

**Klickitat County  
Board of Commissioners  
Minutes – Meeting of Tuesday, September 3, 2019**

<b>Topic</b>	<b>Agenda Item - Comment/Disposition</b>
	<b>Call to Order/Roll Call</b>
Morning Workshop Session – Tuesday, September 3, 2019	Chairman David M. Sauter called the meeting to order at 9:37 AM. Commissioners present: Jim Sizemore, David M. Sauter and Rex F. Johnston.
	Attendance: David Quesnel  Commissioner Johnston reported on his recent attendance to the Washington Rural Counties Insurance Program training, stating there will be an increase next year in insurance rates.
Executive Session: Discuss pending and potential litigation	At 9:45 AM Chairman Sauter announced that the Board would be convening into Executive Session with Prosecutor Quesnel in accordance with RCW 42.30.110(1)(i) for a pending and potential litigation update. Chairman Sauter noted that the Executive Session would be for fifteen (15) minutes.  The Board reconvened back to Regular Session at 10:00 AM. No action was taken.
	<b>Workshop Session Agenda</b>
Public Works/Road Department Update	<b>10:00 AM – Public Works Department Update</b>  Attendance: Public Works Director Gordon Kelsey, Public Works Deputy Director Jeff Hunter and Prosecuting Attorney David Quesnel.  Public Works Director Gordon Kelsey reviewed this afternoon’s public hearing to consider amendments/extension to the Klickitat County Six-Year Transportation Improvement Program; consent agenda items; the Wahkiacus Bridge status; Safety Project and the striping that will resume in September to finish their contract work on the newly chip sealed roads.  Director Kelsey stated the Washington State Department of Transportation has made comments on the Geotechnical Report and the consultant is making adjustments; design and permitting work continues on Courtney Road and Slide repair is scheduled to start next week on Spring Creek Road.  A report was given on the east and west end crew’s activities; in preparation of the County Services Building fiber and power cables are being relocated as well as a lot consolidation; crews are cleaning up the fairgrounds after fair and getting ready for the surplus sale this weekend.  Director Kelsey reported Ross Industries completed construction on Fairgrounds Road as required by their development project and a discussion followed regarding the Goldendale Airport.

	<p>Commissioner Sizemore made aware if the County was interested there is a local rock pit located on a local family's property that contains hard rock and inquired about roads in the Glenwood area needing resurfacing.</p> <p>Chairman Sauter discussed the recent Federal Court ruling on Tract D in the Glenwood area and stated County Road services will remain status quo.</p>
<p>Human Resource Department Update</p> <p>Executive Session:                  Discuss discipline of a public employee</p>	<p><b>10:30 AM – Department Update/Report</b></p> <p>Attendance: Human Resource (HR) Director Randi Post, HR Personnel Specialist KC Sheridan, Auditor Brenda Sorensen, Chief Deputy Auditor Heather Jobe and Prosecutor David Quesnel.</p> <p>Human Resource Director Randi Post requested and received verbal approval to provide a stipend to an exempt Public Health Registered Nurse for completing the project of updating numerous policies and procedures by working weekends.</p> <p>A discussion was held regarding the impact of Labor &amp; Industries Proposal to Increase Exempt Salary Threshold; Director Post stated she has filed concerns, attended the public hearing and will provide written protest one more time today.</p> <p>The 2019 Wage Study for regular employees and County Elected was reviewed.</p> <p>At 10:52 AM Chairman Sauter announced that the Board would be convening into Executive Session with HR Director Post, HR Specialist KC Sheridan and Prosecuting Attorney David Quesnel in accordance with RCW 42.30.110(1)(g) to discuss the discipline of a public employee. Chairman Sauter noted that the session would last for fifteen (15) minutes.</p> <p>The Board convened back to Regular Session at 11:07 AM. No action was taken.</p> <p>Commissioner Johnston provided an update on the Washington Rural Counties Insurance Program Risk Pool software that can help counties target where safety improvements can be made.</p> <p>HR Director Post requested and received verbal approval to close the HR Office on September 20<sup>th</sup> allowing staff to attend a funeral.</p>
	<p>The Board discussed the open meeting being held in Glenwood tomorrow night, to the Federal Courts ruling of the Tract D Boundary Line decision, noting they want to provide the citizens with as much knowledge that the Board has at this time.</p>
<p>Lunch Recess</p>	<p>The Board recessed for lunch at 11:38 AM.</p>
	<p><b>Call to Order/Roll Call:</b></p>
<p>Regular Meeting for Tuesday, September 3, 2019.</p>	<p>Vice-Chairman Rex F. Johnston reconvened the meeting at 1:00 PM. Commissioners present: Jim Sizemore and Rex F. Johnston. David M. Sauter was away on a previous engagement.</p>

		<b>Agenda:</b>
Business Agenda		<b>Approved (M/Sizemore, S/Johnston. Passed unanimously):</b> the Business Agenda as presented.
		<b>Approval of Commissioner Meeting Minutes</b>
Approval of Meeting Minutes	*	<b>Approved (M/Sizemore, S/Johnston. Passed unanimously):</b> the Klickitat County Board of Commissioners Meeting Minutes for August 6, 2019, as presented.
		<b>Citizen Comment:</b>
Comments will be limited to seven (7) minutes per individual		<p>Commissioner Sizemore reported on his recent conversation with the White House Office of Intergovernmental Affairs regarding the expansion of commerce in the Pacific Northwest region.</p> <p>A brief discussion was held about large landowners in the Glenwood area and hosting a meeting with State Representatives.</p>
		<b>Public Meetings/Public Hearings/Bid Openings:</b>
Public Hearing: To consider approval of a waiver of the requirements of improving Orchard Heights Lane (private road) from Orchard Heights County Road to the existing access, as part of a short plat; Applicants: Greg & Linda Renoud.		<p><b>Postponed:</b> considering approval of a waiver of the requirements to improve Orchard Heights Lane (private road) from Orchard Heights County Road to the existing access, as part of a short plat proposal located in the Goldendale vicinity on Parcel No. 05-16-2800-0002/00; Applicants: Greg &amp; Linda Renoud.</p> <p>Attendance: Assistant Planner Denise Lee, Public Works Director Gordon Kelsey, Public Works Deputy Director Jeff Hunter, Pioneer Surveying and Engineering Land Surveyor Jesse Garner, three (3) county residents.</p> <p>Vice-Chairman Johnston declared the public hearing open and asked if Board members wished to disclose ex-parte contact or conflict of interest, hearing none he advised the purpose of the hearing is to consider approval of a waiver of the requirements of improving Orchard Heights Lane (private road) from Orchard Heights County Road to the existing access, as part of a short plat, and he requested a staff review.</p> <p>Assistant Planner Denise Lee stated the applicant is proposing to divide a twenty (20) acre parcel into three lots. One ten (10) acre lot has an existing home that is accessed off of Orchard Heights Lane which is a private lane, and two (2), five (5) acre lots that will be accessed off of Austin Road which is a county road.</p> <p>The property surrounding the Renoud's property has been previously developed and cannot be further divided. The Public Works Department will support the applicant's request for a waiver from the Title 12 Standards to improve Orchard Heights Road with a note placed on the face of the plat stating that any further division of the proposed short plat that gains access from Orchard Heights Ln shall improve Orchard Heights Lane to Title 12 Transportation Standards.</p> <p>Vice-Chairman Johnston opened the public hearing to receive public testimony.</p>

	<p>Pioneer Surveying and Engineering Land Surveyor for the applicant Jesse Garner stated traffic on Orchards Heights Lane will not change due to the previously divided lots gaining access from Austin Road.</p> <p>Two land-owners in the area requested everyone who uses Orchard Heights Lane be written a letter of the proposal and were not in favor of the request.</p> <p>Vice-Chairman Johnston called for Board discussion. The Board continued the public hearing to a later date until all residents along Orchard Heights Lane have been made aware of the proposal.</p>
<p>Public Hearing: To consider proposed amendments and extensions to the Klickitat County Six-Year Transportation Improvement Program for 2019-2024 and Annual Construction Program for 2019</p>	<p><b>Approved (M/Sizemore, S/Johnston. Passed unanimously): Resolution No. 11119</b> amending the Six-Year Transportation Program for the years 2019-2024 for the purpose of adding the Spring Creek Slide Repair Project and <b>Resolution No. 11219</b> amending the Annual Construction Program for 2019 for the purpose of adding the Spring Creek Slide Repair Project.</p> <p>Vice-Chairman Johnston opened the hearing by advising that the purpose of the hearing is to take public testimony concerning the proposed revision of the Klickitat County Six-Year Transportation Improvement Program for the plan years 2019-2024, noting that this hearing is to make a minor revision of adding the Spring Creek Slide Repair Project. Vice-Chairman Johnston requested a staff review.</p> <p>Public Works Director Gordon Kelsey advised the Board of County Commissioners, under the Revised Codes of Washington, Chapter 36.81.121 can be revised at any time by majority vote, but only after a public hearing, can revisions be made to the Six-Year Road Construction Program.</p> <p>Public Works is requesting to make minor revisions to add the Spring Creek Slide Repair Project. No Projects were added or removed.</p> <p>Vice-Chairman Johnston opened the public hearing to public comment, noting there was no one from the public in attendance, he then requested a motion.</p>
	<p><b>Unfinished Business:</b></p>
<p>Continue the previous discussion regarding Timber Counties request for funding to conduct an economic impact study of the Marbled Murrelet</p>	<p>Attendance: Natural Resource/Economic Development Director Dave McClure.</p> <p>The Board discussed funding amounts and their wiliness to support the Washington State Association of Counties, Timber Counties in their funding request.</p> <p>The Board would like to continue the discussion as a full Board.</p>
	<p><b>Consent Agenda:</b></p>
	<p><b>Approved (M/Sizemore, S/Johnston. Passed unanimously):</b> the Consent Agenda with seven (7) items.</p>

	<ul style="list-style-type: none"> <li>* 1) Agreement (C13019) No. SWMLSWFA-1921-KICoSW-00004 between the State of Washington Department of Ecology and Klickitat County (Solid Waste Department) for the purpose of providing \$111,308.50 funds to support countywide solid waste recycling, composting, moderate risk waste programs, update the local Hazardous and Solid Waste Management Plan resulting in contamination reduction at home, schools and business by 20%, effective July 1, 2019, through June 30, 2021.</li> <li>* 2) Subrecipient Agreement (C13119) between Washington Gorge Action Programs and Klickitat County (Public Health Department) to provide pass-thru funds for Washington Gorge Action Programs; the total grant awarded is \$66,349.00; the term of this contract is July 1, 2019, to June 30, 2020.</li> <li>* 3) County Program Agreement (C13219) (DSHS#1963-63443) between Washington State Department of Social and Health Services, Children with Special Needs and Klickitat County (Public Health Department) and for the purpose of evaluations and referral services by Klickitat County Health Department providing \$1000.00 maximum revenue during the period of July 1, 2019, to June 30, 2021.</li> <li>* 4) Provider Service Agreement (C13319) between Molina Healthcare of Washington, Inc. and Klickitat County (Public Health Department) for the purpose of making the Klickitat County Public Health Department a Molina Participating Provider for its members seeking clinical services and to bill Molina for services provided and receive reimbursement at the contracted rate versus the 50% non-contracted rate.</li> <li>* 5) Resolution No. 11319 in the matter of approving the Klickitat County Health Department's request to designate one day in April and October to close the White Salmon and Goldendale offices for a combined All Staff Training day.</li> <li>* 6) Notice to contractors and scheduling a bid opening to be held September 24, 2019, at 1:30 PM for Klickitat County Bickleton Shop Fuel Tank Replacement Project, WP 55-9.</li> <li>* 7) Grant Agreement (C13419) between Washington State Department of Archaeology &amp; Historic Preservation and Klickitat County (Public Works Department) to provide support for the rehabilitation of the historic Klickitat County Courthouse east, south and north entryways in the amount of \$277,122.00, effective July 1, 2019.</li> </ul>
	<p><b>Payment Approvals:</b></p>
<p>Voucher Certification and Approval</p>	<ul style="list-style-type: none"> <li>* <b>Approved Warrants (M/Sizemore, S/Johnston. Passed unanimously):</b></li> </ul> <p>Accounts Payable: (#292533- 292642) for a total of \$191,753.03 for the date ending September 3, 2019.</p> <p>There were no Payroll warrants requiring approval.</p>
	<p><b>Board Pending:</b></p>
<p>Issues as determined by the Board of Commissioners</p>	<ul style="list-style-type: none"> <li>• Land use permitting in the new boundary lines of the Yakama Nation Reservation.</li> <li>• The fair board and the revolving Dooley Estate Fund</li> <li>• Financing options for the new County Services Building and the White Salmon/Hood River Bridge landing.</li> <li>• The Fort Vancouver Regional Library District's Klickitat Trustee position availability.</li> </ul>

<p>Adjournment (2:06 PM)</p>	<p><b>Approved (M/Sizemore, S/Johnston. Passed unanimously):</b> There being no further business before the Board, the meeting adjourned until 6:30 PM on Wednesday, September 4, 2019. There are no scheduled workshops for Thursday, September 5, 2019.</p>
	<p><b>Call to Order/Roll Call</b></p>
<p>Regular Meeting Extension: Glenwood Community Meeting for Wednesday, September 4, 2019</p>	<p>Chairman Sauter reconvened the meeting at 6:30 PM. Attendance: Commissioners Jim Sizemore, Rex Johnston and David Sauter, Prosecuting Attorney David Quesnel, Sheriff Bob Songer, Representative Gina Mosbrucker, Congresswoman Jaime Herrera Beutler's Deputy District Director Dale Lewis. There were approximately 150 people present.</p>
	<p><b>Town Hall Meeting</b></p>
	<p>The following is a synopsis of comments and discussion. A sign-in sheet and digital audio recording are on file as part of the official record and available on file 9.4.19 Glenwood meeting.MP3.</p> <p>Chairman David Sauter open the meeting and set the ground rules for questions and discussion. Introductions of Elected Officials followed.</p> <p>Chairman Sauter provided a brief overview of the Federal Court Judge's decision regarding the status of Tract D and advised that the purpose of the meeting is to hear from the Glenwood community, and learn what residents would like the County's next steps to be.</p> <p>Chairman Sauter stated that the Board received some criticism for not inviting Tribal Officials to this meeting and indicated that he felt it was too soon to invite them in their official capacity, but everyone was welcome to attend. Chairman Sauter advised that the court ruling is in effect right now and the County will be reaching out to Tribal Officials.</p> <p>Sheriff Songer stated that his main concern is public safety and he will be working with the Prosecutor's Office, noting that he has some concerns over jurisdiction but all 911 calls will be responded to, and the Glenwood valley will be patrolled.</p>
	<p>Prosecuting Attorney David Quesnel provided an explanation of retrocession, a timeline and details of court cases related to jurisdiction and Tract D, and an overview of the history of the Tract D dispute which goes back over 100 years. Prosecutor Quesnel stated that up until a month ago it was the State's opinion that Tract D was not within the exterior boundaries of the reservation.</p> <p>Prosecutor Quesnel advised of jurisdictional changes to expect within Tract D, noting the County no longer has jurisdiction over Indian juveniles, which includes truancy issues, or Indian traffic violations.</p> <p>The Washington Department of Fish &amp; Wildlife (WDFW) will no longer enforce hunting regulations. Commissioner Sizemore advised that he spoke with Commissioner of Public Lands Hilary Franz and the State will maintain ownership of the 34,000 acres they oversee within Tract D.</p>

	<p>Prosecutor Quesnel advised that the change does not affect title to private property, but the ability to use your land may have some repercussions. County Roads will still be maintained and snow plowed.</p> <p>Following further discussion and questions from the public, Chairman Sauter stressed that no legal analysis has been done; there are many unanswered questions at this point.</p> <p>Concerns were expressed whether the Federal Government would transfer ownership of the Conboy Lake National Wildlife Refuge to the Yakama Nation. Chairman Sauter stated that the Nation could have sought to have the refuge transferred over the last 30 years and they have not done so.</p> <p>Several individuals asked if the County would appeal the ruling. Chairman Sauter advised that there are many unanswered questions that need to be answered before making that decision. Prosecutor Quesnel stated that an appeal is not a do-over; it is a review of the record to see if the Judge made an error. Many people indicated that they felt the County should appeal to the Supreme Court.</p> <p>Further discussion followed regarding hunting, Prosecutor Quesnel advised the Nation has no jurisdiction to enforce hunting regulations and WDFW will not patrol or enforce regulations.</p> <p>Questions were asked about water rights, exempt wells and irrigation water. Chairman Sauter stated that the Washington Department of Ecology would no longer be processing well permits in Tract D, new well permits will go through the United States Environmental Protection Agency. Questions were asked about processing and using alcohol and firearms on private property.</p> <p>A long-time Glenwood resident and tribal member stated that the court ruling will not affect what property owners can do on their land and she verified with the Sheriff that Deputies would respond to her if she were to call in an issue.</p>
	<p>Commissioner Sizemore indicated that the County might have to delay the new County Services Building to pay for an appeal. The County has already put off road projects and is committed to fighting the good fight. Commissioner Johnston stated that the Board makes decisions when they have all the information they need to make an informed decision and currently they do not have all the answers they need.</p> <p>An Emergency Medical Responder asked questions regarding jurisdiction and liability concerns related to responding to and treating victims at a fire, vehicle accident or other life-threatening emergencies. Prosecutor Quesnel noted that if litigation resulted after treating an accident victim it would go before the State Courts.</p>
<b>Adjournment</b>	<b>There being no further business before the Board, the meeting was adjourned at 8:12 PM.</b>



**Approved: David M. Sauter**  
**Chairman of the Board**



**September 17, 2019**  
**Date**