



BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, May 23, 2023, at 10:00 am

BOCC Basement Conference Room, Room 33B, 128 N 2nd Street, Yakima, WA 98901 or Zoom

IN PERSON OR VIRTUAL

5/23/2023 - Minutes

1. CALL TO ORDER

Meeting Called to Order at 10:00 a.m.

PRESENT: Chair LaDon Linde, Commissioner Amanda McKinney, Commissioner Kyle Curtis, Legal Counsel Stefanie Weigand, Clerk of the Board Julie Lawrence, Deputy Clerk of the Board Erin Franklin, and guests.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Thomas Mullen shared frustrations about his experiences with the County's well and metering requirements. Commissioner McKinney asked that he leave his contact information so that staff can reach out to follow up.

Travis Heine shared concerns about a code violation he received for living in his RV on his elderly parents' farm to provide help during the farming season. He noted that other neighbors are in similar situations, and raised the question of whether the County might offer alternate permitting for these types of situations. Commissioner Linde asked that he leave his contact information so that staff can reach out to follow up.

4. CONSENT ITEMS

Commissioner Curtis MOTION: To Approve Consent Agenda

Commissioner McKinney SECOND

Approved Unanimously.

Commissioner Curtis gave a reminder that all BOCC meetings are open to the public and can be attended both in-person or virtually. All meetings are recorded, and the meeting links and recordings can be found on the BOCC webpage.

5. AUDITOR

A. Accounts Payable Warrant Approval

Issue Date: 5.15.23.

6. COMMISSIONER

A. 5.5.23 Work Session Minutes

B. 5.8.23 Work Session Minutes

C. 5.9.23 Regular Agenda Minutes

D. Resolution 134-2023

Adopting Articles of Association and Bylaws for the Eastern Washington Council of Governments.

Fiscal Impact: \$0.

7. CORPORATE COUNSEL

A. Resolution 128-2023

Denying Claim No. 21-2023 Filed by Yesenia Andrade.

Fiscal Impact: \$0.

8. COUNTY ROADS

A. Resolution 129-2023

Intention to Vacate and Abandon Certain Unopened Road Right-of-Way Located Along the West Side of Northwest Quarter of Section 7 Township 13 North, Range 18 East, W.M.; For Approximately 935 Feet South from the Northwest Corner of Section 7 for 40 Feet Wide and to Set a Date for Public Hearing.

Fiscal Impact: \$0

B. Resolution 133-2023

Authorizing Advertisement for Bids for the Cheyne Transfer Station Floor Repairs and the Construction of the Crane Pad and Exits at the Terrace Heights Transfer Station.

Fiscal Impact: \$0.

9. HUMAN RESOURCES

A. Resolution 130-2023

Additions/Deletions to Budgeted Position in Department 020 (Auditor's Office), Department 410 (Prosecuting Attorney), Fund 121 (County Roads), Fund 125 (Public Services: Water Resources), Fund 401 (Public Services: Solid Waste), Fund 426 (Public Services: Utilities), Fund 450 (Public Services: Building & Fire Safety), and Fund 595 (County Roads: ER&R).

Fiscal Impact: See Attached.

B. Agreement 130-2023

2023-2024 Memorandum of Agreement between Yakima County Board of Commissioners and Council 2, Washington State Council of County and City Employees Representing Locals 87, 87P, and 87PS.

Fiscal Impact: See Attached.

10. HUMAN SERVICES

A. Agreement 105-2023

Modification #2 to Public Works Contract for Home Rehabilitation Program Project HM20-002.

Fiscal Impact: Modification Increases Contract by \$4,514.40 for a New Total of \$75,864.60.

B. Agreement 131-2023

Amendment A to Yakima County's Community Development Block Grant from the Department of Commerce to Northwest Community Action Center, Requesting an Additional Year of Funding and Increasing the Contract End Date by One Year to June 30, 2024.

Fiscal Impact: Request for Second Year Funding in the Amount of \$152,000.

C. Agreement 132-2023

Grant Contract from Washington State University for Yakima County Broadband Action Team Implementation and Support.

Fiscal Impact: \$59,117 in Grant Funds Awarded to Yakima County Human Services.

D. Agreement 133-2023

Modification #2 to Agreement with Triumph Treatment Services for Family Emergency Shelter, Changing the Funding Source Back to Local Housing Funds (2163) and Adding a Budget Line Item for Capital Improvement.

Fiscal Impact: Contract Remains at \$46,845.

E. Agreement 134-2023

Modification #1 to Agreement with Yakima Neighborhood Health Services for Rental Assistance and Rapid Rehousing, Awarding Additional Funds to the Contract.

Fiscal Impact: Modification Awards an Additional \$30,000 to the Contract, for a New Total of \$180,000.

F. Agreement 137-2023

2024 Professional Services Agreement Renewal with People for People to Act as a Fiscal Agent for Yakima County Emergency Food and Shelter Program.

Fiscal Impact: \$7,500.

11. SHERIFF

A. Agreement 135-2023

2023 Memorandum of Agreement between the Board of Yakima County Commissioners, the Yakima County Sheriff, and Yakima County Sheriff's Office Non-Commissioned Officers Guild, Representing YCSO Non-Commissioned Clerical, Dispatch, Evidence, and Animal Control Employees.

Fiscal Impact: \$0.

12. TECHNOLOGY SERVICES

A. Agreement 139-2023

Agreement with Infax for Digital Signage Software, Hardware, and Services.

Fiscal Impact. Total Cost of \$29,260.52 to be Split Between Superior Court, District Court, the Clerk's Office, and the County Commissioners.

13. TREASURER

A. Agreement 138-2023

Personal Services Agreement with Yakima Process Servers for the Treasurer's Office.

Fiscal Impact: \$10,000.

14. REGULAR AGENDA

A. Resolution 132-2023

Making a Final Decision on the Hearing Examiner's Recommendation on the Preliminary Long Subdivision Known as the Sauson Subdivision (LSP2022-00003).

Fiscal Impact: \$0.

Presenting: Long Range Planning Manager Noelle Madera

Commissioner McKinney MOTION: To Approve the Hearing Examiner's Recommendation, with the Modification of Waiving the Recreation Space Requirement (Removing Condition #6)

Commissioner Curtis SECOND

Motion Passes Unanimously.

Commissioner Curtis noted that he would also like to reexamine the recreation space requirement in the County Code with Planning staff sometime in July, if possible.

15. PUBLIC HEARING

A. Public Hearing

Public Hearing to Consider the Recommendations of the Yakima County Planning Commission on the Proposed Town of Naches Emergency Urban Growth Area Amendment (LRN2021-001/SEP2021-010).

Presenting: Planning Official Tommy Carroll

Tommy summarized the history of this emergency request thus far, noting that the latest and final version of the request has come before the Board as a "no recommendation" from the Planning Commission, due to a lack of members attending and voting at the Planning Commission hearing. He also explained some of the Department of Commerce's concerns about the Board making any decisions de-designating agricultural land on a site by site basis instead of a county-wide basis, and not utilizing the population context of all 14 towns and cities at the same time.

Bill Hordan (Hordan Planning Services) explained that he was present representing the Town of Naches, and introduced the others who would also be presenting. He discussed the need and desire to add residential land to the UGA based on projected population growth. He noted the ways that the request has been modified to address the concerns of the Department of Commerce, and explained why the town has proposed the specific areas of land in question. Michael Uhlman (HLA Engineering, Town Engineer) shared an exhibit with the Board detailing the town's growth, and discussed how the town's sewer, water, and transportation systems will relate and connect to growth areas. Michael Shinn (Halverson Northwest, Town Attorney) contended that the property in question is not commercially-viable agricultural land of long-term significance, and therefore de-designation of agricultural property is less of a concern in this case. Paul Williams (Naches Mayor) spoke on the lengthy planning process that has been put into this request, and his desire to see Naches move forward in growth.

Public Comment:

Jerry Sodorff stated that as a general contractor, he would like to see more development in the area, which will require more lots to open up; only a few are currently available.

Troy Huck expressed his belief that this request is more about the profitability for town officials than about Naches needing room for growth.

Kailan Dunn, Jr. spoke about Yakima County being founded on agriculture, noting that the Diener property has perfect farmland. He himself farms 23 acres of land profitably, and his father has previously tried to purchase the Diener property for farming. He stated that growth is inevitable, but expressed his belief that growth

should occur during the annual cycle and not via this emergency amendment, especially when the Planning Commission and the Department of Commerce are not in support. He expressed concerns that this might set precedent for other cities and towns to make similar requests to de-designate agricultural land as emergency amendments.

Mary Pistoresi stated that she is against this proposal; she came to Naches because she was looking for a small, safe community, and she would like it to stay that way.

Eugene Thompson voiced distrust for town officials and noted that the State Auditor's Office would be conducting an audit of the town. Regarding Michael Uhlman's comments on transportation, he expressed concerns for traffic and safety on a number of local roads, especially near school zones. He also discussed different potential scenarios for different types and amounts of residential housing that could be put in, and the effects they might have on local utilities and transportation. He asked that the Board stick to the regular amendment cycle instead of granting an emergency amendment.

Shane Downing explained that he used to work for Gray & Osborne Civil Engineering, and spent time reviewing many UGA plans, but has never seen a wilder departure from an urban growth plan than this request. He asked the Board to review the documents for insight into Naches' actual growth needs.

Ben Mansfield spoke to his lifelong connection to Naches, urging the Board to "follow the money" and see where officials might be able to take advantage of the community for their own benefit, despite the community's protests and concerns.

Bill Davis expressed his frustrations trying to get a copy of the town's comprehensive plan, finally resorting to contacting the Department of Commerce to receive a free digital version instead of having to pay for copies locally. He highlighted verbiage in the comprehensive plan about supporting agriculture and maintaining farmland. He shared concerns that there has been a lack of communication from the town, particularly regarding the Huck property, and called for greater effort to reach out and include the community in the decision-making process.

Susan Schneider asserted that Naches needs more room for growth for the continued survival and thriving of the town, and expressed excitement over the possibility of improvements that might encourage others to move in, such as paved roads and city sewer. She urged the community to try to find common ground.

Doug MacNeil stated that he has spent over 80 years in Naches, and noted that while Bob Diener would like to be part of the UGA, he has not stated any specific plan for his land, and should have the right to do what he wants with his property.

Chad Christopherson noted that he is on the Naches School Board, but would be sharing his own thoughts and opinions. He explained that the school board does not yet know what it wants to do with the piece of property it purchased in the area last summer/fall, but shared concerns that it would be claimed by the town for a proposed road under eminent domain should this emergency request be granted. He advocated for responsible growth, and urged the Board not to set a precedent by approving this request.

Josh Gooler asserted that this situation does not qualify as an emergency, and feels that "the cart has been put before the horse" by town officials.

John ("Bob") Diener stated that he is in support of the de-designation of his land, and addressed some of the rumors being spread about this situation.

Todd Huck, the owner of the Huck property that was discussed, noted that he has never been contacted by any developers, and views that as an indication that this situation does not constitute an "emergency" need for growth. He shared his frustration that decisions were being made about his property with very little notice, and concerns about government overreach and eminent domain. He also observed that the cost of expanded infrastructure is usually placed on developers, and yet the Town of Naches has been taking steps to cover those costs ahead of time with taxpayer funds.

John Kemple stated that he is opposed to the emergency amendment and would like to see the process start over and be handled properly from the beginning. He noted that he, too, was interested in purchasing the Diener property for farming, but added that Mr. Diener has taken some unfair criticism throughout this situation.

Andrew Matala observed that communication with the town officials is lacking, and noted that the doors to Town Hall are almost always locked during business hours. He asserted that the town council is not speaking for the people.

William Brummett concurred that there needs to be better communication from the town council, and questioned the accuracy of claims of the need for expansion.

Elliott Baker, a business owner in Naches, shared concerns about collusion and corruption in town officials. He noted that an increase in homes might benefit him as a business owner, but he doesn't want those benefits to come at the expense of the town when the community is clearly against expansion. He also observed that expansion could result in the need for a police force if the Sheriff's Office was not able to cover the expanded needs of the community.

Dain Lukehart, a local contractor, stated that he is in favor of the proposed amendment, believing it to be a positive decision for the area.

Bill Hordan responded to some of the topics discussed in public comment, noting that there are no plans for eminent domain for a road to go through the school district's property at this time. In terms of new homes being built, only around 60-80 units would be spread across the 20 acres of property being discussed, and the need is there. He asserted that all town council meetings are being noticed properly, and contended that the formation of UGA's actually created a number of problems. He then restated the Town of Naches' position on the emergency request. Finally, he read an excerpt of a email from Tom Allan (Allan Brothers, Inc.) in relation to the commercial viability of the farmland in question.

Commissioner Comment:

Commissioner McKinney asked that Tommy Carroll follow up with the Board at a future Work Session with information on how many parcels similar to Mr. Baker's are eligible for subdivision, and how many single-family dwelling units that would result in.

Commissioner McKinney MOTION: To Close the Hearing and Move This Item to Discussion at the Work Session on Monday, June 5th To Move This Item to Resolution at a Future Agenda

Commissioner Curtis SECOND

Motion Passes Unanimously.

16. EXECUTIVE SESSION (15 Minutes)

The Board met in executive session for 25 minutes at 12:01 p.m. for a discussion with legal counsel about legal risks of current or proposed action, as allowed by RCW 42.30.110(1)(i). The Board returned at 12:26 p.m., and no further action was taken.

17. DISCUSSION

ALS Protest Denial Deliberations: Commissioner Linde briefly recapped the Ambulance RFP events leading up to Advanced Life System's protest of the Board's decision in favor of American Medical Response. The Prosecutor's Office denied the protest, ALS appealed to the Board, and the Board heard their appeal at last week's Regular Agenda Meeting.

Commissioner McKinney observed that this has been a long, thorough process, during which the Board has reviewed a great deal of information. The community is in need of a solution, and she asserted that while people may disagree with the Board's decision, the process has been sound, the Commissioners must do their best to select the best path forward. Commissioner Curtis concurred, adding that the Board has more than done its due diligence, going so far as to hire a third party as an independent consultant to ensure a fair process. The Commissioners then took ALS' protest and appeal seriously, and he feels confident about the process overall as the time for decision has come. Commissioner Linde agreed, noting that he had thoroughly read through all the information presented, and had listened to feedback from the community and those involved in emergency services. He contended that the process had been handled in a thorough, fair, and open fashion, and that the Board now needs to make best decision possible to benefit the citizens of Yakima County.

Commissioner McKinney MOTION: To Deny ALS' Protest and Appeal and Move Forward with a Contract with AMR

Commissioner Curtis SECOND

Motion Passes Unanimously.

18. NEW BUSINESS

No New Business.

19. ADJOURN

Commissioner Curtis MOTION: To Adjourn

Commissioner McKinney SECOND

Motion Passes to Adjourn. Meeting Adjourned at 12:32 p.m.

All regular agenda meetings are recorded and will be available to view on the BOCC website at <https://www.yakimacounty.us/AgendaCenter/Board-of-Commissioners-2>.

APPROVED DATE

DATE/Minutes

JUN 13 2023

BOARD OF YAKIMA COUNTY COMMISSIONERS

LaDon Linde, Chair

Amanda McKinney, Commissioner

Kyle Curtis, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

