

**COMMISSIONERS' MINUTES  
KITTTITAS COUNTY, WASHINGTON  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**TUESDAY**

**4:00 P.M**

**AUGUST 29, 2006**

Board members present: Chairman David Bowen; Vice-Chairman Alan Crankovich; Commissioner Perry Huston.

Others: Julie Kjorsvik, Clerk of the Board; Amy Mills, Treasurer; Jerry Pettit, Auditor; Patti Johnson, Interim Public Works Director; Jan Ollivier, Public Works Transportation Manager; Jennifer Steward, Public Works Staff and 4 members of the public.

At approximately 4:00 p.m. Chairman Bowen opened the special meeting.

**PROGRAM PROSPECTUS**

**WESTSIDE ROAD**

**PUBLIC WORKS**

Commissioner Crankovich moved to approve and authorize the Chair to sign a County Road Administrative Board Rural Arterial Program Prospectus for the Westside Road project improvements, for the 2007-2009 Biennium. Commissioner Huston seconded. Motion carried 3-0.

**PUBLIC HEARING**

**SILVERTON ROAD-COUNTY SYSTEM**

**PUBLIC WORKS**

At approximately 4:05 p.m. **CHAIRMAN BOWEN** opened the continued public hearing (from August 15, 2006), to consider adopting Silverton Road on to the County Maintenance System.

**JAN OLLIVIER, PUBLIC WORKS DEPARTMENT TRANSPORTATION MANAGER**

reviewed a supplement to the Engineer's Report, stating that although Silverton Road has met most requirements for Kittitas County, there is not a dedicated 60' right-of-way and there is no cul de sac at the end of the road. She said a dedication deed had been signed on April 24, 2006 that included a strip of land west of the thirty foot easement that ranges from 5.36 feet to 23.03 feet wide and is on the west side of the 30 foot easement. She also noted the 30 foot easement does not connect to Weaver Road.

**CHAIRMAN BOWEN** asked if there was ever a petition filed with the County. **STEVE LATHROP, PETITIONER** gave a history of the road. He said a Letter of Credit was posted for a Maintenance Bond on October 4, 1996, for the northerly portion of Silverton Road, which expired in October of 1998. The Plat was recorded on February 12, 1997, which also dedicated roads to the public and was accepted by the

County at that time. He indicated that in 1997, the County Assessor proceeded to list the property as "County property" after the date of the short plat being approved. In August of 1998 when Paul Bennett came on as the County Public Works Director, he provided written correspondence outlining two options for the owners. He said Mr. Bennett felt the road was acceptable as long as the County received the right-of-way, and on September 8, 1998 the Deed was provided to the County and recorded with the Auditor's office. In 1999, Mr. Bennett communicated items that needed to be done in order to place the road on system. According to Mr. Lathrop, the applicant was surprised that the road was not on system and felt all the requirements had been met, although they did not formerly petition the County. He suggested having the road standards apply which were in place as of the first date (early 1997 when the plat was done), since the County acknowledged and responded with additional line items to be completed. He noted all the requirements had been completed. He found Mr. Bennett's letter of opposition interesting (previously submitted into the record on August 15, 2006) because he was the one who sent the letter to the owners requesting additional items to be completed.

**CHAIRMAN BOWEN** questioned why the letter was sent from the School District notifying residents that since the County no longer maintains the road they would not be providing service, but staff has previously indicated they had never maintained it.

**PATTI JOHNSON, INTERIM PUBLIC WORKS DIRECTOR** said she has not found any correspondence from Mr. Bradshaw (former Public Works Director) to the School District or the Homeowners Association that the County is no longer maintaining the road. She also stated that they have no found any evidence that the County has ever maintained the road.

**MR. LATHROP** felt Mr. Bennett's letter of March 16, 1999, of outstanding items that needed to be completed prior to being accepted on the County system, was evidence that the County had intended on maintaining it. **COMMISSIONER CRANKOVICH** asked if the letter was in response to a petition. **MR. LATHROP** indicated there was never a formal "petition" submitted to the County, but rather there were discussions between the County and the owner as to what would need to be done to put the road on system.

**CHAIRMAN BOWEN** felt the letter from Mr. Bennett was not designed to put the road on system, but rather make sure the conditions of the road were complied with. **COMMISSIONER CRANKOVICH** said the road serves as a local minor access and it does not enhance the transportation grid. He was concerned with not having a 60 foot right-of-way available and no cul de sac available for a bus to turn around. This type of issue has historically led to problems.

**COMMISSIONER HUSTON** questioned which road standards they would be vested in, in order to bring the road on to the County system. He

acknowledged the paperwork is a little sloppy, he believed the developer acted in good faith. He said there must have been something in discussions that prompted Mr. Bennett to write a letter outlining additional items which needed to be complied with. He said ultimately, the County should have followed the appropriate processes, including holding a public hearing to see if the road should or should not be placed on the County system. He said with current standards, a 60 foot right of way is required, but it was not at that time. He was inclined to give the push to the landowner, since they went through all motions, including providing a maintenance agreement, letters of credit, etc. which has to be followed in order of placing a road on system, and something did not get done. He said there is nothing that suggests that those items were not done by the developer, and when it comes down to vesting, at which point are requirements locked in? He said it obviously never went to a hearing where it was formally accepted and did not want to drop the responsibility on the developer, when the Public Works Department should have followed process.

**CHAIRMAN BOWEN** noted the County has no authority to post speed limits on private roads. He expressed concern of how the additional 20 feet of right-of-way may be needed in the future. **COMMISSIONER CRANKOVICH** noted that if the County were to have it on system, without a cul de sac, the snow removal would be done on property that is not, County owned. He asked if the list of items from 1999 had been complied with. **MS. JOHNSON** said everything including the road name, signage, and drainage easement has been signed over and recorded. She felt there was a misleading portion of the letter relating to the speed limit, but all other requirements noted on the letter were for private roads.

**COMMISSIONER CRANKOVICH** recommended continuing the public hearing and to direct staff to look back and see what road standards and requirements that were in place at that time. **COMMISSIONER HUSTON** said they need to be cautious in terms of which standards anyone was trying to apply at that time (were they DOT books, were they giving any consideration of road future, etc.) and that the material gathered may be less than satisfying from that era. He felt it would be a moving target. **MS. JOHNSON** agreed with Commissioner Huston and that trying to find out what standards were in place at that time may be a moving target, and questioned which date would be used and when would they have become officially vested. **CHAIRMAN BOWEN** suggested starting in March of 1999. **MR. LATHROP** concurred with Ms. Johnson's observation of it being a moving target. He requested that if any additional background is found, he would like opportunity to review it and respond to it.

**COMMISSIONER HUSTON** moved to continue the public hearing to Monday September 11, 2006 at 1:30 p.m. in the Commissioner's Auditorium,

Room 109, County Courthouse, noting the record was open.  
**COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

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**PUBLIC HEARING      CITY ELLENSBURG ANNEX. FIRE DIST. 2      COMMISSIONERS**

At approximately 4:56 p.m. **CHAIRMAN BOWEN** opened the public hearing to consider if the Kittitas County Board of Commissioners should take an official position for or against the ballot proposition on whether the City of Ellensburg should be annexed to the Kittitas County Fire District #2, effective January 1, 2007, which will appear on the September 19, 2006 State Primary Election Ballot.

**JOHN SINCLAIR, FIRE CHIEF FOR THE CITY OF ELLENSBURG AND FIRE DISTRICT #2** said the request of the public hearing was for the Board of County Commissioners to publicly support the City of Ellensburg annexing into the Fire District #2. He said he had many people ask him questions, and after explaining the proposal, no one voiced their opposition. He urged the Board to publicly endorse the ballot proposition.

**THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER HUSTON** moved to take a position of support on whether the City of Ellensburg should be annexed to the Kittitas County Fire District #2, effective January 1, 2007, which will appear on the September 19, 2006 State Primary Election Ballot. **COMMISSIONER CRANKOVICH** seconded.

**COMMISSIONER HUSTON** explained the laws allow for the Board of County Commissioners to take a position on a ballot position as long as a public hearing is held. He indicated there had been a lot of hard work done by many different people on the proposal. **COMMISSIONER CRANKOVICH** said the Upper County is watching how it works out and felt it was a good thing in the making and may be the answer for smaller districts to pool their resources together to increase available service for citizens. **COMMISSIONER BOWEN** felt the consolidation made sense and does not duplicate services. He commended everyone on their work and strongly supported the action. Motion carried 3-0.

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**PUBLIC HEARING                      RESALE OF TAX TITLE PROPERTY                      TREASURER**

At approximately 5:05 p.m. **CHAIRMAN BOWEN** opened a public hearing to consider applications for the resale of Tax Title property.

**AMY MILLS, TREASURER** gave a history of the applications received from Wayne Keeton for Resale of Tax Title Property. She recommended ordering a full title report if any property is determined to be surplus.

**THOSE PRESENT & TESTIFYING: DON PHELPS** explained there was a kid's pond located on one of the properties in question, and if the County was to surplus it, he was concerned it would land lock his property located behind it. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**CHAIRMAN BOWEN** went through the list and reviewed those pieces that he did not have an interest in selling the property near the kid's pond; the one near the Fairgrounds; and the one near the Morris Sorenson building.

**COMMISSIONER HUSTON** said he wanted to avoid surplus property to County's needs that weren't absolutely owned by the County, and open it up in a Quiet Title action.

The Board reviewed the properties listed on the Notice of Public Hearing as well as a list provided by the Community Development Services department, outlining the location and if the property was buildable or non-buildable.

**#1 - Parcel #231534 (0.02 acres) - COMMISSIONER HUSTON** suggested identifying the owner of the adjoining piece of property and telephoning them to make sure they know that the County is considering.

**#2 - Parcel #027834 (6.85 acres) - COMMISSIONER HUSTON** suggested identifying the owner of the adjoining piece of property and telephoning them to make sure they know that the County is considering.

**#3 - Parcel #484934 (5.15 acres) - COMMISSIONER HUSTON** said the piece of property was the location of the kids pond and he was not prepared to surplus it to the County needs because it is well used. **CHAIRMAN BOWEN** said Mr. Phelps who previously testified, thought his family had deeded it to the County (prior to his ownership). He asked the Treasurer to make sure it is listed as Kittitas County property.

**#4 - Parcel #797734 (2.10 acres) -** The Board determined the property was surplus to the County's needs. The Assessor was to determine and submit a Statement of Value. Once a value has been determined, it should go to live auction. **CHAIRMAN BOWEN** asked the Treasurer to check with agencies such as irrigation districts and Department of Fish & Wildlife, to see if they may be interested.

**#5 - Parcel #754833 (6.26 acres)** - A letter was received by the United States Department of the Interior, Bureau of Land Management, claiming the property was theirs. The Treasurer was going to see if they could provide a copy of the Deed. **COMMISSIONER HUSTON** determined there needs to be more work done before the Board could make any decisions on the property.

**#6 - Parcel #527934 (0.25 acres)** - **CHAIRMAN BOWEN** offered to contact the adjoining land owners to see if they are interested in the property.

**#7 - Parcel #725036 (3.10 acres)** - **CHAIRMAN HUSTON** felt the property should be surplused to the County's needs and asked that the Assessor provide a Statement of Value and go to a competitive auction of the value has been determined.

**#8 - Parcel #12630 (0.45 acres)** - The Board concurred that the property should be surplused to the County's needs. The Treasurer is to contact the adjoining land owners just in case they were not aware of the property being considered surplus. The Assessor is to provide a Statement of Value.

**#9 - Parcel #496233 (0.63 acres)** - **CHAIRMAN BOWEN** offered to personally contact the adjoining property owners.

**#10 - Parcel #583834 (0.16 acres)** - The Board agreed they did not have an interest in surplusing the property, because it was a clear purchase by the County near the Fairgrounds. They directed the Treasurer to ensure the ownership is listed in the General Fund.

**#11 - Parcel #917733 (0.31 acres)** - The property is located next to the Morris Sorensen building where the Public Health and other offices are and the Board declared they have no intention on surplusing the property at this time. They directed the Treasurer to ensure the ownership is listed in the General Fund.

**COMMISSIONER HUSTON** said that before a Resolution is drafted, all questions should be answered and contacts made as noted in the above list.

**COMMISSIONER HUSTON** moved to continue the Public Hearing to Monday October 9, 2006 at 11:00 a.m. in the Commissioners Auditorium, Room 109, County Courthouse, noting the record was open. **COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

Meeting adjourned at 5:55 p.m.

**CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Julie A. Kjorsvik**

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**David B. Bowen, Chairman**