

**BOARD OF COUNTY COUNCILORS
MINUTES OF JULY 21, 2015**

The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors David Madore, Jeanne E. Stewart, and Tom Mielke present.

10:00 A.M.

PLEDGE OF ALLEGIANCE

The Councilors led the Pledge of Allegiance.

MOMENT OF SILENCE

The Councilors had a moment of silence.

BID AWARD CRP 342022 / 350822

2015 ADA Ramp Improvements (CRP 342022)
NE 94th Avenue (NE Padden Parkway to NE 99th Street) (CRP 350822)

Priscilla Ricci, Purchasing Office read a memo stating Purchasing and Public Works recommends the award of CRP #342022 and CRP #350822 be delayed until Tuesday, July 28, 2015 to give staff time to resolve issues with the evaluation of the bid proposals.

ACTION: Moved by Mielke to **DELAY** award of CRP #342022 and CRP #350822 until Tuesday, July 28, 2015. Stewart seconded the motion. Councilors Madore, Stewart, and Mielke voted aye. Motion carried.

BID AWARD 2624

Annual Syringe Exchange Program

Priscilla Ricci, Purchasing Office read a memo stating Purchasing and the Health Department recommends Bid #2624 be awarded to the sole bidder, Point Defiance Aids Projects of Tacoma, WA, in the total bid amount of \$30,492.64 including Washington State Sales Tax, and grant authority to the County Manager to sign all bid related contracts. Pat Shaw, Program Manager, Public Health explained the program further. Further Board discussion ensued about the program.

ACTION: Moved by Mielke to **AWARD** Bid #2624 to the sole bidder, Point Defiance Aids Projects of Tacoma, WA, in the total bid amount of \$30,492.64 including Washington State Sales Tax, and grant authority to the County Manager to sign all bid related contracts. Stewart seconded the motion. Councilors Madore, Stewart, and Mielke voted aye. Motion carried.

CONSENT AGENDA

Stewart stated she wanted to pull consent agenda item #1 for further discussion. Madore read consent agenda items #1 - #3. Don Benton, Environmental Services Director spoke further on consent agenda item #3. Heath Henderson, Public Works Director spoke on consent agenda items #4 - #6. Further Board discussion ensued on consent agenda item #4. Stewart inquired more on consent agenda item #6. Henderson responded.

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Rob Klug, Public Works, joined the discussion. Mielke inquired about consent agenda item #5 and #2. Greg Shafer, Development Engineering Manager, responded. Susan Ellinger, Administrative Services Manager, Community Development, joined the discussion. Further discussion ensued. Madore read consent agenda items #7 - #8. Stewart spoke further on consent agenda item #1. Madore inquired more on consent agenda item #1. Chris Horne, Deputy Prosecuting Attorney, responded.

ACTION: Moved by Mielke to **APPROVE** consent agenda items #1 - #8. Stewart seconded the motion. Councilors Madore, Stewart, and Mielke voted aye. Motion carried.

PUBLIC COMMENT

1. Edward Barnes spoke about the current election. **Mielke responded.**
2. Linda Conway spoke about water conservation and rejection of alternative 4. **Madore responded.**
3. Carolyn Crain spoke about voter turnout.
4. Christina Swan and Kelly, Felida Neighborhood, spoke about their concerns regarding a neighborhood drug house. **Further discussion ensued.**
5. Bridget McLeman inquired about comments that were on Madore's Facebook in regards to traffic impact fees. **Madore responded.** She also spoke about property taxes. **Madore responded. Further Board discussion ensued.**
6. Susan Rasmussen, Clark County Citizens United spoke about the Southwest Planner Forum.
7. Carol Levanen, Clark County Citizens United spoke about the comprehensive plan and alternative 4. **Madore inquired about a recent public records request. Mark McCauley, County Manager, joined the discussion and responded. Further discussion ensued. Christine Cook, Prosecuting Attorney Office, joined the discussion. Further Board discussion ensued. Horne joined the discussion and suggested the conversation needed to continue in executive session. Further discussion ensued.**

The Board adjourned for a break and reconvened.

PUBLIC HEARING: PUBLIC USE & NECESSITY – BRUSH PRAIRIE BRIDGE

To consider a request from Public Works to declare the Brush Prairie Bridge #201, capital road project CRP #332322, a "Public Use and Necessity" and to direct the Prosecuting Attorney's office to proceed onto Superior Court with Eminent Domain proceedings. Parcel Number 196691-000, property owners Jason C. Bice and Amy E. Bice; Parcel Number 196694-000, property owner Amy E. Baker Bice.

Heath Henderson, Public Works Director, and Jean Singer, Public Works, presented. Madore inquired more about the timeline. Henderson responded. Jason and Amy Bice, property owners, and Barry Baker joined the discussion. They stated their concerns with water over the roadway. They stated their concern with the proposed request in regards to the permanent easement. Madore inquired about the options available. Jane Veto, Prosecuting Attorney Office, joined the discussion and responded. Further discussion ensued. Mielke stated his concerns. Further discussion ensued. Horne joined the discussion. Further discussion ensued.

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**PUBLIC COMMENT REGARDING PUBLIC HEARING: PUBLIC USE & NECESSITY –
BRUSH PRAIRIE BRIDGE**

1. Richard Dyrland

Henderson spoke further on Salmon Creek and spoke more about the project. Further discussion ensued with the property owners. Madore spoke about the dilemma of eminent domain proceedings and spoke about finding another way with Public Works and the property owners. Further discussion ensued. Mielke inquired more about the project. Horne responded and spoke about federal funding and easements. Further discussion ensued about maintenance and notice to the property owners. Bice spoke about her concerns with the permanent easement. Henderson spoke further about the county right-of-way. Discussion ensued about Pleasant Valley Bridge. Madore asked for all parties to work together and spoke about safety. Stewart spoke about public safety / bridge safety and moving forward in the future.

No action was taken as there was not a motion to move it forward.

PUBLIC HEARING: CLEAN WATER FEES

To consider an ordinance reaffirming the existing fees for clean water funding under CCC 13.30A.

Stewart stated she wanted to do more research before moving forward. She recommended postponing action on adopting the ordinance. Mielke spoke about his concerns with not moving forward. McCauley joined the discussion.

*The Board adjourned for a break and reconvened.
(Councilor Stewart absent for this portion of the agenda)*

Don Benton, Environmental Services Director introduced the new Clean Water Manager, Dean Boening. Benton presented on the ordinance. Further Board discussion ensued.

PUBLIC COMMENT REGARDING PUBLIC HEARING: CLEAN WATER FEES

1. Richard Dyrland
2. Lee Jensen
3. Carolyn Crain

Further discussion ensued about the timeline and the Clean Water program.

ACTION: Moved by Mielke to **APPROVE** ordinance 2015-07-01 relating to stormwater service charges, accepting the rate study, and reaffirming Section F of Ordinance 2014-07-08. Madore seconded the motion. Councilors Madore and Mielke voted aye. Motion carried.

COUNCILOR COMMUNICATIONS

Mielke spoke about the Clark County Fair.

Madore spoke about hearing everyone's comments at the hearing.

Hearing adjourned

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Hearing reconvened

Madore stated under the charter the councilors must approve ordinances by a vote of three. Horne joined the discussion and spoke further about the Charter regulations. Mielke stated his concerns with the need of three affirmative votes during the transition period. Further discussion ensued. Benton inquired about meeting during Board time. Horne responded. Madore spoke about the timeline

ACTION: Moved by Mielke to **CONTINUE** the portion of the hearing to allow deliberations and the vote of the three Councilors to Wednesday, July 22nd at 1:30 p.m. in the Councilors hearing room. Madore seconded the motion. Councilors Madore and Mielke voted aye. Motion carried.

Further discussion ensued.

Hearing adjourned

2:00 PM PUBLIC BID OPENING

Present at bid opening: Rebecca Tilton, Board of County Councilors Office; Priscilla Ricci and Beth Balogh, General Services-Purchasing Department.

BID 2625

Annual Motor Oil & Lubricants

Held a public hearing for Bid #2625 – Annual Motor Oil & Lubricants. Priscilla Ricci, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award Bid #2625 on July 28, 2015 at 10:00 a.m. in the Councilors hearing room, 6th Floor, Public Service Center.

JULY 22, 2015

**RE-CONTINUATION OF PUBLIC HEARING: CLEAN WATER FEES
(from July 21, 2015)**

1:30 P.M.

Madore provided opening remarks / overview and legal opinions obtained regarding the continuation of the public hearing. Mielke spoke about the unanimous vote being necessary per the Charter and the Board of Councilors transition. Madore concurred and spoke further about the transition period.

ACTION: Moved by Mielke to **RATIFY** actions taken at the July 21, 2015 hearing to approve ordinance 2015-07-01 relating to stormwater service charges. Madore seconded the motion. Councilors Madore and Mielke voted aye. Motion carried.

Madore spoke about the rule of law. Chris Cook, Prosecuting Attorney's office, recommended continuing to a date certain in one week. Madore stated he had some reservations about it but would be willing to continue but wanted to be on record to say it is no way endorsing the assertion that it takes three votes to approve the ordinance or any future votes for the governing body as he feels it is unconstitutional. Cook responded.

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Further Board discussion ensued. Mielke stated he wishes to take a vote today to reaffirm the votes. Mark McCauley, County Manager, joined the discussion and suggested waiting one week so Councilor Stewart could be present to weigh in. Madore stated he felt that was a possibility. Mielke stated he didn't want to delay or interrupt the process. Further discussion ensued.

ACTION: Moved by Madore to **CONTINUE** the public hearing to Wednesday, July 29, 2015 at 1:30 p.m. Further discussion ensued. **Motion died for lack of a second.**

Hearing adjourned

BOARD OF COUNTY COUNCILORS

David Madore, Chair

Jeanne E. Stewart, Councilor

Tom Mielke, Councilor

ATTEST:

Rebecca Tilton, Clerk of the Board

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