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RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

OCTOBER 2, 2018

| | |
|-----------|--|
| 9:00 AM | Budget Work Session –Superior Court & Juvenile Departments |
| 11:00 AM | Public Hearing-Okanogan County 2019 Budget |
| 1:30 PM | Meet & Greet Methow Forest Ranger Chris Furr |
| To Follow | Update-Planning-Perry Huston |
| 2:30 PM | Budget Work Session-Planning Department |
| 4:30 PM | Review Meeting Minutes |

The Okanogan County Board of Commissioners' met for its regular session on October 2, 2018, with Commissioner Jim DeTro, Chairman, Commissioner Chris Branch Vice-Chairman; Commissioner Andy Hover, Member and Laleña Johns, Clerk of the Board, present.

Commissioner Hover absent this morning due to attending George Thornton, member of the public, taking hand written notes.

Commissioners' Staff Meeting

Stella Columbia, Perry Huston and Joe Poulin were present.

Ms. Columbia explained people are contacting her who want to use the fairground quonset huts for storage. She checked with private businesses and what they charge and she thought \$2 per sq. foot would be a fair charge for us. Commissioner DeTro said there is a roof on those but they are basically open storage. Commissioners' thought as long the rate did not conflict with other businesses then they were okay with renting those out for the winter. Ms. Columbia explained another issue is that 15 of the tables used for events are in real bad shape. She said realistically 20 need to be replaced. The Taste of Two Valley's inquired about the tables for their event coming up soon. Ms. Columbia said there was some savings from the temporary staffing allocation that could help with the cost. She discussed upcoming Agriplex events. Taste of Three Valleys is October 22nd, Wine & Cheese November 3rd, fund raiser on November 10th.

Joe Poulin discussed his request for a leaf vacuum that also has a small diameter chipper on the side. He said it has been reduced in price to \$2500 but the vendor would be willing to trade our John Deer tractor forks and \$1500 for it. The forks will need to be surplussed first by resolution. The leaf vacuum will save a lot in labor and time. Mr. Poulin stated it took him and two other staff a few days to pick up the mowed grass. He discussed items are being relocated to the fairgrounds for the surplus auction.

Director Huston relayed a meeting with DOE regarding watershed, net ecological benefit that is set at the Omak Library this week. The Cannabis committee will also be meeting tomorrow. And, Thursday this week is the kick off meeting regarding WRIA 49 here in the commissioners' hearing room at 6:00 p.m. He explained Calcium Carbonate business in Tonasket is wrapping up. He will stop by there to see what is going on, additionally there is some code enforcements he will attend to. Bob Lawrence East Lake Sewer at Champerty

51 Shores. He intends to contact him to learn the kind of structure that is needed in screening
52 applicants.

53
54 A letter was sent by Director Huston to the Initiating Governments with a request to validate
55 members. He discussed the LID and said he would keep Engineer Thomson apprised. If the
56 county managed the project he can make that work too. He will move ahead and keep
57 everyone talking to avoid stumbling later if delayed. He will talk with the Oroville City
58 Council about the utility issuing the revenue bond and then we don't have to set up the LID.
59 Commissioner Branch said that would be most convenient and straight forward.
60 Commissioners' were in favor of Director Huston keeping the discussion moving forward
61 and revisiting the City of Oroville to nail down the different funding solutions. Revenue
62 bonds are daunting and bond counsel must be secured. Municipal bond issues seem to sell
63 within a few days, said Director Huston. He has a dream to get the Comp Plan in front of the
64 board again next week. He will also discuss the application requirements with David Gecas
65 at a later date.

66
67 The Clerk of the Board informed the commissioners' that a position opened up on the Water
68 Conservancy Board due to a resignation. She explained a letter of interest would be
69 forthcoming as the Water Conservancy Board secretary said they met someone who
70 wished to be appointed for the unexpired term.

71
72 George Thornton commented that the board develop a way to publicly announce board
73 openings.

74
75 **Update Clerk's Office-Charleen Groomes**
76 Susan Speiker,

77
78 Clerk Groomes discussed preservation of historical documents. Many historical documents
79 are not being stored properly. Currently the office has over 1300 boxes of files. There are
80 also reels that need to be digitized. The reel reader is no longer functioning and the one
81 they use is another county's and it is almost broken.

82
83 Ms. Speiker said they are cleaning out funds held in the Clerk's Trust. Ms. Speiker
84 explained the antiquated system was updated and the department. was able to clear up
85 some of these types of situations. She is working on some cases with the Prosecutor's
86 office on funds that would be turned into Current Expense. It must be checked first by the
87 prosecutor before it is then turned over to AOC for another look. Three cases to be cleared
88 up. After those are cleared, the Department. will be able to keep up due to the new system
89 upgrade.

90
91 The Odyssey conversion has been going well and staff has adapted well to the change.

92
93 **Update – Public Works – Josh Thomson & Ben Rough**

94
95 **BID OPENING County Wide Guard Rail Safety Project**
96 Shasta Stedman

97
98 Commissioner DeTro stated the time for receiving bids for the countywide guard rail system.
99 Three bids were received on time. The bids were opened and read out loud.

100
101 Peterson Brothers, Sumner WA
102 Total bid \$474,471.51
103 It appeared correct documentation was provided.
104
105 Dirt & Aggregate
106 Total Bid \$487,222.00
107 It appeared correct documentation was provided.
108
109 Gurney
110 Total Bid \$427,084.00
111 It appeared correct documentation was provided.
112 Bid bond attached.
113 Apparent low, but Public Works will review the bids and provide recommendation for award.
114
115 The Engineer's estimate was \$451,454.
116
117 Ben Rough provided his agenda and discussed the items listed there.
118
119 Mr. Rough discussed open position status of the several positions listed. A third snow
120 groomer operator would not be allowed to exceed the amount of state funds allocated for
121 that purpose. Training would occur by the current employee to the new operator. This is a
122 temp employee too. Would the commissioners' like to authorize the third temp snow
123 groomer position by resolution so the training can occur then that employee would step out
124 or is the board willing to authorize right now. That person would be on-call to fill in when the
125 other two snow groomers are unable to groom. The fiscal impact is zero as it is 100%
126 reimbursable through Grant money. A resolution would be preferred to outline the situation.
127
128 *SWAC Update*
129 Meeting last night went well, but By-laws and SWAC membership came up. He discussed
130 with SWAC the idea of doing away with the alternates, but the SWAC decided in the end to
131 keep those position because an alternate position helps the committee form a quorum.
132 Remote participation by committees (call-in) should detailed in the entity by-laws. SWAC
133 requested a legal opinion on this as well as commissioners' support then they would
134 consider updating the by-laws to allow this.
135
136 *Apple Maggot Update*
137 Mr. Rough explained a letter went to Department of Ag regarding the permit SEPA
138 exemption for the special permit of collection of solid waste to the land fill. The special
139 permit has nothing to do with processing green waste. This week Mr. Kovalenko is
140 attending a work shop on heat treatments and handling of green waste.
141
142 *Central Landfill: Scale Installation Schedule*
143 If temporary scales are available then those will be used.
144
145 *Jail Trustee Discussion October 8 at 4:15 pm.*
146 Joe Poulin and Noah Stewart will be invited to discuss use of trustees.
147
148 Engineer Thomson provided his agenda and discussed the items listed there.

149 *Maintenance and Road Conditions*
150 Engineer Thomson explained crack sealing was added to the maintenance.

151
152 Statler Bridge was closed and reopened once repairs were done, but load restrictions
153 resolution is the best way to keep people safe. It will allow a school bus over it, and weekly
154 monitoring will happen. Water is now flowing under the bridge. He is meeting with Connie
155 Iten on estimates for prospectus. He expects it to go through, but he is looking at around
156 \$1.2 million for replacement.

157
158 *Bridge Inspection*
159 Engineer Thomson said there were identified additional erosion regarding some other
160 bridges on Salmon Creek Road, those were minor.

161
162 *Barkley & MVID Dich Project*
163 Did not sound like WDFW was happy with the issues brought to their attention regarding
164 this project.

165
166 *Consent Agenda Items*
167 Engineer Thomson briefly discussed items on the consent agenda.

168
169 Commissioners' adjourned for lunch at 11:30 a.m.

170
171 Commissioner Hover was returned for meetings this afternoon.

172
173 **Citizens Comment Period**
174 During this time, Commissioner DeTro explained he spoke to Okanogan Irrigation and he
175 was told the idea of diversion on North Fork will allow them to fill the upper lake, right now
176 the limit is 20 cfs. The diversion will allow the lake to be filled early on to fill to 70 cfs. The
177 tribe is involved and the diversion has nothing to do with fish or tearing dams out. This is
178 water mitigation. He heard from Bureau of Reclamation and they said putting a restriction
179 on the lower lake won't work, so they will look at other options.

180
181 **Public Hearing-CDBG Economic Opportunity Grant Closeout-Fire District #15-Tonya**
182 **Vallance**

183
184 Director of Planning Perry Huston.
185 George Thornton member of the public, taking notes.

186
187 Commissioner DeTro opened up the public hearing. He asked Ms. Vallance to provide a
188 closeout report.

189
190 Ms. Vallance explained this public hearing is the final step to closing out the CDBG
191 Economic Opportunity Grant for Fire District #15. She explained the process and how
192 Okanogan County became involved with the \$1,000,000. The hall was completed in 2017
193 but there were many forms to be completed prior to closeout including the state audit with
194 no findings or management letters. They did comment on the district's procurement policy.
195 Ms. Vallance explained the final documents to be authorized. There were some issues with
196 the contractor using the wrong salary ranges, should have used the Davis Bacon reference.

197

198 Ms. Vallance thanked the board for its involvement with the grant. Director Huston
199 commented that Okanogan County's in-kind portion to provide the NEPA and SEPA review
200 for the grant was performed by his office. He stated it represents an opportunity for the
201 public to participate. Although the project was exempt the funding source required SEPA
202 NEPA review. There was a notification and comment period and none given during the time
203 allowed. It is important to note there were other opportunities where public could comment.
204

205 **Motion Contract Closeout Report CDBG Economic Opportunity Fire #15**

206 Commissioner Hover moved to approve the close out report for the CDBG Economic
207 Opportunity Grant No. 15-62210-035 and authorized the chairman to sign. Motion was
208 seconded, all were in favor, motion carried.
209

210 **Motion Resolution 100-2018 Snow Groomers**

211 Commissioner Hover moved to approve resolution 100-2018 approving up to three (3)
212 temporary snow groomers for the 2018-2019 winter season. Motion was seconded, all were
213 in favor, motion carried.
214

215 **Motion Reappointment Water Conservancy-Rod Noel**

216 Commissioner Hover moved to approve the reappointment of Rod Noel to the Water
217 Conservancy Board expiring on March 31, 2024. Motion was seconded, all were in favor,
218 motion carried.
219

220 **Approve Consent Agenda**

221 Commissioner Hover moved to approve the consent agenda items, removing item #1.
222 Motion was seconded, all were in favor, motion carried.
223

- 224 ~~1. Commissioners' Proceedings September 24, 25, 2018~~
225 2. Cattle Guard Renewal-CGF#5-77-Searer
226 3. Contract-Fair Entertainment-Music-Jeremy McComb
227 4. Resolution 95-2018 Temp Snow Groomer Employees Wages
228 5. Resolution 97-2018 Sinlahekin Road Culvert
229 6. Resolution 98 2018 Annual Leave for Probationary Employees PW PTC Union
230 7. Resolution 99-2018 Bridge Load Restrictions Bridge A-2 Statler Bridge
231

232 **Update-Human Resources/Risk Management-Debi Hilts, Tanya Craig**

233 Ms. Debi Hilts provided her update. Ms. Craig was not in attendance.
234

235 Public Health is inquiring whether or not the county will pay for flu shots this year or not.
236 Commissioner DeTro believed that Rite Aid provides free flu shots. Ms. Hilts commented
237 that employee health insurance covers the shot. The commissioners' asked that Ms. Hilts
238 check with Rite Aid about the free flu shots, find out from Public Health the cost of each shot
239 and who intends to get one, and check on cost to the employee if insurance pays.
240

241 **Discussion –Johnson Creek Fish Passage-Rod Haeberle**

242
243 Commissioner DeTro explained this meeting was to clarify the Fish Passage. The irrigation
244 district is required by DOE to put in a fish passage. There is nothing they can do. There is
245 also going to be a new diversion on the North Fork. Colville purchases water from
246 Okanogan Irrigation district and the diversion will help fill the lake beyond 20 cfs, but the
247 window of opportunity is often missed to fill the upper lake. This will allow 70 cfs to be

248 diverted to the upper lake to be filled. The tribe is paying for it as mitigation but it has
249 nothing to do with tearing down dams or fish. It isn't the Okanogan Irrigation districts idea.

250
251 A sign in sheet was circulated as there were many in attendance.

252
253 Mr. Haeberle explained the concerns he and many others have regarding the Fish Passage
254 on Johnson Creek. The first thing is to give some parameters around Johnson Creek, it
255 comes out around Hess lake and parallels Conconully Road then flows down through
256 private property for around 8 miles until Riverside Cut off road then at Green Acres Road
257 runs down into the confluence of the Okanogan River most of the time, but not all the time.
258 The experts say it is a fish bearing stream and other say it isn't. If there is no water in the
259 stream it would appear difficult to have fish.

260
261 A petition was brought forth to the commissioner by Johnson Creek property owners and
262 water right holders. All of the creek until it comes out a Green Acres road, but DOT has
263 granted fish issues, City of Riverside is allowing culverts to be put in. Tear out concrete dam
264 on upper side of HW 97 and that has not been done. Commissioner DeTro stated they have
265 altered the dam. Phase II was to tear the culvert out by Green Acres and that is when they
266 will walk all over the private land owners. The 2014 testimony was read when the fish issue
267 became known. To date Trout Unlimited has not talked to any of the landowners.

268
269 Mr. Haeberle read from his 2014 testimony. All of the fish mitigation actions, Bonneville has
270 to pay 100% of them. For fish habitat, water rights all along the Okanogan River are being
271 looked at due to the tributaries that flow into the river. The private land owners and
272 residents along the Johnson Creek signed a petition to the county commissioners' and it
273 was ratified by the county commissioners' at the time. The Farm Bureau also ratified it
274 afterwards.

275
276 He read a letter of similar nature submitted after the reading of the first letter which
277 summarized the feelings of the Johnson Creek group. Rehabilitation means they were
278 there, yet Chris Fisher swears up and down there is Steel head in the creek. How can you
279 say they are rehabilitating when the fish have never been there. He feels the county
280 commissioners' did their part, but we don't know where any traction can be had from here.
281 There is the GOD SQUAD but it requires a Governor from each state.

282
283 Since the initial petition was read, everything is totally relevant and is on Bonneville Letter
284 head. He read from the BPA fish court in 2008. The Salmon Creek project, to-date the Tribe
285 spent \$6.25 million to produce 6-80 fish per year in that creek.

286
287 SEPA was applied for in June 2015 Char Schumacher with Trout Unlimited. Correction was
288 noted that Ms. Schumacher was with Okanogan County at the time. Evaluation proposed to
289 change a culvert that was not fish friendly and that was done. Also there were plans to
290 remove the concrete dam and Commissioner DeTro said they have cut a down the sides.
291 Mr. Haeberle said Phase II of the project will be a request to the county commissioners' to
292 remove the culvert and that will open up the door on Johnson Creek. There is no one on the
293 creek in favor of the fish passage. They will try and buy someone out then when that
294 happens their wish is to have a hatchery there. They will never stop, they have the
295 Riverside project, now they are moving north. There is a fish friendly culvert needed on Hwy
296 97 and that will be a huge expense. They'll move around until they have the land they need

297 then once that land is secured along the creek they will revisit the Hwy 97 culvert. If the
298 culvert changes Mr. Haeberle said the whole pond will go away.

299
300 Mr. Haeberle read that after the study, they named off several creeks of interest, including
301 Johnson Creek where the Tribe found the creek was subsurface from Hwy 97 to the
302 confluence, and no field observations found fish.

303
304 Omak School District gave permission to remove the concrete dam and culvert and those
305 estimated costs for those two projects was \$164,900 then additional funds matches of
306 \$29,500.

307
308 Commissioner DeTro stated there are some questions that come along with the problems.
309 The agencies can override and work in the creek whenever they want to, but the citizen will
310 get arrested. They can destroy a wet land, but the citizen will be arrested.

311
312 Commissioner Hover said BPA cut funding to the Okanogan because it wasn't going to put
313 the cost of overflow onto the rate payers to make up the 40 million dollar loss due to the
314 spill. Mr. Haeberle said part of what was read today on the mitigation funding on fish to
315 mitigate the damage they caused. It is the Board's understanding the blank check writing of
316 BPA ending? Commissioner Hover replied they are evaluating.

317
318 Commissioner Branch stated he is very familiar with Johnson Creek, has even fished it with
319 permission knowing it is primarily private property but not on the Haeberle place; Mr.
320 Haeberle said just ask. Branch acknowledged that the stream was looked at as a special
321 trout stream.

322
323 Commissioner Hover asked if there was funding mechanism not tied to WDFW or BPA fish
324 program but was regarding wells in the county and a definitive document that says no ESA
325 listings in Johnson Creek, is Steel Head in that creek an issue for anyone? He was
326 previously told off the record by Chris Fisher that the evaluation of the creek main body is
327 not ideal for spawning and a lot of work in the creek would be needed for fish. Mr. Haeberle
328 said there are many Brown Trout in the creek.

329
330 Do the property owners have an issue with Steel Head? Ms. Nichole Kuchenbuch stated it
331 is the demise of the water rights not about fish. She said there was concern about them
332 poisoning out the Brown Trout.

333
334 Mr. Haeberle said the rainbow trout could co-exist with steelhead and that is why only catch
335 and release on the creek. The other fish there is a limit of 10, but they are apparently
336 predators to the salmon. He would hate to see the German Browns go away.

337
338 Mr. Haeberle asked if others behind him could testify because many have gone through
339 issues on Johnson Creek.

340
341 1986 photos show the creek dry and she has march land and ties into Mr. Andersons
342 property that would be lost if the culverts were removed. Commissioner DeTro said Minton
343 Corner there was an old homesteader murdered over water rights in the early 20's. There is
344 also talk about someone buying the Figlenski's in order to put mustangs on. Mr. Haeberle
345 said there was also the Hess Lake murders about water. On behalf of everyone in the room,

346 he said he is afraid they will all be run over by this and he wants to be on the record. If there
347 is any insight the commissioners' can provide, they would like to hear.

348
349 They aren't worried about fish they are worried about the people. Commissioner Hover
350 thanked Mr. Haeberle for coming in here to explain the issues along with the many others
351 feeling impacted. Mr. Haeberle said in every one of the rehab projects they wind up like
352 what happened in Salmon Creek with 6.5 million dollars in order to raise 6-80 fish as shown
353 on the DEIS. Deeded acreage and crops they produce and livelihood they have and if the
354 water is made more fish friendly they will displace land value due to no water, displace all
355 the family livelihood to raise 6-80 fish per year? It has happened in other areas and it will
356 happen here.

357
358 Commissioner DeTro thanked the group for coming as this has been a topic of great
359 concern. Ms. Kuchenbuch asked the opinion of each commissioner on this matter.

360
361 Mr. Haeberle said that they were encouraged to drill wells to reduce the impacts to instream
362 flows and they have offered to drill the well but was concerned how all that would affect
363 water rights. Commissioner Branch said he is concerned about that. He discussed the
364 issues before the board of commissioners' in regards to water, water availability and
365 impairments. He understands the concern. Mr. Haeberle said farmers make up 2% of the
366 population but grow most of the populations food, he believes most people who love fish
367 and love to fish are thinking fish should be in every bit of water, but he really doesn't think
368 those same people were put into his shoes they would have a different point of view of this
369 situation. Commissioner Branch indicated he is about public access to fishing but always
370 tries to put himself in the position of others when actions affect them, and he felt that if he
371 were a landowner with a unique stream like Johnson Creek running through their property
372 and there were proposed changes to the stream that might impact its present condition he
373 would be quite concerned.

374
375 Commissioner Hover said the creek his grandparents bought land on was the bomb shell
376 for Okanogan County NOAA Fisheries told them to shut it off or face a \$5,000 charge.
377 Luckily they were able to resolve that. In working for the public he represents the public in
378 the many boards and committees he sits on. He has spoken and said the programs do not
379 work if you are not communicating with those impacted. He is going to support this, this
380 conversation about Johnson Creek has happened at the UCSRB meetings which he sits on.
381 He will keep advocating but it would be nice if there was a way to get more fish without
382 taking water rights and purely just have more fish. Can that happen, we don't know. When
383 he is sitting at the meetings he is thinking how the issue impacts the citizens he represents.

384
385 Commissioner DeTro said he sits on the NACo Public Lands steering committee he gets to
386 testify if he wants to. He said BLM stole authority and jurisdiction when their own policies
387 have said they are to manage the public lands. We must resist at the highest level in order
388 to be heard. On DNR land we did not have one fire over 20 acres this year because the
389 new commissioner of public lands has listened and taken action and why you see engines

390
391
392
393

394 scattered around the state and planes at the airport. Initial attack is when there is a fire you
395 go and put it out rather than wasting time working up the paper work. Does he fight fish
396 issues and encroachments to private property you bet he does. Takes the voice of the
397 people to a higher level to implement change. Commissioner DeTro pointed out that this
398 issue came to his attention as a result of Commissioner Branch's report on the Washington
399 State Association of Counties recent business that included funding that would make
400 Johnson Creek modifications more imminent. He had noted that the culvert replacements
401 there scored high in funding proposals.

402
403 Mr. Haeberle pointed out that they would not be here today if the board had not first come to
404 him to relay what was going on. They do care but they are out working to make a living and
405 cannot attend every meeting where these issues are being discussed. Commissioner
406 Branch reached out to the group for a conversation and would like to get to know everyone
407 better.

408
409 The commissioners' thanked everyone for taking time to attend.

410
411 Engineer Thomson explained he prepared his recommendation for award of the county
412 wide Guard Rail project for signature.

413
414 **Motion Bid Award-Countywide Guardrail Project**
415 Commissioner Branch moved to award the County Wide Guard Rail project to Gurney as
416 the low bidder. Motion was seconded, all were in favor, motion carried.

417
418 The board adjourned at 5:00 p.m.
419