

A G E N D A
WALLA WALLA COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 30, 2021

Effective July 12th, 2021 Commissioners will resume in person public meetings and continue to host the meetings via WebEx.

Following is the website to attend and listen to the meeting and the phone number to call to take part in the meeting. Any questions please email us wwccommissioners@co.walla-walla.wa.us.

Call in 1-408-418-9388 access code: 146 784 0290

Meeting link: <https://wwco.webex.com/wwco/j.php?MTID=m6ef6c0710e4eb57be4e10ce0cc827a38>

PLEASE NOTE: All times are tentative and at the discretion of the Chairman with the exception of advertised bid openings and public hearings.

10:00 A.M. COUNTY COMMISSIONERS

Chairman Tompkins

All matters listed within the Consent Agenda have been distributed to each County Commissioner for review and are considered routine. The Consent Agenda will be approved by one motion of the Board of County Commissioners with no separate discussion. If separate discussion is desired on a certain item, that item may be removed from the Consent Agenda at the request of a Commissioner, for action later.

- a) Roll call and establish a quorum
- b) Declarations re: conflict of interest
- c) Pledge of Allegiance
- d) Public comment period (time limitations may be imposed)
- e) **Action Agenda Items:**
 - 1) Review submitted Employee Payroll Action Forms
 - 2) Review vouchers/warrants/electronic payments
- f) **Consent Agenda Items:**
 - 1) Resolution - Minutes of County Commissioners' proceedings for August 23 and 24, 2021
 - 2) Payroll action and other forms requiring Board approval
- g) **Action Agenda Items:**
 - 1) County vouchers/warrants/electronic payments as follows: 423410 through 4232439 totaling \$561,859.27 (ER&R and Fair)
- h) Miscellaneous business to come before the Board
- i) Review reports and correspondence; hear committee and meeting reports
- j) Review of constituent concerns/possible updates re: past concerns

a) **Bid Openings:**

- 1) Middle Waitsburg Road Project
- 2) Old Highway 12 Road Project

b) **Action Agenda Items:**

- 1) Resolution – Bid Award for the Arch Bridge on Lamar Road MP 2.64 to MP 2.94 Project
- 2) Resolution – Small Works Bid Award for Old Milton Highway Stormwater Project

c) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

**IN THE MATTER OF A BID
AWARD FOR THE ARCH BRIDGE
ON LAMAR ROAD MP 2.64 TO MP
2.94 PROJECT**



RESOLUTION NO. 21

WHEREAS, as advertised, a bid opening was held on Monday, August 23, 2021, for the Arch Bridge project on Lamar Road MP 2.64 to MP 2.94, the following bids were open and read publicly:

- | | | |
|----|---|----------------|
| 1) | Apollo, Inc Kennewick, Washington | \$1,473,255.92 |
| 2) | Farline Bridge, Inc Stayton, Oregon | \$1,478,467.90 |
| 3) | Nelson Construction Crop Walla Walla, Washington | \$1,506,563.47 |
| 4) | Harry Johnson Plumbing & Excavation, Inc Walla Walla, Washington | \$1,683,284.05 |
| 5) | LaRiviere, Inc Rathdrum, Idaho | \$1,691,075.75 |
| 6) | Strider Construction Co, Inc Bellingham, Washington | \$1,774,448.50 |
| 7) | Razz Construction, Inc Bellingham, Washington | \$1,929,063.00 |

WHEREAS, Apollo, Inc submitted the lowest responsive, responsible bid; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that the Arch Bridge on Lamar Road MP 2.64 to MP 2.94 project is awarded to Apollo, Inc for \$1,473,255.92.

Passed this 30th day of **August 2021** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.

Attest:

Diane L. Harris, Clerk of the Board

Gregory A. Tompkins, Chairman, District 3

Todd L. Kimball, Commissioner, District 2

Jennifer R. Mayberry, Commissioner, District 1

*Constituting the Board of County Commissioners
of Walla Walla County, Washington*

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

**IN THE MATTER OF A SMALL
WORKS BID AWARD FOR OLD
MILTON HIGHWAY
STORMWATER PROJECT**



RESOLUTION NO. 21

WHEREAS, as quotes were due by 1:00 p.m., Wednesday, August 25, 2021 for the Old Milton Highway Stormwater project, with the following bids received:

- | | | |
|----|--|-------------|
| 1) | Nelson Construction Corp. Walla Walla, Washington | \$41,834.53 |
| 2) | Harry Johnson Plumbing & Excavation Walla Walla, Washington | \$67,432.00 |
| 3) | Don Jackson Excavation, LLC Milton-Freewater, Oregon | \$86,874.67 |

WHEREAS, Nelson Construction Corp. submitted the lowest responsive, responsible bid; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that the Old Milton Highway Stormwater project is awarded to Nelson Construction Corp. in the amount of \$41,834.53.

*Passed this 30th day of **August 2021** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.*

Attest:

Diane L. Harris, Clerk of the Board

Gregory A. Tompkins, Chairman, District 3

Todd L. Kimball, Commissioner, District 2

Jennifer R. Mayberry, Commissioner, District 1

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of Walla Walla County, Washington*

**Walla Walla County Public Works
990 Navion Lane
Walla Walla, WA 99362**



To: Board of County Commissioners

From: Tony Garcia Morales, P.E. – Public Works Director/County Engineer

Date: 25 August 2021

Re: Director's Report for the Week of 23 August 2021

Board Action: 30 August 2021

Bid Opening:

In the Matter of a Bid Opening – Middle Waitsburg Road Project

In the Matter of a Bid Opening – Old Highway 12 Project

Resolutions:

In the Matter of a Bid Award – Arch Bridge Project

In the Matter of a Bid Award - Old Milton Highway Stormwater Project

ENGINEERING:

- Mill Creek Road MP 1.1 to MP 3.96: Steadily making progress on right of way acquisition.
- Peppers Bridge Road: Working on right of way acquisition.
- Seven Mile Bridge: Beginning cultural resources survey.
- Miscellaneous: Starting our annual bridge inspections.

MAINTENANCE/FLEET MANAGEMENT:

- South Crew – Grading and rocking roads.
- North Crew – Grading roads and cleaning culverts.
- Signs and Veg Crew – Working on sign maintenance, refreshing centerline tabs where needed and paint striping.
- Garage – working on routine maintenance and scheduling winter prep on equipment.

ADMINISTRATION:

- Conducted our weekly Staff, Engineering and Road Operations meetings.
- Speed Limit study on Taumarson Rd/Prospect Rd/Reser Rd is being finalized.
- Drumheller Bridge – Repaired the approaches.
- Conducted our monthly meetings with the South, North, Sign/Vegetation, and Shop Crews.
- Continue to follow COVID 19 protocols.

- a) 2021 budget report

**10:45 DEPARTMENT OF COMMUNITY HEALTH/
BOARD OF HEALTH**

**Dr. Kaminsky
Nancy Wenzel**

a) COVID-19 update and miscellaneous

11:00 COUNTY FAIRGROUNDS

Gregory Lybeck

a) Department update and miscellaneous

11:15 COUNTY COMMISSIONERS

a) **Action Agenda Items:**

- 1) Ordinance No. 490 – An ordinance amending Walla Walla County Code to enact a new Chapter 10.32, authorizing wheeled all terrain vehicles on county roads with speed limits of 35 miles per hour or less

- b) Miscellaneous business to come before the Board

11:30 RECESS

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**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 490

AMENDING WALLA WALLA COUNTY CODE TO ENACT A NEW CHAPTER 10.32, AUTHORIZING WHEELED ALL TERRAIN VEHICLES ON COUNTY ROADS WITH SPEED LIMITS OF 35 MILES PER HOUR OR LESS.

WHEREAS, Revised Code of Washington (RCW) 46.09.455 authorizes counties with populations of 15,000 or more to allow the operation of wheeled all-terrain vehicles (WATVS) on county roadways having speed limits of 35 miles per hour or less, not including non-highway roads and trails; and

WHEREAS, wheeled all-terrain vehicles are defined and regulated by state law; and

WHEREAS, the Board of County Commissioners held a public hearing on August 16, 2021 to consider the proposed amendments and to receive public comment;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Wheeled all-terrain vehicles are currently not allowed on County roads, with certain exceptions, including by special permit issued pursuant to WWCC Chapter 10.30.
2. On March 29, 2021, a public workshop was held with the Board and the Walla Walla County Public Works Department to discuss the possibility of allowing WATV's to utilize County Roads.
3. On May 12, 2021 a SEPA Determination of Non-Significance (DNS) was issued by the County (State SEPA # 202102378). This threshold determination was filed with the Department of Ecology and published in the Walla Walla Union Bulletin and on the Community Development Department's website. No comments on, or appeals of, the threshold decision were received.
4. On August 2, 2021 the Board of County Commissioners set a public hearing for August 16, 2021.
5. Notices of Public Hearing were published in the Walla Walla Union-Bulletin on August 5, 2021 and August 12, 2021.
6. On August 16, 2021, the Board of County Commissioners held a public hearing. The public could testify in the Board Chambers or via the County Webex system.
7. The Board continued the Public Hearing until August 23, 2021.

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Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The proposed amendments to Walla Walla County Code are consistent with state laws regarding Wheeled All-Terrain Vehicles.
2. The proposed amendments to Walla Walla County Code are in the public interest.

Section III. Adoption of the amendments to Walla Walla County Code Chapter 10.32:

Based on its review of the requirements of RCW 46.09 and reports from the County Engineer, the Board of County Commissioners hereby adopts the amendments to Walla Walla County Code, as shown on the attached Exhibit A.

Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

Section V. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Engineer to prepare list of authorized roads.

Pursuant to RCW 46.09.455 (1)(c)(iii) the County Engineer shall prepare, and the Clerk of the Board shall post on the County website, a list of County roads authorized for Wheeled All Terrain Vehicle use.

Section VII. Publication.

This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 30th day of August 2021.

Attest:

Diane L. Harris, Clerk of the Board

Gregory A. Tompkins Chairman, District 3

Todd L. Kimball, Commissioner, District 2

Jennifer R. Mayberry, Commissioner, District 1

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Approved as to form:

Jesse D. Nolte, Chief Civil Deputy Prosecuting Attorney

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EXHIBIT A

CHAPTER 10.32 WHEELED ALL-TERRAIN VEHICLES

10.32.010 Applicability.

This Chapter shall apply to operation of wheeled all-terrain vehicles (WATVs) on County roads in Walla Walla County, Washington.

10.32.020 Definitions.

All definitions contained in RCW Chapters 46.04 and 46.09 as they exist are or hereafter amended are adopted by reference and shall apply to this Chapter.

10.32.030 Operation of Wheeled All-Terrain Vehicles on County Roads.

- A. Wheeled all-terrain vehicles on county roads must:
 - 1. Comply with all Washington State registration requirements and WATV use permits in accordance with RCW 46.09.
 - 2. Meet all equipment requirements, be certified by a Washington State licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop and meet all declaration requirements in accordance with RCW 46.09.
- B. Any person operating a wheeled all-terrain vehicle on a county roadway must:
 - 1. Possess a valid license to operate a motor vehicle under RCW Chapter 46.20;
 - 2. Meet all registration, equipment and licensing requirements as set forth in RCW Chapter 46.09;
 - 3. Carry proof of current liability insurance in compliance with, and with coverage limits at least equivalent to, the amounts set forth in RCW Chapter 46.29; and
 - 4. Obey all traffic laws including, but not limited to, rules of the road, traffic laws or codes, parking regulations, and road closures or restrictions, unless otherwise expressly exempted by RCW Chapter 46.09.
- C. Except as otherwise provided in RCW Chapter 46.09, nothing in this Chapter shall exempt any operator or owner of a nonhighway vehicle from any rule of the road, traffic law or code, parking regulation, road use restriction, or road closure.

10.32.035 Speed Limit for Wheeled All-Terrain Vehicles.

A person may not operate a wheeled all-terrain vehicle on a Walla Walla County roadway at a speed exceeding the lesser of 35 miles per hour or the posted speed limit.

10.32.040 Designated Roadways Authorized for Wheeled All-Terrain Vehicle Use.

A person may operate a wheeled all-terrain vehicle on all County roadways, in the unincorporated portion of Walla Walla County, with speed limits of 35 miles per hour or less.

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10.32.045 Designated Roadways Specifically Prohibited for Wheeled All-Terrain Vehicle Use.

A person may not operate a wheeled all-terrain vehicle on the following County roadways within Walla Walla County:

- A. All primitive roads as defined under RCW 36.75.300;
- B. All County roadways having a posted speed limit greater than 35 miles per hour.

10.32.050 Violations – Penalties.

- A. A person who violates WWCC 10.32.035, 10.32.040 or 10.32.045 commits a traffic infraction and is subject to the penalty for the violation as provided in Chapter 46.63 RCW, unless state law provides for a different penalty.
- B. A person who violates WWCC 10.32.030 shall be subject to the penalty for the violation as provided in Chapter 46.09 RCW.

- a) Department update and miscellaneous
- b) **Active Agenda Items:**
 - 1) Possible discussion/decision re: any pending claims against the County
- c) Possible executive session re: qualifications of an applicant for employment and/or review performance of a public employee (pursuant to RCW 42.30.110(g)), collective bargaining negotiations (pursuant to RCW 42.30.140(4)(a)(b)) and/or litigation or pending litigation (pursuant to RCW 42.30.110(i))

- a) Miscellaneous business for the Board
- b) Possible executive session re: litigation or potential litigation (pursuant to RCW 42.30.110(i))

2:00 COUNTY COMMISSIONERS

- a) Miscellaneous business to come before the Board

- A D J O U R N -

Walla Walla County is ADA compliant. Please contact TTY: (800) 833-6384 or 7-1-1 or the Commissioners' Office at 509/524-2505 three (3) days in advance if you need any language, hearing, or physical accommodation.

Please note that the agenda is tentative only. The Board may add, delete, or postpone items and may take action on an item not on the agenda.