

47 County. It would be a great backdrop for photos. The commissioners' thought it would
48 be good to find a donator, before we pay for something like that. FAC member,
49 Kathleen Maltais had discussed this with her and they have already thought of a
50 volunteer. Mr. George Thornton said he would ask a painter he knows of who painted
51 the painting on the Community Center in Tonasket.

52

53 **Motion Voucher Vreeland Law Judgements and Lawsuits**

54 Cari Hall explained she has the voucher certification in the amount of \$203,304 to be
55 wired to Vreeland Law PLC.

56

57 Commissioner Hover moved to approve the county voucher certification EFT
58 #00101506012018 in the amount of \$203,304 which is a payment to Vreeland Law PLC
59 for judgements against the county. Motion was seconded; all were in favor motion
60 carried.

61

62 Ms. Hall explained the board had previously expressed that a supplemental be
63 considered later in the year for this expense. She thanked the commissioners' for their
64 time.

65

66 David Gecas explained he had requested samples of courthouse security agreements
67 of other counties that have contracts with security groups so he could see what level of
68 security is being provided by other counties. He said around half the courthouses in the
69 state do not have courthouse security. He thought it was curious, if we were the only
70 county receiving the letter. Commissioner Hover stated Mr. Rabidou was supposed to
71 do some outreach to King County about their limited commissioned Marshall
72 appointments but the board has not heard much about that from him.

73

74 Commissioners' discussed the liability due to flooding and fires the county may tasked
75 with later on. Commissioner Branch would like to deal with the emergencies with some
76 preparation ahead of time. Each circumstance should be looked at to determine what
77 preparations can be made ahead of time. Commissioner DeTro explained a
78 circumstance where the decision was made to help after Emergency Management
79 looked at the overall waterway and noticed the residence was built in the floodway. The
80 Army Corp was involved to help explain the water pumping area where the resident was
81 pumping into was an area the Army Corp was pumping out of. People want to sue the
82 county for the county not permitting houses that would be built in the floodway/floodplain
83 and then they sue the county when they flood. It is a water event, an act of God, and is
84 no different than someone living at the end of a very primitive road who wants to be the
85 first one to be plowed out and the first to receive fire services when there is a fire.

86

87 Commissioner Hover asked for 15 minute executive session regarding potential
88 litigation.

89

90

91

92

93 **Executive Session RCW 42.30.110 (1)(i)**

94 Commissioner Hover moved to go into executive session at 9:40 a.m. for 15 minutes
95 inviting DPA David Gecas and Perry Huston to discuss potential litigation. Motion was
96 seconded, all were in favor, motion carried.

97

98 Executive session was extended for another 5 minutes at 9:55 a.m.

99

100 Executive session was extended for another 10 minutes at 10:00 a.m.

101

102 Executive session ended at 10:10 a.m.

103

104 George Thornton asked what the general topic was for executive session as “potential
105 litigation” was not specific. He believed the law required the governing body to be
106 specific in what the potential litigation is. One minute the commissioners’ were
107 discussing events going on regarding fire and flooding then suddenly Commissioner
108 Hover asked for executive session to discuss “potential litigation” and it was not clear
109 what was to be discussed. Commissioner Hover clarified that it had to do with water in
110 the Methow and specifically with potential litigation resulting from that.

111

112 Director Huston asked the board if they needed anything for the upcoming public
113 hearing this afternoon. He explained notices are going out to nightly rentals folks to
114 inform them of the timeline to apply by for 2019. The comments received by the clerk
115 were provided to the board for review.

116

117 Yakama Nation comments are going out this week.

118

119 Commissioner DeTro explained he would be out of the office from 12-2:00 today as he
120 would be attending the flood tour with Congressman Newhouse.

121

122 Commissioner Branch, serving as the commissioner board member of Community
123 Action reported that he participated in a two day strategic planning session with the
124 Community Action Board last week. He said it led to the formation of a new mission
125 statement. At the session he raised the issue of trust coming out of the Housing
126 Coalition regarding the distribution of affordable housing funds? Staff is in a quandary
127 over the communication issues coming from ~~with~~ the Coalition. It has to come out within
128 the coalition instead of straight to the Commissioners’. The commissioners’ then have
129 an issue. As a follow up to complaints Commissioner Branch suggested that
130 Commissioner Hover sit down with Community Action staff and go through their books
131 to understand how the revenue is used and to have a conversation go over all the
132 issues. It is more than money it is the overall program. It is a coalition collaborative.
133 Accountability over programing, accountability over money. It was agreed that it does
134 need discussion.

135

136 **Update – Assessor – Scott Furman**

137 The Assessor had previously updated the board on possible office staffing changes.

138

139 **Update – Human Resources / Risk Management – Tanya Craig and/or Debi Hilts**

140 Ms. Hilts provided her HR update. The first in house testing is scheduled this week with
141 several other staff offering their services to help out during their time off. There will be
142 four to test. Two are current county employees. She provided that back ground checks
143 were conducted for the camp hosts and came back good.

144

145 **Motion Camp Host Document Creation**

146 Commissioner Hover moved to direct staff to create the appropriate documents for
147 consideration to use the applicants for the camp host position at the fairgrounds. Motion
148 was seconded.

149

150 Ms. Hilts explained five claims were received and she expects five regarding a
151 rainstorm that reconstituted the chip seal chemicals and were uncured and then 60
152 people were attending a golf tournament. There were signs about the road, but due to a
153 rain storm it was not able to set. The highest quote is \$2,500 and there are five with five
154 more expected. There are others and could be up to 60. She thought claims would
155 range from \$500-\$2,500.

156

157 Ms. Craig explained she obtained quotes for the Jail trailer. (attached)

158

159 North 40 gave the most descriptive spec information for the 16 foot at \$3,600 and 20
160 foot is \$5,500. The Jail thought the smaller trailer would be sufficient. They also offered
161 a discount.

162

163 Okanogan Truck and tractor do not sell these trailers. Ellensburg quote was more than
164 the one from North 40 and doesn't have the junction box. Washington Tractor offered a
165 20 foot trailer for \$5,494 with the order taking one month.

166

167 Commissioner Hover would like the Jail to choose the trailer that is right for them and
168 pay for it out of their budget. A supplemental might be needed later on.

169

170 Three proposals for the county website design were received. Three of the four
171 companies would like to do a demonstration which could be several hours. The board
172 would like a quick over view of the programs.

173

174 The AFSME Union executive, Tom Cash, will send her information on medical
175 insurance for county employees. Join a coalition with 13 other municipalities like WA
176 Risk Pool in a pooling system. Commissioner Hover said it would be really nice to be
177 able to include our spouses at a reasonable cost. He feels he can help us. The group
178 has a prescription pool that is about a billion dollars. She discussed options she will look
179 into. Commissioner Hover said we would have to know exactly what the coverages will
180 be. He will provide that to us.

181

182 **Update – Public Works – Josh Thomson & Ben Rough**

183

184 Mr. Rough explained his outreach for the apple maggot issues.

185 Mr. Rough explained the waste collections within the Apple Maggot quarantine areas
186 and how the waste is to be handled. There are several options to consider. We can
187 keep all the waste in the Methow Valley and that would require another landfill. Another
188 option is to separate the woody debris from the regular garbage and food waste, but the
189 problem is that we then have to collect three different kinds of wastes. This is
190 problematic. We could cook it all. Mr. Rough said after consulting with Dept. of Ecology
191 and Department of Agriculture they suggested they run a test on their dime to see if
192 steam treatment could resolve our issue. Commissioner Hover had an idea and said
193 when the forest service does a forest treatment and pre-commercial thinning, they have
194 to hire a contractor on their dime to do the pre commercial thin, small diameter woods.
195 He found a company that makes chip burners that burns at 1100 degrees for indirect or
196 direct heat. Anytime DNR goes into pre commercial thins we could now have a place
197 they could bring that to. It could generate economic benefits rather than just taking it to
198 the landfill. It can generate heat and power which can power itself. It is worth looking
199 into and he asked that Roni Holder-Deifenbach with Economic Alliance be informed.

200
201 He recommended an extension request be submitted to allow us time to figure it out and
202 build it. Dept. of Agriculture previously offered the steam treatment as an option but then
203 did not refer us to another county where this treatment was occurring. Another option
204 was to discuss the issue with the orchardists and explain it to be self-regulated. It has to
205 work or people won't abide. Okanogan County has over 23,000 acres of tree fruit with
206 many orchardists being hit for more of this or more of that and pretty soon agriculture
207 won't be a viable way of living anymore.

208
209 Mr. Rough explained we were given until August 11th to be in compliance, but we may
210 be out of compliance unless we request an extension of the quarantine area and be
211 able to phase in certain aspects of it, we cannot complete by August 11th . The permit
212 has been turned into Dept. of Ag. As of right now they are not able to approve it
213 because they don't know how we will separate it. It is unknown if the permit to transport
214 will be approved at all. Commissioner Hover would like to do everything we can do right
215 up front. Commissioner DeTro asked if a cover over the bins could be retrofitted.
216 Commissioner Hover thought a letter to the editor to everyone in the Methow Valley to
217 relay our challenge, he thinks it would generate some ideas. He would like Marcy
218 Stamper to be contacted and this issue discussed in order to gather ideas for how to
219 handle this predicament. There will be good ideas and there will be bad ones too.

220
221 Mr. Rough explained the CDL program was approved and the MOU is signed, and the
222 employee agreement drafted which outlines the employee payment to public works
223 within four years. Public Works would like Josh Thomson to authorize those as they do
224 have personal information and would be a public record, just held in public works. The
225 agreement would be the same for each employee.

226
227 Commissioner Hover moved to allow the county engineer to be the signing authority for
228 the CDL program. Commissioner Branch stated if there is a standard agreement the
229 county established then why does the County Engineer have to sign it every time,
230 there policies that employees sign as an acknowledgement.

231 Mr. Rough explained that in the near future the Solid Waste disposal fee schedule will
232 be consolidated with the Public Works fees schedule and it will include all the fees.
233 Right now the fees are not in one place.

234
235 Director Huston explained specific assignments are needed for the WATV route
236 discussions. The map was generated by Public Works and should generate some dates
237 to begin sitting down to look at it. Commissioners' would first like to review it, then invite
238 the interested parties. Director Huston will generate those notices.

239
240 Engineer Thomson provided his maintenance and road update.
241 The roads listed still all have some issues to resolve. There was 204 overtime hours
242 used last week.

243
244 CCT uses an access road by our Brewster shop where about 2-3 vehicles per day and
245 park their boat. The tribe was asked to improve the access to where the boat is parked.
246 He would like the Limited use agreement approved before signing anything with DOT.

247
248 Conconully Sewer lift station project starts tomorrow.

249
250 Depending on WATV routes he has a meeting next week earlier on Tuesday or Monday
251 would fit best with his scheduled.

252
253 *WATV Routes*

254 Engineer Thomson brought the map up on the projector. Similar color scheme was used
255 on this map as what was used before and the meaning of each colored road was
256 reviewed.

257
258 The map showed Omak and Okanogan areas. Engineer Thomson showed the
259 commissioners' routes on the reservation that were already approved by them. The
260 access to the fairgrounds is not completed. Commissioner DeTro would like to include
261 the tribe in the conversation. There are many he knows of that would like to be able to
262 access. Commissioner Hover said in the past there wasn't much traffic on Rodeo Trail
263 drive, but with CPS and other companies moving in along that route it is seeing more
264 traffic. He would like to see a traffic count on the road. The board looked at the Tribal
265 Trails gas station and thought there was a way to connect to Rodeo Trail drive. There
266 was also discussion regarding rail access from Rodeo Trail. Commissioner Branch
267 noted that there likely be some angst in lowering the speed limit to 35 mph.

268
269 Roads in and near Malott were reviewed for inclusion. Old 97 is the highest speed road
270 the county is responsible for. Commissioner Branch will contact the CCT. Director
271 Huston was directed to contact the other agencies such as those involved stakeholders.

272
273 Engineer Thomson will be gone next week. Commissioner Branch was delegated to
274 Canvas the Primary election on August 15 in the auditor's office. Commissioner Hover
275 said he would fill in for him.

276

277 Commissioner DeTro attending the flood tour with Congressman Newhouse.

278

279 Salley Bull, member of the public, listening.

280

281 **Bid Opening – Fairgrounds Well Drilling Project**

282 Commissioner Branch stated the time for receiving bids is here. He asked for
283 responses. The Clerk of the Board stated no bids were received for the Fairgrounds well
284 drilling project even though she published the notices. The commissioners' asked what
285 their options were going forward. Director Huston stated the board could extend the bid
286 opening date in order to give more time for responses. . Commissioner Hover asked the
287 Clerk of the Board to republish the notice with a new date in June then contact each
288 well driller on the small works roster to inform them equally about the project.
289 Commissioner Hover will provide some details to the Clerk in case there are questions.

290

291 Director Huston stated an out of area company had contacted Joe Poulin but he wasn't
292 sure if all the needed information was relayed.

293

294 **Motion Extend Bid Opening Date Fairgrounds Well Drilling Project**

295 Commissioner Hover moved to extend the period to receive bids for the well drilling
296 project and directed the Clerk of the Board to revise the bid notice and republish and
297 individually contact well drillers on the small works roster of the extension. Motion was
298 seconded, all were in favor, motion carried.

299

300 **Citizens Comment Period**

301 Salley Bull asked about bids as she was charged with the project in Oroville. She asked
302 how we get responses and how does the county answer the prevailing wage
303 requirement.

304

305 **Continued Public Hearing – OCC 17A.400 – Planning**

306 Commissioner Branch explained we will begin the extended public hearing for the
307 overlays proposed in OCC 17A.400. He opened the hearing to staff.

308

309 Director Huston stated in looking at the comments received to date and for the sake of
310 the record, what would this code section do if adopted. Not designating any study area,
311 were the board to adopt this water study area and boundaries follow the map
312 boundaries it would prohibit him from taking in sub division applications and therefore
313 no one is vested in terms of the vesting laws in the state of Washington. He read from
314 the proposed code on water availability overlays study area draft section C on
315 Subdivisions. He left the code fairly broad and not actually using permit exempt wells.

316

317 There was discussion about timelines and how long the process will go on. Revisions
318 were discussed with an expiration date established after two years. It was to prevent
319 vesting. A study area would show up amending the specific section and where the list of
320 areas to be studied would be noted. It would have to be renewed by legislative action
321 via ordinance.

322

323 Commissioner Hover explained, in reading the comments, they are looking at surface
324 waters and all diversions must have a water right issued by Ecology. In this scenario
325 type question, he comes to planning to build a house and the water source is a pump in
326 the Methow River and he wants to split the land and use the surface water as its source,
327 how do we deal with that here? Director Huston would accept the application because
328 they do not propose to use an exempt well. They could get preliminary approval but
329 would have to convert the water source to domestic use. DOE would process either with
330 the Water Conservancy Board involved or not. Commissioner Hover wants to ensure
331 the document covers those types of issues.

332
333 Commissioner Branch discussed the FutureWise comment regarding the 2-year review
334 period. Commissioner Hover said if we go through the trouble of designating this then
335 we should study the area first. Language should be added that says if an area is
336 designated that a study must take place. You cannot just hold people ransom and then
337 delve into our thought process to deliver years down the road. Director Huston said the
338 act of designating would contain some structure and would initiate the study issues,
339 processes employed to resolve issues. Commissioner Hover said it is too much of a
340 leap of faith and would like to know how it is created and then what it looks like.

341
342 Director Huston went to the Adoption Criteria section. Commissioner Hover asked that
343 the word “may” be replaced with “shall” in the first sentence of the section.
344 Commissioners’ discussed different word versions of the section because it was thought
345 it could be worded more simply.

346
347 Isabelle Spohn asked a question about the hearing processes. Commissioner Hover
348 asked her to save her question for when she is called upon.

349
350 Commissioner Branch then closed staff and opened up for public comment. He called
351 on those who wished to comment.

352
353 Isabelle Spohn, Methow Valley, asked how the preliminary approval of surface water is
354 being granted and does that mean the applicant would be vested? Director Huston said
355 preliminary approval could be on a plat application and the first defining step once
356 preliminary conditions were met, then the applicant would continue by demonstrating
357 adequate water. Ms. Spohn explained right now developer she knows has received
358 preliminary approval for their development and he is already advertising the lots, the
359 county is enlarging the road and the developer doesn’t even have a water right. Director
360 Huston can speak to that. She said it is important to adopt an overlay to help make the
361 distinction. The current situation is such that one acre lots are approved. Her comment
362 is out of date because the comments were only from two others. Existing studies that
363 have brought to light concerns that when the new wells go in they will affect agriculture
364 water. She agrees with the commissioners’ questions but it is important to get good
365 legal advice on this and not make mistakes. Threats of litigation should not be used to
366 persuade. She suggested the board adopt the code soon and made suggestions to
367 delete “in place at time of adoption” as they want the new ordinance wording to cover
368 this. She would like to see in-stream flows addressed but also focus on other areas that

369 flow into the Okanogan River. The vesting issue is a big problem in the Methow
370 drainage because part of it was a surface water right.

371
372 HC Burkholder testified at the last hearing so he asked to testify last. He testified that it
373 is important for any decision to have a sound basis for the decision. He is concerned
374 about placing a moratorium on certain activities in order to study them. The moratorium
375 should come after the study. He likes the idea that in order to study the area that we
376 would need a factual basis requiring it and that there is some existing reason to believe
377 there is insufficient water. He did not like the idea about vesting that took place on the
378 existing and that somehow that can be changed by just changing the zoning. If
379 someone is vested as it exists today, the law should not be changed to affect that
380 status. Mr. Burkholder commented that this is yet another mechanism where
381 development is curtailed and he believes a legal review is wise, because he could
382 challenge this code on his own as it stands. He further asked, how we can keep from
383 having a study area all over the county. Establishing the first study area is arbitrary. The
384 criteria should be tightened up with decisions having a basis of fact and logic that
385 justifies the decisions being made.

386
387 Melanie Rowland, representing MVCC, commented on the key points already made in
388 the submitted comment. The code revision is a really good thing and very much in the
389 public interest and MVCC commends the board for taking it on. She was very glad to
390 see Commissioner Hover refer to the comment letter of MVCC because it enforces the
391 comments made by Future wise. Three things noted by them was 1) there is no time
392 line for designating the water availability study area and urged the commissioners' to
393 establish one quickly because the study areas will change as more and more people
394 apply. She asked when the findings of the study will be made and hoped it would be
395 ASAP. 2) If zoning were to change, the ordinance would lock into place certain rules
396 before the new ordinance was actually in place. 3) Designate specific study areas ASAP
397 and requested the board do the whole lower portion of the Methow area. There is good
398 information about inadequate water available in areas of lower Methow reach, there is
399 no question about that. The information is in MVCC letter. Ecology has found, in that
400 area, that water is no longer available and there is evidence there could be serious
401 problems so we do need enough time to gather the evidence in order to make good
402 decisions.

403
404 She discussed the Methow rule. The Methow rule allocates the 2cfs reserve for single
405 use domestic, therefore it doesn't support group uses. She thanked the board for
406 addressing the water issues and stated, if we create a study area then we should
407 actually study it.

408
409 Nancy Soriano Tunk Valley, handed out the excerpts supporting her comment. She said
410 she has submitted comments to the county over the last 20 years regarding water in the
411 Tunk Mt. area and the insufficiencies of our code, where development and water is
412 concerned. Ms. Soriano asked how does it happen that development was approved for
413 one acre lots, when water appeared to be inadequate to support lots of that size. There
414 are more parcels than water and she has documented the impacts to her senior water

415 rights and of those at the headwaters of the Tunk Valley. She read from Mr. Sweger's
416 comment about his water right and his inability to irrigate. The proposed code allows a
417 more specific analysis of the water in areas, so she is in favor of this. She handed in her
418 comment for the record. (attached)

419
420 Commissioner Branch explained this isn't a vesting issue, the main thing is whether the
421 information is sufficient enough to make a decision. If the board determines the
422 information we are looking at doesn't answer the question of there being sufficient
423 water, then what. If decisions to subdivide property are being made, then we should do
424 something to provide the predictability of sufficient water. He feels strongly that at least
425 this process gives them the ability to take a look at the situation so decisions made
426 aren't arbitrary and we try an avoid making arbitrary decisions. Cursory looks at basins
427 said this is the situation of gaining and loosing reaches and did not sufficiently provide
428 enough information to determine. Commissioner Hover stated there were come

429
430 Commissioner Hover moved to finalize a draft ordinance to transmit to the county's land
431 use attorney for legal review. Motion died for lack of seconded.

432
433 Director Huston explained the point of locking an applicant into something. He
434 suggested a period be added in the Conditional uses section 17A.400.040. He made
435 some other suggestions. Rules in place at time of application, and some vested under
436 conditions as preliminary approval but have no legal lots to sell convey title until the
437 subdivision is sold. They cannot change the conditions of approval. Commissioner
438 Branch stated the premise behind those lots was to be able to sell them in order to pay
439 for the conditions.

440
441 **Motion Staff Direction 17A.400 Draft Review**
442 Commissioner Hover moved to direct staff to send the recent draft to the land use
443 attorney based on the comments received. Before the document goes to legal review
444 the board would like to review it first and there were other comments sighting laws and
445 technical details that should be discussed further by the board.

446
447 Commissioner Hover moved to amend his motion to have the director prepare a draft
448 ordinance for commissioner review who will then transmit the document to the land use
449 attorney for legal review. Motion was seconded, all were in favor, motion carried.
450 Director Huston will discuss specific issues with in the comments during his next study
451 session.

452
453 Commissioner DeTro returned from the flood tour at about 3:20 p.m.

454
455 **Public Hearing – Supplemental Appropriation – Noxious Weed**
456 Commissioner DeTro opened up the public hearing noting no public in attendance. He
457 closed public comment and opened up to staff. The Clerk of the Board explained the
458 supplemental was to allocate unspent 2017 funds

459
460

461 **Motion Resolution 55-2018 Supplemental Appropriation Noxious Weed**
462 Commissioner Hover moved to approve resolution 55-2018 a supplemental
463 appropriation within the Noxious Weed fund in the amount of \$183,596. Motion was
464 seconded, all were in favor, motion carried.

465
466 **Motion - Voucher Approval - Commissioners'**
467 Vouchers certified and audited by the Auditing Officer as required by RCW 42.24.080
468 and those expense reimbursement claims certified as required by RCW 42.24.090 have
469 been recorded on a list, and made available to the Board. As of this date, the Board did
470 vote, by unanimous vote, to approve the regular vouchers in the amount of
471 \$745,593.02. Warrant numbers as cited on the attached blanket voucher list. Motion
472 seconded and carried.

473
474 **Motion Public Health Voucher**
475 Commissioner moved to approve the Public Health Vouchers in the amount of
476 \$10,716.41 Warrant numbers as cited on the attached blanket voucher list. Motion was
477 seconded, all were in favor, motion carried.

478
479 **Approve Consent Agenda**
480 Commissioner Hover moved to approve the consent agenda items 1-7 as presented.
481 Motion was seconded, all were in favor, motion carried.

- 482 1. Commissioners' Proceedings May 21 & 22, 2018
- 483 2. Lodging Tax Advisory Committee – Policy and Procedures
- 484 3. Appointment – Oroville – Tonasket Irrigation District – Rob Wilson
- 485 4. Grant Agreement #K2480 – Fairgrounds Arena and Track – WA Department of Agriculture
- 486 5. Cattleguard Renewals – Loebe, CGF#07-08, Oberg, CGF#21-73
- 487 6. Resolution 49-2018 Authorizing Debit/Credit Card Reader User Fees Charged by Public Works
- 488 7. Resolution 54-2018 Current Expense Budget Transfer – WSU Rent & Utilities

489
490
491 The board adjourned at 4:50 pm.
492