

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

TUESDAY

2:00 P.M.

MARCH 3, 2009

Board members present: Vice-Chairman Paul Jewell and Commissioner Mark McClain. Absent: Chairman Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Zera Lowe, Deputy Prosecutor; Neil Caulkins, Deputy Prosecutor; Mandy Weed, CDS Administrative Assistant; Kirk Holmes, Public Works Director/Interim Community Development Services Director; Dan Davis, Chief Building Official; Dan Valoff, CDS Staff Planner and approximately 6 members of the public.

PUBLIC HEARING

LEASE - VALLEY ESPRESSO

COMMISSIONERS

At approximately 2:00 p.m. **COMMISSIONER JEWELL** opened a public hearing to consider leasing County owned property (Valley Espresso) located at 409 N. Ruby Street Ellensburg, WA 98926.

ZERA LOWE, DEPUTY PROSECUTOR said the County had recently approved an assignment of lease with the current tenant that ends at the end of August 2009 and would like the Board to consider another lease for two years beginning September 1, 2009. Ms. Lowe requested an additional two weeks to ensure the legal descriptions are accurate and information complete before the Board considers it. **MS. STEWART** said she had no problem with a continuance of the public hearing.

COMMISSIONER McCLAIN moved to continue the public hearing to Tuesday March 17, 2009 at 2:00 p.m., noting the record would remain open. **COMMISSIONER JEWELL** seconded. Motion carried 2-0.

PUBLIC HEARING

FLOOD PERMIT APPLICATION FEES

CDS

At approximately 2:04 p.m. **COMMISSIONER JEWELL** opened a public hearing to consider staff recommendations to modify flood permit application fees collected by Community Development Services.

MANDY WEED, COMMUNITY DEVELOPMENT SERVICES ADMINISTRATIVE ASSISTANT II explained the current fee for Flood Permits which does not provide for cost recovery of actual costs associated with processing of the permit. She said the current fee is \$50.00 and it's taking longer to complete the process.

DAN VALOFF, COMMUNITY DEVELOPMENT SERVICES STAFF PLANNER reviewed the Flood Permit application process beginning at the front counter, stating it takes approximately 4 hours to complete, which includes a pre-application meeting with the applicant; a review of the application; processing and follow up. **MS. WEED** said the "per hour" fee reflected in the documents is a pre-established fee that includes wages, lights, etc. She indicated the last time the fee had been looked at was back in 2007.

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

COMMISSIONER McCLAIN moved to approve to increase the Flood Permit Fee to \$180.00 as recommended by staff. **COMMISSIONER JEWELL** seconded. Motion carried 2-0.

PUBLIC HEARING

WEAPON RESTRICTED AREAS

PROSECUTOR

At approximately 2:11 p.m. **COMMISSIONER JEWELL** opened a public hearing to consider repealing Kittitas County Code Chapter 9.60 designating weapon restricted areas in County buildings.

BRENT BOTTOMS, DEPUTY PROSECUTOR reviewed a proposed Ordinance which would designate weapon free zones in accordance with RCW 9.41.290. He said according to RCW 90.41.300(1)(b) it requires the local Judicial authority to designate and clearly mark areas. He indicated after the current Ordinance was challenged by a member of the public and as a result of the Prosecutors review, it was determined the County method of designation was improper. He said the proposed Ordinance gives direction to the County employees to continue to mark the areas designated by the local judicial authority and allow for lock boxes including the Upper District Court; second floor of the Courthouse; West end of Courthouse and the South end of Morris Sorensen building.

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

ORDINANCE 2009-02

REPEALING CHAPTER 9.60

PROSECUTOR

COMMISSIONER McCLAIN moved to approve Ordinance No. 2009-02, Repealing Chapter 9.60 of the Kittitas County Code, and that the Maintenance Department is ordered to clearly mark the areas of the Courthouse designated by the Local Judicial Authority as weapon restricted and to maintain the lock boxes for the deposit of weapons and the Courthouse Security shall be responsible for overseeing the

lock boxes, and the keys to those boxes shall be kept at the security station. **COMMISSIONER JEWELL** seconded. Motion carried 2-0.

PUBLIC HEARING

TRANSIENT OCCUPANCY TAX

COMMISSIONERS

At approximately 2:16 p.m. **COMMISSIONER JEWELL** opened a public hearing to consider a 2% increase in the current Transient Occupancy Tax levied by Kittitas County Chapter 3.20 as authorized by RCW 67.28.181 and subsequent formation of a County Lodging Tax Advisory Committee as required by RCW 67.28.1817.

COMMISSIONER JEWELL reviewed a staff report. He explained that Kittitas County Code, Chapter 3.20 currently levies a 2% Transient Occupancy Tax as authorized by RCW 67.28.180 and the tax is taken as a credit against the state sales tax so that the total tax a patron pays in retail sales tax and hotel-motel tax combined, is equal to the retail sales tax in the jurisdiction. The taxes are levied only for the purpose of paying all or part of the cost of tourism-related facilities and promotion. An additional 2% hotel-motel tax is allowed by law, but is not currently collected in Kittitas County. The special tax is not credited against the state sales tax. If approved by the Board it would require the County to establish a Lodging Tax Advisory Committee and the membership would include two members who are representatives of businesses required to collect the tax; at least two members who are persons involved in activities authorized to be funded by revenue received from the tax; and one elected official who would serve as Chair of the committee.

NEIL CAULKINS, DEPUTY PROSECUTOR said he had reviewed the issue with Commissioner Jewell and indicated the law does allow authorization by the Board for an additional 2% hotel-motel tax. He said what the County does with the funds generated is limited to tourism including certain recreational activities or facilities in which the County has an ownership interest. He said the County's expenditure of the funds needs to be linked to ownership interest and the payment needs to be only for the costs associated with advertising. He said the County must also be acknowledged as one of the sponsors for the events as well.

THOSE PRESENT & TESTIFYING: RON CRIDLEBAUGH, REPRESENTING THE ELLENSBURG CHAMBER OF COMMERCE & THE ECONOMIC DEVELOPMENT GROUP said that in reading RCW and having worked with the City of Ellensburg, they have established ownership by a contractual agreement which promotes tourism and any printed material has the City listed "paid for in part by". He encouraged the Board to approve the proposed increase in order to double the amount of money to put towards tourism and the opportunity to use those funds county wide. **MARSHAL MADSEN, MANAGER FOR THE QUALITY INN & REPRESENTING THE HOLIDAY INN,**

expressed support of the tax stating the increased tax would provide an opportunity to strengthen marketing. He said he would be in support if it applied to restaurants as well. He said the Chamber of Commerce has been working on an advertisement entitled "Trips on a Tank Full" for those coming from the west side to get away. **LOUIS MUSSO, REPRESENTING THE CLE ELUM DOWNTOWN IMPROVEMENT ASSOCIATION** expressed support of the tax and encouraged the committee to use criteria used by other similar entities. He recommended having the new committee meet with the other two lodging tax committees in the County to see if there's a possibility for long term, coordinated planning for the use of the funds. **RON OLSTAD, REPRESENTING SUNCADIA** felt with the current economic situation, the timing of the proposed tax was not very good. He said in group businesses, every dollar makes a difference based upon price and suggested waiting on increasing the tax. He thought it was a good idea to establish a committee so they can review where the funds should go. **THERE BEIN NO FURTHER TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER JEWELL said he had brought forward the proposal for consideration at a public hearing. He explained that tourism is valuable to Kittitas County and as the industry continues to grow, the County should take advantage of the allowed taxes and contribute those dollars to the allowed uses. He indicated he would like to see a county wide comprehensive approach to marketing in Kittitas County.

COMMISSIONER McCLAIN moved to approve a 2% increase to the current Transient Occupancy Tax levied by Kittitas County and subsequent formation of a County Lodging Tax Advisory Committee and to direct the Prosecutors office to prepare enabling documents. **COMMISSIONER JEWELL** seconded.

COMMISSIONER McCLAIN said that although he is not fan of increasing taxes, but after talking with legislators and receiving public response, it would be a benefit to the County and have membership from various businesses in order to move Kittitas County ahead. **COMMISSIONER JEWELL** said the tax would not be levied on the residents of Kittitas County. Motion carried 2-0.

COMMISSIONER McCLAIN moved to continue the public hearing to Tuesday March 17, 2009 at 10:00 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse, to consider enabling documents. **COMMISSIONER JEWELL** seconded. Motion carried 2-0

Meeting adjourned 2:50 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Julie A. Kjorsvik

Paul Jewell, Vice-Chairman