

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

TUESDAY

4:00 P.M.

OCTOBER 5, 2006

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

Others: Mandy Robinson, Deputy Clerk of the Board; Darryl Piercy, Community Development Services Director; Allison Kimball, Assistant Director of Community Development Services; Patti Johnson, Solid Waste Director/Interim Public Works Director; Jan Ollivier, Transportation Manager; Lisa Young, HR Manager; Jim Hurson, Deputy Prosecutor; Brandon Drexler, Construction Manager and 12 members of the public.

PUBLIC HEARING

BURKE ROAD SPEED

PUBLIC WORKS

At 4:00 p.m. **Chairman Bowen** opened the public hearing continued from September 5, 2006 to consider enabling documents for reducing the speed zone on Burke Road.

Jan Ollivier, Transportation Manager reviewed a staff report indicating that Kittitas County received an application requesting the reduction of the speed limit from 35 mph to 25 mph on Burke Road, located in Section 28, Township 20 North, Range 17 East. She noted a Public Hearing was held on September 5, 2006. At that time related testimony was taken and the issue deliberated. The Board directed the hearing be continued at that time, in which staff was to present an ordinance that reduces the speed zone to 25 mph on Burke Road. She indicated that there was an Ordinance prepared for their consideration.

ORDINANCE 2006-43

REDUCTION OF SPEED ON BURKE RD

DPW

Commissioner Crankovich moved to approve Ordinance 2006-43 In the Matter of Establishment of a Speed Zone and the Placement of Speed Limit Signs on (Kittitas Highway) and amending sections 10.08.010, 10.08.020 and 10.08.040 of the Kittitas County Code. Commissioner Huston seconded. Motion carried 3-0.

PUBLIC HEARING

BURKE ROAD RIGHT OF WAY

PUBLIC WORKS

2006-10-05 MINUTES

1

COMPLETED

ORIGINAL

Chairman Bowen opened a public hearing to consider the enabling documents to vacate a portion of the Burke Road Right of Way.

Jan Ollivier, Transportation Manager reviewed a staff report stating that the Department of Public Works has been working with Pat Deneen, who represents the Ranch on Swauk Creek, LLC, to prepare enabling documents for the vacation of the portion of Burke Road right of way from the north line of parcel 20-17-28000-0005 (Milepost 0.46) to the end of the county road (Milepost 0.66). She indicated that Mr. Deneen is proposing to revise the County's new termination of Burke Road from the cul de sac site plan (presented to the Board on September 5, 2006) to a round-about design that is modeled after the Suncadia entrance on Bullfrog Road. She explained that he is doing this in order to address public comments received at the September 5, 2006 Public Hearing "Vacate portion of Burke Road" and to create a safe entrance to the Ranch on Swauk Creek development. She noted that the new engineered plans have not been completed for Public Works review and approval yet. Ms. Ollivier said the Staff Report a recommendation to continue the hearing to October 17, 2006. Staff would like to request the meeting be continued to November 7, 2006 when Mr. Deneen will be able to present a proposed design for the new termination of Burke Road.

Patti Johnson, Interim Public Works Director requested that the record remain open in order for public comment on the proposal Mr. Deneen, will bring forward at that time.

Commissioner Crankovich moved to continue the Public Hearing to November 7, 2006 at 4:00 p.m. noting the record would remain open. Commissioner Huston seconded. Motion carried 3-0.

PUBLIC HEARING PERFORMANCE GUARANTEES OF SUNCADIA LLC DPW

Chairman Bowen opened the public hearing to consider a Resolution to replace Resolution 2004-88 modifying the General Guaranty and Performance Guaranty process for Suncadia, and to consider an extension of existing performance guaranties.

Darryl Piercy, Community Development Services Director reviewed a staff report indicating that on August 3, 2004 the Board of County Commissioners approved Resolution 2004-88 which established the process and method in which Mountain Star Resort Development, LLC dba as Suncadia Development Company, aka Suncadia, could utilize an alternative method of financial assurance for certain improvements associated with development of the Suncadia Master Planned Resort. He noted that the alternative method of financial assurance is

consistent with RCW 58.17.130 and with the development agreement for the Master Planned Resort. He reviewed the alternative methods of financial assurance approved by Resolution 2004-88. The request from Suncadia, and the Resolution before the Board of County Commissioners, would remove the requirement of Jeld-Wen to further guarantee either through a General Guaranty or a Performance Guaranty, any further development requirements of the Suncadia Master Planned Resort. The Guaranties would rely completely on Suncadia LLC as signatory. The Performance Letter of Credit and the Enforcement Letter of Credit would continue to be a requirement of the agreement. All existing guaranties including projects guaranteed by Jeld-Wen would remain in full force and effect. The Resolution would only affect guaranties from the date of approval forward. Mr. Piercy reviewed the included documents for the Board's consideration. He noted that there was no anticipation from staff that the Board would take action on the Resolution or Guaranty's before them today. He explained that the reason for that was they wanted to be sure the documents were accurate and consist with the direction the Board wishes to go, as well as the possibility that modifications and/ or formatting as they are draft documents. He also noted that the County Prosecutor has not reviewed the documents. He asked that the Board consider the documents and provide direction after their review.

Commissioner Bowen expressed his hesitance in getting an "actual" blessing on the documents before them, as there has been a great deal of resistance and caution met in the past.

Commissioner Huston moved to continue the Public Hearing to October 25, 2006 at 3:00 p.m. in the Commissioners Auditorium, noting the record to remain open. Commissioner Crankovich seconded. Motion carried 3-0

PUBLIC HEARING

TITLE II CH 2.10.010

HUMAN RESOURCES

Chairman Bowen opened a public hearing to consider amendments to Kittitas County Code, Chapter 2.10.010 - Board of Health - Responsibilities.

Lisa Young, HR Training & Safety Manager reviewed a staff report indicating that after review of Kittitas County Code, Title 2 - Administration and Personnel, she had been given direction to work with the County Prosecutor staff to make the following amendments. 2.10.010 - Board of Health - Responsibilities Qualifications and duties; change language to grant the Board of County Commissioners the responsibility for the hiring, termination and performance evaluations of the Public Health Administrator.

Jim Hurson, Deputy Prosecutor provided and reviewed a memo addressing the issue presented by the Board. He indicated that the original question posed was who appoints the "administrative officer" for the Board of Health? He explained that the research he had done indicated that the "administrative officer" is appointed by the Board of Health. There is no provision or authority for the appointment to be made by the Board of County Commissioners. He reviewed where he had researched that information noting it was in RCW 70.05.040 and RCW 70.05.050. He explained that since the subsection of 040, it states the Board of Health "may" appoint the administrative officer, such a permissive term could at first blush, appear to imply that someone else might be authorized to appoint the administrative officer. However subsection 050 clarifies the nature of the permissive "may" language of 040. Subsection 050 establishes that the local health officer is by default the administrative officer for the Board of Health, however if the Board of Health appoints an administrative officer then the local health officer does not assume those duties. He indicated that there is no statutory authorization for the Board of County Commissioners to make the appointment.

Lisa Young, HR Training & Safety Manger reviewed a staff report addressing the Board's request for clarification regarding a possible amendment to Kittitas County Code, Chapter 2.05.030, Public Works Director, Qualifications and Duties. She indicated that upon review of Kittitas County Code 2.50.030 - Department of Public Works - Director - Qualifications and duties; change language to allow the separation of duties between the Director of Public Works and the County Road Engineer, as deemed necessary.

Jim Hurson, Deputy Prosecutor explained how the previous position that was held by one individual could be split up into two separate positions. He also gave them direction to execute and finalize this amendment and reporting to CRAB, as well as making sure that CRAB is on board and feels the County is meeting their statutory requirements.

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

Commissioner Crankovich recommended taking no action on the Public Health Administrator ordinance provided amending Kittitas County Code Chapter 2.10 based off the testimony from the County Prosecutor's report. Commissioner Huston indicated that it appears there is more homework to be done before he was comfortable taking any action.

Commissioner Huston moved to take no action to amend Kittitas County Code Chapter 2.10. Commissioner Crankovich seconded. Chairman Bowen noted that the reason for discussion on these two chapters in County Code are due to the fact that the County is hiring both a Public Health Director and a Public Works Director. Motion carried 3-0.

ORDINANCE 2006-44 AMENDING COUNTY CODE CH 2.50 HUMAN RESOURCES

Commissioner Huston moved to approve Ordinance 2006-44 amending Kittitas County Code Chapter 2.50 regarding Public Works Director and County Road Engineer qualifications and duties. Commissioner Crankovich seconded. Motion carried 3-0.

PUBLIC HEARING REDUCTION OF SPEED ON KITTITAS HWY PUBLIC WORKS

Chairman Bowen opened a public hearing to consider speed reduction on Kittitas Highway (West of the Kittitas City limits).

Jan Ollivier, Transportation Manager reviewed a staff report requesting the Board consider a reduction of the speed limit on Kittitas Highway from the Kittitas City limits to Fairview Road. She indicated that the Public Works department received a request from Robert E. Cousart, City of Kittitas Mayor, to change the speed limit on Kittitas Highway beginning at the Kittitas City Limits and ending at Fairview Road. She said the request includes establishing a school safety zone, reconfiguring the 25 mph speed zone, and reconfiguring the 35 mph speed zone. She explained that in order to expedite the process to establish the school safety zone now that school is in session, Public Works has prepared an Ordinance to amend the Kittitas County Code, Sections 10.08.010, 10.08.020 and 10.08.040. She provided a map for the record noting the changes and reviewed the Engineers report.

Commissioner Bowen questioned if the request is consistent with the verbiage used in our notices. He expressed concerns with how the notice was worded. Commissioner Huston stressed the importance of including the Public Hearing notice in the Hearing files.

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

ORDINANCE 2006-45 SPEED ZONE ON KITTITAS COUNTY HWY PUBLIC WORKS

Commissioner Huston moved to approve Ordinance 2006-45 establishing a speed zone and the placement of speed limit signs on Kittitas Highway and amending sections 10.08.010, 10.08.020 and 10.08.040 of the

Kittitas County Code. Commissioner Crankovich seconded. Motion carried 3-0.

PUBLIC HEARING

6 - YEAR TRANSPORTATION PLAN

PUBLIC WORKS

Chairman Bowen opened a Public Hearing to consider adoption of the County Six-Year Transportation Plan 2007-2012 and the County 2007 Annual Construction Plan.

Jan Ollivier, Transportation Manager explained that Public Works has held two open houses to receive input and public comments on the Six Year Transportation Plan and Annual Construction Program. One was held in Cle Elum on September 20, 2006 and one was held in Ellensburg on September 21, 2006. She indicated that she had attached a summary of comments that were received at the open houses for the Board's to review. She reviewed the funding background with the Board and asked if there were any questions she could address. She encouraged the Board to consider the following as priorities: Woods & Steele, Lambert Road, Emerick Road, Liberty Road/West Fork Teanaway and Caribou Road, as well as continue to identify high volume roads and widen to meet current or proposed criteria and overlay with ACP to provide addition strength and life to the roads.

Commissioner Crankovich questioned the change on the priority list with regard to moving Emerick Road and Hidden Valley Road. He felt they are in the same location so they should be done concurrently.

PRESENT AND TESTIFYING: Pat Deneen, indicated that there is a great deal of growth on Fowler Creek Road and to continue to move it down on the list after so much work has been done to bring it up makes no sense to him.

Pat Kelleher, indicated that he had attend the open house and submitted comments but would like to request a public access road from Huntzinger Road to the Columbia River.

THERE BEING NO ONE ELSE REQUESTING TO TESTIFY THE PUBLIC PORTION WAS CLOSED.

RESOLUTION 2006-137

6-YEAR TRANSPORTATION PLAN

PUBLIC WORKS

Commissioner Huston moved to approve Resolution 2006-137 adopting the six-Year Transportation Improvement Plan for the years 2007-2012. Commissioner Crankovich seconded. Commissioner Huston noted he was in agreement with Commissioner Crankovich's earlier statements.

Brandon Drexler, Public Works Construction Manager provided clarification for the Board on some of their proposed questions.

Commissioner Huston moved to amend the Six Year Transportation Improvement Plan and to restore Hidden Valley Road to its previous placement on the priority list. Commissioner Crankovich seconded. Motion carried 3-0.

PUBLIC HEARING ANNUAL COSTRUCTION PROGRAM 2007 PUBLIC WORKS

Jan Ollivier, Transportation Manager reviewed a staff report for the County 2007 Annual Construction Plan. She reviewed the type of work that would be done as well as the location and dollar amount.

THOSE PRESENT AND TESTIFYING: Kathy Cox, would like to know if Danko Road is accepted would it be in this year's construction program.

THERE BEING NO ONE ELSE REQUESTING TO TESTIFY THE PUBLIC PORTION WAS CLOSED.

RESOLUTION 2006-138 ANNUAL CONST. PROGRAM 2007 PUBLIC WORKS

Commissioner Crankovich moved to approve Resolution 2006-138 adopting an Annual Road Construction Program for 2007 as presented. Commissioner Huston seconded. Motion carried 3-0.

PUBLIC HEARING DANKO ROAD COUNTY ROAD SYSTEM PUBLIC WORKS

Jan Ollivier, Transportation Manager reviewed a staff report indicating that on August 14, 2006 Pat Deneen requested that the County bring Danko Road onto the County Road System. The road begins at its intersection with White Road and extends easterly through the Nancy Marcus Short Plat No. 2 for 700 feet. It extends easterly through the Pamela Jones Short Plat No. 1 for 430 feet. A 60 foot wide easement is dedicated to the public upon completion and acceptance by the County. It also has a 50' radius temporary turn-around easement to be relinquished at a future date when the road is extended. She shared a power point presentation and reviewed the Engineers report along with maps and photographs.

THOSE PRESENT AND TESTIFYING: KATHY COX thanked the Board for the opportunity to speak. She reviewed the history on Danko Road since she had been living there. She expressed her frustration regarding the lack of plowing and to get the road fixed. She reviewed the history of other similar roads that have been accepted on to the County Road System.

BETH ROGERS expressed her frustration with lack of notice regarding the Danko Road hearing. She & her husband (who couldn't be present) indicated they would like to move forward and leave the past where it is. They pleaded that the County take Danko Road on system.

BARBARA MAGS expressed concerns for emergency situations in bad weather and emergency personnel not being able to access the residents of Danko Road.

PAT DENEEN discussed the different road standards that have come and gone since the original projects began on Danko Road approximately 12 years ago. He reviewed his working with County Staff to try and keep up with the standards and appease the residents as well. He discussed with the Board his attempts to get the road paved and the complications he has run into with that. He indicated that if there is a hit to be taken he will take ownership of that. He asked that the County to take on the Road.

THERE BEING NO ONE ELSE REQUESTING TO TESTIFY THE PUBLIC PORTION WAS CLOSED.

Patti Johnson, felt the public was misinformed of what it means for the County to take the road on system. She explained that by taking on the road, it only means they take it on as is. She explained that it would be on the snow plow schedule and it would be ranked in priority, but there is no guarantee it will be done by the time residents leave for work.

RECORDING STOPPED- OUT OF MEMORY SPACE ON SYSTEM- 6:28 p.m.

Commissioner Huston moved to take Danko Road on to the County Road Maintenance System and directed staff to prepare enabling documents. Commissioner Crankovich seconded. Motion carried 3-0.

Commissioner Crankovich wanted to be clear to the residents that it wouldn't be perfect.

Commissioner Bowen indicated that the meeting needed to wrap up for tonight since the Planning Commission was scheduled to be in the Auditorium.

Commissioner Huston moved to continue the Public Hearing to October 17, 2006 at 2:00 p.m. in the Commissioners Auditorium Room #109, Ellensburg Washington. Commissioner Crankovich seconded. Motion carried 3-0.

The meeting was adjourned at 6:45 p.m.

DEPUTY CLERK OF THE BOARD


Mandy Robinson

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

David Bowen, Chairman

COMPLETED