

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010**

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Boldt, Mielke, and Stuart, Chair, present.

9:45 A.M.

PROCLAMATION: nLight Day

Commissioner Stuart noted that it was nLight Corporation's 10th birthday and he read a proclamation declaring July 13, 2010 to be nLight Day in Clark County, Washington.

Scott Keeney, President & CEO, nLight Corporation, accepted the proclamation.

10:00 A.M.

PLEDGE OF ALLEGIANCE

The Commissioners led the Pledge of Allegiance.

BID AWARD 2547

Reconvened a public hearing for Bid 2547 – Railroad Ties. Mike Westerman, General Services, read a memo recommending award of Bid 2547 to the low bidder.

Fred Abraham, Railroad Coordinator, explained that the funding for both bids came from a Department of Transportation grant that is put forward biannually by the Washington State Department of Transportation-Rail Division.

ACTION: There being no public comment, moved by Mielke to **AWARD** Bid 2547 to Bridgewell Resources of Tigard, Oregon, in the total bid amount of \$230,256.07, including Washington State sales tax, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

BID AWARD 2548

Reconvened a public hearing for Bid 2548 – Ballast Rock. Mike Westerman, General Services, read a memo recommending award of Bid 2548 to the low bidder.

ACTION: There being no public comment, moved by Mielke to **AWARD** Bid 2548 to Nesco Rock of Amity, Oregon, in the total bid amount of \$10,603.60, including Washington State sales tax, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010**

CONSENT AGENDA: ITEMS 1-7

Commissioner Boldt requested that item 5 be pulled for separate discussion.

Commissioner Mielke requested that items 2, 3, & 4 be pulled for separate discussion.

Commissioner Stuart asked for a motion to approve the remaining items, 1, 6, & 7.

ACTION: Moved by Mielke to **APPROVE** consent agenda items 1, 6, and 7. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

Discussion

Item 2: Request from Engineering & Construction/Real Property for approval of Statutory Warranty Deed from Kenneth R. and Rae Deane Sease, for the NE 179 ST, NE 15 AV to Delfel RD Project, Tax parcel 181987-000.

Mielke expressed concern for the purchase, noting that they already had 6 ¼ acres adjacent to the parcel for stormwater facilities—why did they need another acre?

Heath Henderson, Public Works, responded that they don't have enough land for stormwater in the area and this would add to what they already have and help facilitate a regional facility in that area.

Discussion

Item 3: Request from Transportation for approval of establishment of County Road Project (CRP) 330322, Salmon Creek Interchange Project Park and Ride Grading (S of NE 139 ST at NE 10 AV) and approval of the "Notice to Contractors" to advertise for bid.

Mielke asked if C-Tran was playing a part in terms of the financing.

Capell said C-Tran was not participating financially. He explained that the state currently owns the Salmon Creek Park and Ride, of which C-Tran is a tenant, and because the Park and Ride is being relocated it is a responsibility of the project to replace it, not C-Tran.

Discussion

Item 4: Request from Vancouver-Clark Parks & Recreation/Real Property for approval of Statutory Warranty Deed for the purchase of 2.4 acres from William and Lillian Poe in Park District 10 for expansion of Chinook Neighborhood Park.

Mielke had concerns with purchasing the 2.4 acres when they have a whole greenway belt along that area and he hated to buy something he didn't think feel was necessary.

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010**

Capell responded that the other properties were acquired in 1997 and are identified as the Chinook Park—1 of the 30 neighborhood parks in the Metropolitan Parks District. Since 1997, the environmental requirements changed with regards to the setbacks, buffers, and requirements for sensitive lands and so there is not enough of a footprint to construct all of the elements of a neighborhood park. It also adds to the trail system and creates connectivity to the school, which is desired by the neighborhood.

Mielke said there was bus service for the kids and if they want to walk, they have the 42 acres. He said he wasn't in favor of approval.

Stuart asked for a motion on items 2 and 3.

ACTION: There being no public comment, moved by Mielke to **APPROVE** consent agenda items 2 and 3. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

ACTION: There being no public comment, moved by Boldt to **APPROVE** consent agenda item 4. Commissioners Stuart and Boldt voted aye. Commissioner Mielke voted nay. Motion carried.

Discussion

Item 5: Request for authorization for Chair to sign Settlement Agreement and lease related to Camp Bonneville.

Bronson Potter, Prosecuting Attorney's Office, explained that furthering the clean-up of Camp Bonneville was dependent upon securing additional funding from the Army and selecting new contractors and entering into agreements for the clean-up. He said the work stopped in September 2009 because the cost of the cleanup exceeded the budget due to the discovery of more munitions of explosive concern. When the contractors stopped work, the county suspended payments, which led to claims being filed against the county and Army for additional clean-up costs; those claims are still pending. Potter said the agreement before the board would provide for a period of one year within which the county would negotiate a new funding agreement with the Army. If that occurs, the current contractors would be released from their contractual obligations and they would move to the process of selecting new contractors and the cleanup would continue. The lease allows the county to take possession of the site on the 15th of July, which is necessary because of the suspension of payments and in the future with the new funding agreement it's anticipated that the county will be more proactive in its involvement of the remediation of the site, including having a site manager at Camp Bonneville.

Commissioner Boldt said regardless of whether or not the site becomes a park, it's their goal to clean up the land and ensure that it's safe.

Stuart asked if there was any increased financial liability for the citizens of Clark County in taking this action.

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010**

Potter said no.

ACTION: There being no public comment, moved by Mielke to **APPROVE** consent agenda item 5. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

PUBLIC COMMENT

- 1) Tamara McLane, 12460 North South Shore, followed up on previous testimony regarding the Columbia River Crossing (CRC) project and a request by Sharon Nasset for a letter regarding a study on a third bridge option. Commissioner Stuart said they would follow up as to where the letter is coming from—RTC or the Board.
- 2) Hartford Van Dyke stated that his testimony was in the nature of a deposition and proceeded to swear himself in. Mr. Van Dyke stated that he had a trust—the Hartford Van Dyke Public Wealth Rebate Bank Trust. He said he has been an attorney and has assisted many people with civil rights issues. He went on to explain his involvement in the creation of an accounts owed to the state of Washington, which resulted from a case in which the Federal government seized some people at a Fourth of July party in 1996 and they were mal-processed. He further explained how he tried to distribute the funds, which had grown to \$3.4 billion by May 1997, to the counties, citizens, and charitable organizations in the state of Washington. Because of his attempts at disperse these funds, Van Dyke said the Federal government was angry with him and he spent 7 years in the penitentiary. He stated that he would like to be able to continue dispersement of the funds to Clark County.
Commissioner Stuart stated that this was a complex issue that required more discussion. He asked Mr. Van Dyke to provide his contact information to the County Administrator so that they could have further discussion.
- 3) Jim Kinney commented on the proposed Hazel Dell Sports Complex. He asked the board if they would be willing to loan the City of Vancouver the \$10 million allocated for the sports complex to help with the city's budget shortfall.
- 4) Jack Davis reiterated his numerous concerns about the proposed Hazel Dell Sports Complex. Mr. Davis also commented about the 5 minute time limit for public comment and his right to come in every week for public comment, if he wishes.

PUBLIC HEARING: OPEN SPACE/CURRENT USE

Item Description: To consider the Clark County Planning Commission's recommendation for approval or denial of Timberland or Open Space Applications for Current Use Assessment pursuant to Chapter 84.34 of the RCW.

Department: Environmental Services

Staff Contact: Jim Vandling

Staff Summary:

Mr. Vandling presented. He stated that there were 51 total applications, 3 of which were withdrawn (please see Exhibit A in hearing file).

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010**

Comments from the public:

None

Discussion:

Following discussion, it was the consensus of the Board to support the resolution.

ACTION: Moved by Mielke to **APPROVE** Resolution 2010-07-06. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

PUBLIC HEARING: HIGHWAY 99 OVERLAY DISTRICT FORM BASED CODE

Item Description: To consider CPZ2010-00017 Highway 99 Overlay District Form Based Code, Title 40 Appendix F, UDC Title 40 Table 40.510.050-1, and UDC Title 40 Section 40.630.060.

Department: Community Planning

Staff Contact: Oliver Orjiako, Director; Colete Anderson, Planner

Staff Summary:

Commissioner Stuart introduced the hearing item, and Planning Director Oliver Orjiako presented background information.

Mike Mabrey, Planner, summarized the plan and outlined potential incentives for Highway 99 subarea. Mr. Mabrey stated that the Planning Commission recommended approval of the items before the board.

Comments from the public:

- 1) Rick Haddock, 6100 Highway 99, Vancouver, expressed support for approving the ordinance. Mr. Haddock asked about the next steps and if there was going to be a coordinator through the county, who would continually look at Highway 99. If so, he felt it would be that person's duty to promote Highway 99. He also suggested that Team 99 schedule a meeting next summer to measure the success.
- 2) Robert Dean, 7101 NE 74th Avenue, Vancouver, read a letter (please refer to hearing file). Mr. Dean said that in looking over the proposed code he found 17 deficiencies and he didn't feel it was ready to be passed. He added that the proposed changes should be consistent for the whole county; he didn't see why they needed a Highway 99 Overlay plan to reduce development fees or streamline development applications—do that anyway.
- 3) Steve Madsen, Government Affairs Director, Building Industry Association of Clark County, and the Clark County Association of Realtors, provided some observations based on his experience both in the community and as part of the actual process: location of the high capacity transit corridor; the philosophical idea that every application is a contingent application, in the developer's eyes; shifting the vocabulary that's used and start using the term "opportunity."
- 4) Debbie Larner, 11306 NE 36th Avenue, Vancouver, expressed support for Robert Dean's testimony. Ms. Larner stated that Team 99 doesn't necessarily represent the

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010**

entire community and that she felt she had been turned down for membership to the group because her views didn't align with theirs. She thought removal of the power lines would make a big difference in improving the way the area looks. Also, for safety purposes, she thought adding more lights would be a good idea. Lastly, Lerner said the best thing the county could do for businesses was to leave them alone.

- 5) Ila Stanek, 500 NW Wildwood Drive, Secretary of Team 99; Vice-President of Hazel Dell Business Association; and President of West Hazel Dell Neighborhood Association, asked that they stay with the numbers—do a number thing with the 4 and 2 and compromise with 5. She asked that they make them do one of the other things, giving it to them as an incentive. As far as [fixing] overhead power lines, it would cost too much. Ms. Stanek said she was fine with “incentive” in the plan. Lastly, Stanek commented on the Team 99 membership process.
- 6) Brad Lothspeich, 11812 NW 13th Court, remarked that this issue provided a lot of opportunity for the public to comment and he felt it was time to pass the ordinance. As far as Team 99, Mr. Lothspeich didn't feel a need for the group to meet on a regular basis unless something came up. He said they felt comfortable as long as they have representation on the Three Creeks Advisory Board.

Discussion:

Following discussion, it was the consensus of the Board to support the ordinance, making the following changes: regarding the list of optional items, ok with 1 optional item. Amending the top of page 3 to read 1 option, instead of 2. Chairman Stuart asked if there was a motion.

ACTION: Moved by Mielke to **AMEND** the Highway 99 Overlay District Form Based Code, page 3, Section 1.2 Applicability, to change – “Pick at least two” to “Pick at least one.” Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

ACTION: Moved by Mielke to **APPROVE** Ordinance 2010-07-07, as amended. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

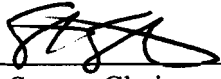
COMMISSIONER COMMUNICATIONS

- Commissioner Mielke referenced an article in the Columbian pertaining to his support of a proposal to add \$20 to the license fee for tabs. He said that wasn't the case at all and it was just one idea of several. He clarified that they weren't going to balance the budget by adding a new tax on license plates.
- Commissioner Boldt expressed appreciation to Budget staff for all the work they've done in the last couple of years. He thought they were beginning to see the rewards.

Hearing adjourned

CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JULY 13, 2010

BOARD OF COUNTY COMMISSIONERS



Steve Stuart, Chair



Tom Mielke, Commissioner

Marc Boldt, Commissioner

ATTEST:



Clerk of the Board

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Please Note: The Board of Commissioners' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Commissioners' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times (www.cvtv.org).