

**Klickitat County**  
**Board of Commissioners**  
**Minutes – Meeting of Tuesday, September 27, 2022**

**Morning Workshop Session**

Chairman Jacob Anderson called the meeting to order at 10:00 AM. Commissioners Anderson, Christopher, and Sauter were present.

**10:00 AM – Public Works/Road Department Update:**

Attendance: Public Works Director Gordon Kelsey, Deputy Director Jeff Hunter, and various County elected officials, employees, and members of the public present in person and via Zoom.

Director Kelsey provided a review of a consent agenda item and pay estimates for the Courtney Road and Annual Stripping projects, which was followed by updates on construction projects, road crew maintenance assignments, and facilities repairs and upgrades. Mr. Hunter reported on the status of the Satus Pass radio site.

Chairman Anderson asked about the status of the Title 12 Road Standards Committee. Mr. Hunter reported that the committee will be meeting in October. Commissioner Sauter stated that the Lyle Community would like to talk with the State Department of Transportation about the sidewalks and crossings on Hwy 14. Director Kelsey advised that he would provide a WSDOT contact for the community.

Discussion followed about using Annex IV for the Behavioral Health Department, which would start off with eight (8) employees.

**10:30 AM – Miscellaneous Reports/Comments:** Underwood Conservation District Director Tova Tillinghast.

Attendance: Underwood Conservation District Director Tova Tillinghast, and various County elected officials, employees, and members of the public present in person and via Zoom.

Director Tillinghast provided a programs update, advising that the Conservation District is in a long range planning process and would welcome any input from the county. Ms. Tillinghast reported that Conservation District programs are funded by assessments and grants, noting that the rates and charges assessments are important to help leverage grant opportunities. Discussion followed about fuels reduction programs. Ms. Tillinghast reported that the Conservation District has had discussions with the Gorge Commission about fuels reduction and have agreed on a plan for brush removal and problem tree removal.

**11:15 AM -Whitney Reynier, Natural Resources Specialist:** Update on a grant opportunity related to water quality monitoring and outreach/education with Conservation Districts.

Attendance: Natural Resources Specialist Whitney Reynier, and various County elected officials, employees, and members of the public present in person and via Zoom.

Ms. Reynier advised the Board of a grant opportunity with the Department of Ecology to fund a water quality control program for 2024-2026, noting that the County would be partnering with all three (3) conservation districts. Ms. Reynier added that there is no grant match required and this is an opportunity to partner with the conservation districts and support their work. The Board indicated that they were in support of moving forward. A discussion regarding the reintroduction of beavers followed.

The Board discussed whether they could turn off the zoom during the meeting for contract negotiations. Chairman Anderson advised that he opposed that idea without first seeking legal counsel. The Board proceeded to discuss proposed amendments to the Republic Services contract. Following the discussion, Commissioner Sauter relinquished his authority to negotiate with Republic Services on behalf of the County and turned that duty over to Commissioner Christopher.

**Motion (M/Sauter, S/Christopher. Passed unanimously).** To recess for lunch at 11:56 AM.

**Commissioner's Business Meeting**

Chairman Anderson reconvened the Regular Meeting for Tuesday, September 27, 2022, at 1:00 PM, opening with the Pledge of Allegiance. All three (3) Commissioners were present.

**Agenda:**

**\*Approved (M/Christopher, S/Sauter. Passed unanimously).** Business Agenda as presented.

**Approval of Commissioner Meeting Minutes**

**Approved (M/Christopher, S/Sauter. Passed unanimously):** the Klickitat County Board of Commissioners Meeting Minutes for September 13, 2022 as presented.

**Citizen Comment: Comments will be limited to three (3) minutes per individual.**

Sheri Bousquet requested and received clarification that there were three (3) public hearings on the agenda for today. Ms. Bousquet commented on short term rentals and a letter she received from the Planning Department stating that short term rentals require a conditional use permit, which is not being enforced on all citizens but it is on her. Ms. Bousquet commented on County Code related to Accessory Dwelling Units. Ms. Bousquet stated that her code compliance complaint against Commissioner Anderson's Airbnb has been ignored and she expects the Commissioners to enforce the County Code fairly and equality on all County citizens.

Greg Wagner, stated that Mr. Anderson is operating his short term rental in violation of County Code and just because the County is not enforcing all short term rentals and requiring a conditional use permit is a poor excuse for Mr. Anderson to not follow County Code. It is the Commissioner's duty to treat all citizens fairly and the code complaint that he submitted against Mr. Anderson should be investigated.

Pat Arnold commented that during a public hearing on the critical area ordinance, some of the Planning Commission members seemed confused and she asked about available training for Planning Commission members. Ms. Arnold stated that the League of Women's Voters put together a study on 50 years of the Shoreline Management Act which is very educational.

Del Eldred stated that he took offence to the Commissioner's comments about a wack-job website and other comments on the weekly radio interview.

Lisa Evans stated that she is hearing ads on the radio about kits available for starting child care facilities, which she fully supports. Ms. Evans advised that there are a lot of short term rentals in the County, noting that short term rentals are a creative way for property owners to be able to afford to live on their property in our County.

Commissioner Christopher responded to Ms. Arnold's comment about shoreline/critical area training. To Mr. Eldred, he stated that the comments about the wack-job website were not referring to CEASE. Commissioner Christopher addressed Ms. Bousquet regarding short term rentals and to Ms. Evans he explained the childcare facility materials are being provided by Washington Gorge Action Programs. Commissioner Christopher stated that the County is not enforcing code compliance on short term rentals on anyone, the individuals that have spoken today are trying to demonize the Commissioners and use this as a platform to attack them.

Commissioner Sauter responded to Ms. Arnold's comments regarding training for Planning Commission members, noting that he shares her concerns regarding some confusion concerning the Shoreline Management Plan and Critical Areas Ordinance updates.

Chairman Anderson stated that there has been a lack of training for Planning Commission members. Chairman Anderson addressed short term rentals, noting that the code is not clear. Chairman Anderson stated that his use of a residential dwelling that is a permitted structure is no different than the hundreds of Airbnb's in the County.

**Public Meetings/Public Hearings/Bid Openings:**

**Public Hearing: To consider a supplemental budget and amendments for the 2022-2 budget for various funds and departments in the sum of \$971,614, and that at said hearing, any interested taxpayer may appear and be heard for or against the proposed supplemental budget appropriation.**

Chairman Anderson opened the public hearing to consider a supplemental budget 2022-2 and requested a staff review.

Fiscal Manager Bartley provided an overview of the requests, which included COLAs that were added after the 2022 budget was approved, and noted that the requests are budget neutral or unfunded State mandates.

Chairman Anderson opened the public hearing to public comment.

Sheri Bousquet stated that she is opposed to the proposed wage and benefit increases.

Ruby Irving commented against the proposed supplemental budget.

Commissioner Christopher offered clarification for Ms. Bousquet, explaining that the wage and benefit increases are due to the cost of living increase that was awarded at the first of the year. Commissioner Sauter noted that wages are still \$110,000 under budget. Ms. Bartley set the record straight, there are no new benefits, noting that we have no control over state L & I or insurance rates.

Chairman Anderson asked if there was anyone else wishing to comment, hearing none, he closed the public hearing to further public comment and called for Board discussion, which was followed by a motion.

**Approved (M/Sauter, S/Christopher. Passed unanimously): Resolution No. 08322** in the matter of approving a Supplemental Budget 2022-2 and amendments for the 2022 Budget in the sum of \$971,614.

**Public Hearing: to consider amendments to Klickitat County Code chapter 2.72 relating to Land Development Fees.**

Chairman Anderson opened the public hearing to consider staff recommended amendments to Klickitat County Code, Title 2, in the matter of fees for land development and requested a staff review.

Planning Director Lindblad reported that the County's current land development fees were adopted in 2011 to cover the basic cost of processing various land use applications. The fees have not been reviewed and updated to account for increased costs for over a decade. Director Lindblad stated that services related to land development should be in part user-supported and the complexity of each application varies.

Director Lindblad stated the revised fees are based on minimum staff time and costs in processing an application. Additional hourly fees may be charged if the level of staff effort exceeds the base fee charge. The applicant will be billed for the actual cost of processing the permit. Actual costs include, but are not limited to, staff costs, the fees of consultants employed by the county for purposes of evaluating the application and advising the county, hearing examiner services, legal expenses, advertising, overhead, and other expenses incurred in relation to permitting.

Director Lindblad advised that the proposal includes provisions for a fee waiver process, and an annual automatic fee schedule adjustment for the hourly rate for staff time. Increases will be rounded to the nearest dollar and will not exceed five percent (5%) per year.

Chairman Anderson opened the public hearing for the purpose of receiving public testimony on the proposal.

Sheri Bousquet commented on previous comments she had made concerning charging Under Canvas and other large projects for staff time and clarified that it was not her intent that fees for everyone would change. She thought that projects over \$1 million in value should be paying more. Ms. Bousquet asked the Commissioners to take another look at the wording, re-evaluate section 2.72.020 and to not approve the fee schedule.

Greg Wagner stated that he agreed with Ms. Bousquet. Over a year ago he brought to the Commissioner's attention that the County was not charging staff time for projects over \$1 million dollars and now the County is going to charge staff time for every project, which is not fair to taxpayers.

Chairman Anderson asked if there was anyone else who wished to comment, hearing none, he called for Board discussion.

Chairman Anderson explained what taxpayers dollars actually pay for, noting that planning fees come nowhere near the actual cost to run the department. As costs continue to increase it is the County's responsibility to look at recouping cost over and above standard services. The Planning Department compared planning fees with other counties and the proposed fees are still below other counties.

Commissioner Sauter stated that the Commissioners struggled with the \$1 million dollar wording, it was an arbitrary number, we have always charged fees even when we weren't charging anyone for staff time and trying to keep fees low for our taxpayers. Commissioner Sauter stated that he supports the Planning fee amendments. Commissioner Christopher agreed with Commissioner Sauter's comments.

Chairman Anderson gave Ms. Bousquet an opportunity to provide clarification. Ms. Bousquet stated that her previous comments were about projects over \$1 million dollars in value, she did not say she wanted everyone to play by the rules and she did not ask for everyone to have to pay staff time.

Commissioner Christopher stated that the County's intent to is treat everyone equally and fairly across the board. Chairman Anderson stated that the proposed fees are base fees, Planning staff will keep track of their time when working on the specific project. Chairman Anderson indicated that the County does not want to burden tax payers nor stifle development but as expenses continue to rise we need to cover the cost of doing business.

**Approved (M/Sauter, S/Christopher. Passed unanimously):** Motion to approve the proposed amendments to Klickitat County Code, Title 2 Land Development Fees, as presented, and direct staff to prepare a final ordinance for presentation to the Board on Tuesday, October 4, 2022.

The Board discussed Consent Agenda item #1, the WSU Extension agreement. Commissioner Christopher stated that he needed more clarification regarding the dollar amounts. Chairman Anderson stated that he would like a breakdown and asked Fiscal Manager Bartley to look into the details further.

**Unfinished Business:**

**Public Hearing/Continued/Open to further public comment: to review proposed amendments to Klickitat County's Model Decommissioning Plan.**

Chairman Anderson opened the public hearing to review the amendments to the Klickitat County Model Decommissioning Plan and asked for a staff update.

Planning Director Lindblad provided a brief update, advising that changes were made to the draft plan based on last week's discussion.

Chairman Anderson opened the public hearing to public testimony.

Dave Barta commented on sections in the plan that raise long term environmental concerns related to dismantling of above ground equipment and removal of concrete foundations. Mr. Barta advised that he finds no reference to lithium ion battery installations and would like language specific to batteries and to address decommissioning without addressing this most dangerous aspect is legislative malpractice at a minimum. Mr. Barta stated he would like solar companies to be required to purchase the property where they storage batteries.

Del Eldred addressed concerns about thermal runaway and he stated that he opposes the proposed Decommissioning Plan and agrees with Mr. Barta's comments.

Greg Wagner stated that there should be a Citizens Advisory Board to review and study the Decommissioning Plan and make recommendations. Mr. Wagner stated the wind and solar are totally different and there should be separate decommissioning plans. Mr. Wagner stated that the plan is poorly written and falls short, it needs to be able to withstand legal challenges. Mr. Wagner stated that he has a list of 16 changes he would like to see done.

Sheri Bousquet stated that she opposes the plan, there should be a better plan for disposal, and she has concerns that the property owners will get stuck with the cleanup.

Candy Magnusson stated that the County should require energy companies to have security in the bank to cover the cost of decommissioning should a corporation leave the County. Due to the property cleanup burden the County could end up with the property through tax foreclosure, which has happened before.

Chairman asked if there was anyone else who wished to provide testimony, hearing no one, he called for Board discussion.

Commissioner Christopher confirmed with the Planning Director that there have been no battery storage permit applications submitted. Planning Director Lindblad stated that the model Decommissioning Plan is a guidance document, it is not a new document, it has been updated according to the County's experiences with energy projects. Each energy project will each have their own decommissioning plans which will be site specific. Commissioner Christopher asked if the Prosecutor has had an opportunity to review the plan. Ms. Lindblad advised that both the Prosecutor and Treasurer have reviewed the plan.

Commissioner Sauter clarified that this is a model decommissioning plan, each energy project will have its own decommissioning plan specific to their site. Commissioner Sauter stated that he didn't see soil testing in the plan, he would like to see wording addressing this and asked if there is a way to put it in the model plan. Commissioner Sauter noted that Ms. Magnusson's comment on tax foreclosure was very insightful and something he had not thought of.

Chairman Anderson asked the Planning Director if there were any energy projects that have a letter of credit. Director Lindblad said there were none. Chairman Anderson stated that he did not support Performance Bonds with one year terms, they should be for the life of the project and should cover the cost of the decommissioning cleanup. Chairman Anderson addressed soil contamination testing and suggested that it be added to the plan. The Board discussed soil contamination and required testing. Director Lindblad advised that the soil situation is addressed in the permitting process.

Chairman Anderson noted for the record that should the County receive a permit application for battery storage, he has many environmental and safety questions. Chairman Anderson advised that battery storage component would be required to go through the EIS process, where it would be addressed.

The Board continued to discuss cleanup securities such as a letter of credit and agreed they would like more information and to discuss the matter further with the Treasurer. Chairman Anderson stated that there is clearly more work to be done to protect the County and citizens. Chairman Anderson clarified with Director Lindblad that the draft plan changes the time line for when the energy company must agree to the decommissioning plan, which is 30 days before any construction activities. Commissioner Christopher suggested continuing the public hearing to a future date to allow for adequate review and discussion.

\*Written comments were received from Greg Wagner, C.E.A.S.E., Walf Hong, Paul & Dorie Cothren and Jack Compton.

**Motion (M/Sauter, S/Christopher. Passed unanimously):** to continue the public hearing open to further public written and oral comment to a date to be determined to review proposed amendments to Klickitat County's Model Decommissioning Plan.

Commission Christopher shared information he received on the WSU Extension agreement and noted that he still had a few questions.

**Finance Committee Update: Treasurer Greg Gallagher, Chair.**

Attendance: Treasurer Gallagher, Public Health Director Erinn Quinn, and various County elected officials, employees, and members of the public present in person and via Zoom.

Treasurer Gallagher provided an update on the Finance Committee and their discussion regarding Fund 506 Gun Range and Fund 502 Computers, which have cash balances. The committee also discussed implementation of the Behavioral Health Program and how to meet all State requirements. Treasurer Gallagher indicated that there are lot of components involved in setting up a new department across several offices/departments, as well as hiring employees.

Chairman Anderson provided an update of the meeting that he and Director Quinn had with Beacon Health regarding the Behavioral Health Program. Public Health Director Quinn provided further clarification regarding lifeline, crisis services, staffing and the building block strategy in putting together the department. Director Quinn advised that there are a lot of counties watching how Klickitat County is setting up the program, which has never been done before.

Chairman Anderson explained that the County will be reimbursed for costs from Beacon Health, the contract coming forward will have a \$200,000 cash balance for cash flow. Chairman Anderson noted that by next week we should have the job descriptions, organization chart, and maybe the contract in place. Fiscal Manager Bartley provided a financial time line for the emergency supplemental required to establish the department's budget.

**Consent Agenda:**

**\*Approved (M/Christopher, S/Sauter. Passed unanimously):** Consent Agenda with eleven (11) items.

- 1) **\*Memorandum of Agreement (C16722)** between Klickitat County and Washington State University Extension for the purpose of the County providing non-Federal Funds totaling \$78,665.60 to the WSU Extension to provide an extension program.
- 2) **\*Community Impact Project Agreement (C16822)** between Klickitat County (Public Health Department) and the Southwest Washington Regional Health Alliance (SWACH) for the purpose of providing up to \$99,000, which will be used to support the following services: Registered Nurse four (4) hours per week; Perinatal Mental Health Program for coordination of therapy not covered by insurance; Continued support for Mental Health services in schools; and Mental Health first aid training for staff.
- 3) **\*Communication Site Land Lease (C16922)** No. 52-A88383 between Klickitat County (Department of Emergency Management-Lessee) and the Washington Department of Natural Resources for the purpose of renewing the lease agreement for the Flat Top Mountain Radio site.
- 4) **\*2022-2024 Consolidated Contract Amendment No. 7 (C17022)** between Klickitat County (Public Health Department) and the Washington State Department of Health for the purpose of adding Statements of Work and amending Statements of Work for various programs. The revised maximum funding consideration is \$3,184,551, which is a decrease of \$444,053.
- 5) **\*Resolution No. 08422** in the matter of requesting a 24 month Supplemental Extended Reporting Period coverage endorsement from the Washington Rural Counties Insurance Pool for Wrongful Acts Liability and Employee Benefits Liability.
- 6) **\*Joint Resolution No. 08522** of Clark, Klickitat and Skamania Board of County Commissioners in the matter of appointing Vikram Kotwani to serve as a trustee of the Fort Vancouver Regional Library, filling position No. 2, representing the City of Vancouver, to an unexpired six year term, expiring December 31, 2025.



- 7) \*Contract (C17122) between Klickitat County (Senior Services Department) and the Area Agency on Aging & Disabilities of Southwest Washington, providing \$3,500 in funding for Medicare Improvement for Patients and Providers ACT for Beneficiary Outreach Assistance Services for the period of July 1, 2022 through December 31, 2022.
- 8) \*Professional Services Agreement (C17222) (Roots BFPC FY22-23) between Klickitat County (Public Health Department) and Anna Coughlin for the WIC Breastfeeding Peer Counseling Program.
- 9) \*Professional Services Agreement (C17322) between Klickitat County (Public Health Department) and Med Solutions, LLC to provided medical billing services at a \$30 per hour rate for Bookkeeping services.
- 10) \*Notice of Public Hearing to consider amendments and extension of the Six Year Transportation Improvement Program for Klickitat County to be held Tuesday, October 11, 2022 at 1:30 PM and 6:00 PM in the Commissioner's meeting room in the County Services Building, 115 W Court, Room 200. The public may also attend via Zoom.
- 11) \*Change Order No. 2 in the estimated amount of (-206,613.15). The cost of the rock from the County Quarry is \$96,459.00 and will be added to the cost of this change order, thus reducing the estimated net savings to (-110,154.15) for the Courtney Road Project CRP 342 & 343.

### **Voucher Certification and Approval**

\***Approved (M/Sauter, S/Christopher: Passed unanimously):** Pay estimate No. 5 to James Dean Construction, Inc. in the total amount of \$619,677.50, for the Courtney Road Project CRP 342 & 343.

\***Approved (M/Sauter, S/Christopher:** Pay estimate No. 2 to Stripe Rite, Inc. in the amount of \$17,074.50, which includes retainage of \$853.73, for a total payment amount of \$16,220.77 for the 2022 Annual Striping Program RN 642-2022.

\***Approved Warrants (M/Sauter, S/Christopher:** Accounts Payable: (#316826 - 316902) totaling \$781,770.34. Payroll Warrants: (#232439 – 232697), Co. Benefit Warrants: (316751 – 316758), Electronic Transfer (#976), in the amount of \$1,057,547.02, for a combined total of \$1,839,317.36 for the date ending September 26, 2022.

### **Board Pending:**

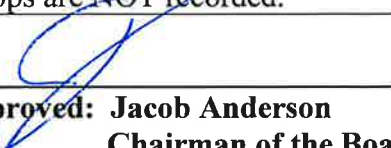
The Board had a brief discussion regarding proposed amendments to the Republic Services Contract. Commissioner Christopher suggested asking for drop off containers to be used for nuisance complaint cases.

### **\*Board Correspondence for the Record:**

- Letter of support to the Washington Department of Natural Resources on behalf of Columbia Land Trust's Mt. Adams Forest Phase 2 FY 2024 Forest Legacy Project.
- Letter regarding the Goldendale energy Storage Project, Application for 401 Water Quality Certification to the Washington State Department of Ecology.

**(4:06 PM) (M/Sauter, S/Christopher. Passed unanimously).** There being no further business before the Board, the meeting was adjourned. There are no scheduled workshops on Thursday, September 29, 2022.

\* Reference Document on File. The Board of Commissioners' minutes is action minutes. A digital recording is on file as part of the official record and available on file 9.27.2022 Board of County Commissioner's Meeting. Please Note: All Commissioner meetings and workshops are open to the public to attend. Meetings are recorded, Workshops are NOT recorded.

  
**Approved: Jacob Anderson**  
**Chairman of the Board**



10-18-22  
**Date**