problem.

370

371 The group discussed the need for a rock picker for the race track and suggested one be
372 rented until one can be purchased. Commissioner Hover explained the fairgrounds new
373 tractor will arrive next week. The next move is that Commissioner Hover will come up
374 with a work flow plan with the thought of tearing out the old arena after fair.

375

376 **Review Meeting Minutes**

377 Commissioners' reviewed their meeting minutes and provided their corrections to be
378 incorporated.

379

380 The board adjourned at 5:15 pm.

381