

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF JUNE 11, 2013**

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

**9:45 A.M.**

**PROCLAMATION**

Elder Abuse Awareness Day

Commissioner Stuart read a proclamation proclaiming June 15, 2013 as "Elder Abuse Awareness Day" in Clark County, Washington and encouraged all Clark County residents to recognize and celebrate the accomplishments of Clark County's seniors. John Fairgrieve and Dianna Kretzschmar, Prosecuting Attorney accepted and said a few words.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Commissioners led the Pledge of Allegiance.

**INVOCATION**

The Board recognized a moment of silence.

**BID AWARD 2597**

Annual Asphaltic Concrete

Mike Westerman, Purchasing Manager read a memo requesting that the award of Bid #2597 for Annual Asphaltic Concrete be awarded to Granite Construction Company of Vancouver, Washington and Porter W Yett Company of Portland, Oregon in the unit amounts shown on attached paperwork within the bid with a total estimated annual value of \$240,000.00, including Washington State Sales Tax and grant authority to the County Administrator to sign all bid related contracts.

**ACTION:** Moved by Mielke to **AWARD** Bid #2597 for Annual Asphaltic Concrete be awarded to Granite Construction Company of Vancouver, Washington and Porter W Yett Company of Portland, Oregon in the unit amounts shown on attached paperwork within the bid with a total estimated annual value of \$240,000.00, including Washington State Sales Tax and grant authority to the County Administrator to sign all bid related contracts. Madore seconded the motion. Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

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**BID AWARD 2598**

Annual Crushed Aggregate

Mike Westerman, Purchasing Manager read a memo requesting that the award of Bid #2598 for Annual Crushed Aggregate be awarded to the multiple bidders: Cemex of Vancouver, Washington, North Clark Construction of Amboy, Washington, and JL Storedahl & Sons of Kelso, Washington in the unit amounts shown on the attached paperwork within the bid with a total estimated annual value of \$300,000.00 and grant authority to the County Administrator to sign all bid related contracts. Further discussion ensued.

**ACTION:** Moved by Mielke to **AWARD** Bid #2598 for Annual Crushed Aggregate be awarded to the multiple bidders: Cemex of Vancouver, Washington, North Clark Construction of Amboy, Washington, and JL Storedahl & Sons of Kelso, Washington in the unit amounts shown on the attached paperwork within the bid with a total estimated annual value of \$300,000.00 and grant authority to the County Administrator to sign all bid related contracts. Madore seconded the motion. Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

**CONSENT AGENDA**

Stuart spoke about adding #9 after they get through the rest of the agenda. Madore inquired more on consent agenda item #1. Jan Bader, City of Vancouver, responded. Pete Capell, Public Works Director, explained more on consent agenda items #2 and #3. Heath Henderson and Carolyn Heniges, Public Works spoke on consent agenda item #4. Further discussion ensued. Stuart read the rest of the consent agenda. Greg Kimsey, County Auditor, and Cathie Garber, Acting Elections Supervisor, spoke on consent agenda item #9 regarding freeholders and stated their concerns. Darryl Walker, Prosecuting Attorney joined the discussion. Further discussion ensued.

**PUBLIC COMMENT REGARDING CONSENT AGENDA**

1. Christian Berrigan spoke on consent agenda item #9.
2. Carolyn Crain spoke on consent agenda item #9.
3. Penny Ross spoke on consent agenda item #9.
4. John Karpinski spoke on consent agenda item #9.
5. Lee Jensen spoke on consent agenda item #9.
6. George Vartanian spoke on consent agenda item #9.

Further Board discussion ensued.

**ACTION:** Moved by Mielke to **MOVE** consent agenda item #9 to the June 18, 2013 hearing at 10:00 a.m. Madore seconded the motion.

Further discussion ensued.

Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

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

**PUBLIC COMMENT**

1. John Karpinski spoke on the growth management act and the resolution regarding waiving fees.
2. George Vartanian spoke on the home rule charter.
3. Royce Pollard spoke about the recent departures of Clark County employees; he also spoke about a recall and stated his concerns with Mielke and Madore.
4. Milada Allen, President of Felida Neighborhood Association spoke on the Parks Interlocal Agreement.
5. Sharon Nasset spoke about funding options for local roads. She also spoke about the third bridge project. She also spoke on the CRC project.
6. Joe Levesque spoke jobs / growth in the county. He also spoke about the "AAFARP" program
7. Christian Berrigan spoke the freeholder's position. He stated his support of Madore and Mielke.
8. Terry Allen spoke on the Parks Interlocal Agreement.
9. Heather Tishbaum spoke jobs / growth and the well being in the county.

**PUBLIC HEARING: TRAFFIC IMPACT FEES / DEVELOPMENT FEES WAIVER**

To consider a resolution waiving planning, development, engineering, and building related fees for nonresidential developments subject to compliance with the terms and conditions of this resolution. The resolution will also waive traffic impact fees for eligible developments by transferring money from the road fund to pay the impact fee waived. In addition, the Board will consider a resolution amending the Capital Facilities Plan "CFP" to reflect that the Clark County Road fund will pay the traffic impact fee for those non-residential developments that qualify for waiver in lieu of a private payment of the traffic impact fees.

Marty Snell, Community Development Director, presented. Chris Home, Prosecuting Attorney and Axel Swanson, Senior Policy Analyst joined the discussion. Further discussion ensued. Swanson spoke on the amendments. Further discussion ensued.

**PUBLIC COMMENT**

1. Dave Rogers stated his opposition of Madore and Mielke's actions.
2. Kevin McCann stated his opposition of the resolution.
3. Dan Euliss stated his opposition of the resolution.
4. Dale Haagen stated his opposition of the resolution.
5. John Blom, Hasson Company, stated his concerns of the resolution.
6. George Vartanian stated his concerns of the resolution.
7. Gretchen Starke stated her concerns of the resolution and asked them to reject the resolution today.

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8. Val Alexander stated her concerns of the resolution.
9. Joel Littauer stated his opposition of the resolution.
10. Elizabeth Campbell stated her opposition of the resolution.
11. Debbie Nelson stated her concerns of the resolution.
12. Milada Allen stated her concerns of the resolution.
13. Craig Dewey stated his opposition of the resolution and stated he support Stuart's amendments.
14. Lee Jensen stated his opposition of the resolution

*Brief Recess was taken by the Board ~ Reconvened at 1:10 PM for continuation of the hearing.*

**ACTION:** Moved by Mielke to **MOVE** Resolution 2013-06-06 for discussion. Madore seconded the motion.

Madore explained more on amendment #1.

**ACTION:** Moved by Madore to **AMEND** Resolution 2013-06-06 amending the title to read **"A temporary resolution fostering jobs in Clark County by streamlining the permit process and waiving application, service/development review fees and traffic impact fees under the county's transportation impact fee program found in CCC Title 6 and CCC 40.610.040."** Mielke seconded the motion. *(Brief Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

Madore explained more on amendment #2.

**ACTION:** Moved by Madore to **AMEND** Resolution 2013-06-06 amending the recitals to add **"WHEREAS, it is important to correct any perception that Clark County is a bedroom suburb of Portland; and"**. Mielke seconded the motion. *(Brief Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

Swanson explained more on amendment #3.

**ACTION:** Moved by Mielke to **AMEND** Resolution 2013-06-06 amending the findings to read **"The Board hereby adopts the findings and conclusions contained in the recital clauses above as findings supporting this resolution. The Board recognizes our local jobs crisis and the necessity to take decisive action to make job creation permits, a top priority to ensure the economic viability of Clark County. These corrective actions include investments from the General Fund to provide for needed staff, to cover the costs, and to speed the permit process for job creation permits. The Board will collect information during the application process to measure the success of this resolution and provide that information to the public."** Madore seconded the motion. *(Brief Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

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Madore explained more on amendment #4.

**ACTION:** Moved by Madore to AMEND Resolution 2013-06-06 amending the applicability to read **“Clark County shall not collect application and service fees normally collected under CCC 6.110A.010 Section 1, 2A, 2B, 2D through 2Al, 2“O”, 2W (excluding cost of EIS), 2X, 2Y, 2Z, 2AA, and 2BB, 6.110A.020, 6.110A.030-.040, CCC 6.120 Sections 1-10, and CCC 6.140 1., 2., and nonresidential portions of 4. at the time of application for developments meeting the requirements of this resolution. Similarly, Clark County will not collect traffic impact fees required by CCC 40.610.040 for developments that meet the requirements qualifying them for the county’s development Traffic Impact fees (TIF) waiver program. The criteria are restated below for reference: A. Non-residential developments involving tenant improvements to existing buildings, the construction of new/additional buildings or subject to Site Plan approval (Eligible Developments) shall receive a one hundred percent (100%) waiver of application and service fees set out above and TIFs (Eligible fees). Developments excluded from the phrase “non-residential” include hotels, motels, senior housing, and dormitories. Facilities, where medical treatment is provided, are included.”** Mielke seconded the motion. *(Brief Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

Stuart explained more on amendment #5.

**ACTION:** Moved by Stuart to AMEND Resolution 2013-06-06 amending the applicability to read **“Clark County shall not collect application and service fees normally collected under CCC 6.110A.010 Section 1, 2A, 2B, 2D through 2Al, 2“O”, 2W (excluding cost of EIS), 2X, 2Y, 2Z, 2AA, and 2BB, 6.110A.020, 6.110A.030-.040, CCC 6.120 Sections 1-10, and CCC 6.140 1., 2., and nonresidential portions of 4. at the time of application for developments meeting the requirements of this resolution. Similarly, Clark County will not collect traffic impact fees required by CCC 40.610.040 for developments that meet the requirements qualifying them for the county’s development Traffic Impact fees (TIF) waiver program. The criteria are restated below for reference: A. Non-residential developments involving tenant improvements to existing buildings, the construction of new/additional buildings or subject to Site Plan approval (Eligible Developments) shall receive a one hundred percent (100%) waiver of application and service fees set out above and TIFs (Eligible fees).**

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(1) **Non-residential developments involving tenant improvements to existing buildings, the construction of new/additional buildings or subject to Type II Site Plan approval (Eligible Developments) that meet the following criteria: (a) Developments creating jobs that are not primarily retail sales to the public; or (b) Developments creating jobs that are primarily retail sales to the public whereby the employer(s) demonstrates that the salaries and/or wages for their employees will be at or above the median in Clark County for full-time and/or part-time employment. (Comparison source: U. S. Census Bureau American Fact Finder – Selected Economic Characteristics 2011 American Community Survey 3-Year Estimate).** (2) **Developments creating jobs that are primarily retail sales to the public shall receive a fifty percent (50%) waiver of the Eligible Fees.** (Board discussion ensued. Commissioner Madore / Mielke stated their concerns regarding the amendment, Stuart responded) Commissioner Stuart voted aye. Commissioners Mielke and Madore voted nay. Motion failed.

Madore explained more on amendment #6.

**ACTION:** Moved by Madore to **AMEND** Resolution 2013-06-06 amending the applicability to read **“B. This Resolution does not authorize waiver of Eligible Fees to a Development by any type of governmental agency, district or unit, except the waiver is available to post-secondary school non-residential developments in the University Zoning District.”** Mielke seconded the motion. (Brief Board discussion ensued) Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

Stuart explained more on amendment #7.

**ACTION:** Moved by Stuart to **AMEND** Resolution 2013-06-06 amending the applicability to read **“A. Non-residential developments involving tenant improvements to existing buildings, the construction of new/additional buildings or subject to Site Plan approval (Eligible Developments) shall receive a one hundred percent (100%) waiver of application and service fees set out above and TIFs (Eligible fees). Clark County businesses moving from one location to another, without increasing the number of employees, are not eligible for any waiver of fees.”** Madore seconded the motion. (Board discussion ensued) Commissioners Mielke and Stuart voted aye. Commissioner Madore voted nay. Motion carried.

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Stuart explained more on amendment #7a.

**ACTION:** Moved by Stuart to **AMEND** Resolution 2013-06-06 amending the applicability to read **“D. Eligibility under this resolution is limited to those, who by written agreement, commit to the obligations under this resolution. Purchasers of real property with development approvals, subject to waivers under this resolution, must sign an agreement with Clark County and accept both the obligations and benefits under this resolution or pay the fees subject to waiver. The agreement will require, in addition to the other requirements of this ordinance: (1) the amount of taxable retail sales generated by the business, both one-time and ongoing (2) report on an annual calendar-year basis Amendment to Program Monitoring -- To monitor the effectiveness of the job creation program, staff will report to the Board every six months, the number of job creation permits, the economic health, the unemployment status of Clark County, and the cost and revenue attributed to the projects that have received fee reductions or waivers. The County discretionary portion of sales tax reported by qualifying businesses shall be identified and used to repay a proportional share of all fees waived under this program.”** Mielke seconded the motion. *(Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

Stuart explained more on amendment #7b.

**ACTION:** Moved by Stuart to **AMEND** Resolution 2013-06-06 amending the applicability to read **“Clark County shall not collect the first \$50,000 in application and service fees normally collected under CCC 6.110A.010 Section 1, 2A, 2B, 2D through 2AI, 2“O”, 2W (excluding cost of EIS), 2X, 2Y, 2Z, 2AA, and 2BB, 6.110A.020, 6.110A.030-.040, CCC 6.120 Sections 1-10, and CCC 6.140 1., 2., and nonresidential portions of 4. at the time of application for developments meeting the requirements of this resolution. Similarly, Clark County will not collect the first \$250,000 in traffic impact fees required by CCC 40.610.040 for developments that meet the requirements qualifying them for the county’s development Traffic Impact fees (TIF) waiver program. The criteria are restated below for reference: A. Non-residential developments involving tenant improvements to existing buildings, the construction of new/additional buildings or subject to Site Plan approval (Eligible Developments) shall receive a one hundred percent (100%) waiver of application and service fees set out above and TIFs (Eligible fees).”** Mielke seconded the motion. *(Board discussion ensued)* Commissioner Stuart voted aye. Commissioners Mielke and Madore voted nay. Motion failed.

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Swanson explained more on amendment #8.

**ACTION:** Moved by Mielke to **AMEND** Resolution 2013-06-06 amending the Transportation Improvement Program to read **“Eligible Applicants may also have the TIF fees, otherwise due, waived if they develop in compliance with this resolution. Developments, for which TIF fees are waived, are not entitled to TIF credits. Public Works staff shall calculate each TIF waived, monitor, and track each project as they qualify for a waiver to ensure compliance with the provisions of this resolution. Once the development is granted final occupancy (or final approval for developments not requiring occupancy) the TIF waiver becomes permanent for each development. The waived or exempted TIF fee shall become a public share obligation of the county for Capital facility funding purposes.Public Works staff shall semi-annually prepare a supplemental appropriation to repay the TIF districts from the road fund for the amount of the TIF fee waived.”** Madore seconded the motion. *(Brief Board discussion ensued, Horne joined the discussion)* Commissioners Mielke and Madore voted aye. Commissioner Stuart voted nay. Motion carried.

Mielke explained more on amendment #9.

**ACTION:** Moved by Mielke to **AMEND** Resolution 2013-06-06 amending termination to read **“Re-evaluation. Termination -- The Board will review eligibility for waiver of Fees including TIF’s, permitting, and development/inspection fees within sixty days after the unemployment rate for covered employment in Clark County is lower than the Washington State average. The Board may also immediately terminate this resolution if they conclude such action is necessary. ~~If this program is discontinued or modified by a vote of the BOCC, changes shall affect only new projects that have not already filed a fully complete application for a development or building permit, as applicable.”~~ Madore seconded the motion. *(Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.**

Horne explained more on amendment #10. Further discussion ensued.

**ACTION:** Moved by Mielke to **AMEND** Resolution 2013-06-06 amending Section 9 to read **“this resolution shall take effect on July 15, 2013. Applicants who file in the interim period between June 11, 2013 and July 15, 2013 will be eligible for relief under this resolution.”** Madore seconded the motion. *(Board discussion ensued)* Commissioners Mielke, Madore, and Stuart voted aye. Motion carried.

Further Board discussion ensued.

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**ACTION:** Moved by Mielke to **APPROVE** Resolution 2013-06-06 as amended. Madore seconded the motion. Commissioners Mielke and Madore voted aye. Commissioner Stuart voted nay. Motion carried.

**PUBLIC HEARING: SPECIAL SUPPLEMENTAL APPROPRIATION**

To consider approval of a Special Supplemental Appropriation for an increase in expenditures of \$4,275,000. Revenue increases total \$3,101,083 for a net decrease in fund balance of \$1,173,917.

Jim Dickman, Budget presented. Further discussion ensued.

**ACTION:** Moved by Mielke to **APPROVE** Resolution 2013-06-07. Madore seconded the motion. Commissioners Mielke and Madore voted aye. Commissioner Stuart voted nay. Motion carried.

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Snell spoke about the resolution related to the Traffic Impact Fees / Development Fees Wavier Public Hearing amending the Capital Facilities Plan "CFP" to reflect that the Clark County Road fund will pay the traffic impact fee for those non-residential developments that qualify for waiver in lieu of a private payment of the traffic impact fees.

**ACTION:** Moved by Mielke to **APPROVE** Resolution 2013-06-08. Madore seconded the motion. (*Board discussion ensued*) Commissioners Mielke and Madore voted aye. Commissioner Stuart voted nay. Motion carried.

**COMMISSIONER COMMUNICATIONS**

Mielke thanked Clark County staff. He stated he is excited to see what is ahead and hopes for the best.

Madore also recognized staff. He also stated he is excited.

Stuart recognized WSDOT on the interchange project they recently did. He also spoke about stormwater.

Hearing Adjourned

**2:00 P.M. PUBLIC BID OPENING**

Present at bid opening: Tina Redline, Board of Commissioners Office; Mike Westerman and Beth Balogh, General Services-Purchasing Department.

**BID WO 018216**

Joint County-City 2013 Pavement Preservation Project

Held a public hearing for Bid WO 018216 – Joint County-City 2013 Pavement Preservation Project. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award WO 018216 on June 18, 2013 at 10:00 a.m. in the Commissioners hearing room, 6<sup>th</sup> Floor, Public Service Center.

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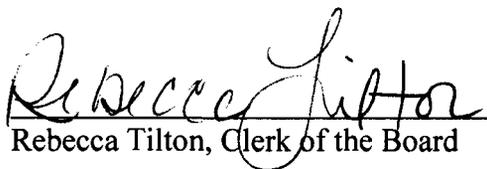
\_\_\_\_\_  
Steve Stuart, Chair

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Tom Mielke, Commissioner



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David Madore, Commissioner

ATTEST:



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Rebecca Tilton, 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](http://www.cvtv.org)).