

COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING

TUESDAY

2:00 P.M.

SEPTEMBER 07, 2010

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

Others: Catherine Dunn, Deputy Clerk of the Board; Jerry Pettit, Auditor; Judy Pless, Budget and Finance Manager; Neil Caulkins, Suzanne Becker and Stephanie Happold, Deputy Prosecutors; Deanna Panattoni, Treasurer; Jim Mapes, TV District Board; Kelly Bacon, TV Board Clerk; Kirk Holmes, Director of Public Works; Jan Ollivier, Transportation Manager; Janiece Jump and Steve Lathrop representing the public.

PUBLIC HEARING

TV DISTRICT

COMMISSIONERS

At 2:00 p.m. **Chairman McClain** opened a public hearing tabled from October 21, 2008 to consider the dissolution of the TV District and Board. **Commissioner Crankovich** moved to remove the subject from the table and continue the public hearing on the TV District. **Vice-Chairman Jewell** seconded the motion. Motion carried, 3-0.

Suzanne Becker, Deputy Prosecutor, explained the TV District is no longer serving its purpose and can be dissolved by the Board. She said any property owned by the District reverts to the County and can be surplus by the County.

Chairman McClain asked if an advantage sale could be held and **Ms. Becker** replied it could if the findings are met.

Jim Mapes, TV District Board member, said the Board members were in agreement and would vote on Monday to dissolve the TV District and the Board. He said the process to dissolve the District and Board had started in 2008. He said an LLC comprised of Television stations in Yakima wished to take over the work of the Board and the TV tax won't be needed any longer. The LLC will need a set of guidelines for operation.

Commissioner Crankovich asked if that wasn't a part of the discussion when the public hearing was tabled in October, 2008? **Jim Mapes** said the discussion moved back and forth between attorneys.

Chairman McClain said all barriers have been taken care of except negotiation with the LLC. He said the Board has the authority to continue with that.

Vice-Chairman Jewell asked who would be paying for this service. **Mr. Mapes** said the four stations in Yakima will pay for it. **Vice-Chairman Jewell** asked why they would be paying. **Kelly Bacon, TV Board Clerk**, said they would be getting the advertising from Kittitas County. **Vice-Chairman Jewell** asked what the costs were. He was told it was \$6,500 a year for the lease, \$2,500 a year for insurance with \$800 every two months for electricity.

Vice-Chairman Jewell asked what the risk would be to the rural TV viewers. **Mr. Mapes** said only the loss of TV.

Chairman McClain said if Yakima stations decided not to serve Kittitas County, they would be the loser.

THOSE PRESENT AND TESTIFYING: Deanna Panattoni, Treasurer, asked what does the Treasurer's office do about uncollected delinquent TV taxes? **Chairman McClain** said he thought they would be forgiven.

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

Commissioner Crankovich said this has been an ongoing issue for three years.

Commissioner Crankovich moved to dissolve the TV Reception Improvement District and the TV Reception Improvement Board. **Vice-Chairman Jewell** seconded the motion.

Suzanne Becker said that this resolution for dissolution would need a finding indicating the District and Board was no longer needed and it would need to indicate what would be done with the property owned by the District.

Jim Mapes said the TV Reception Improvement Board started as a volunteer project to bring TV reception into Kittitas County. When it was no longer feasible to gather donations from people, a District was formed for taxing. He said the district only owns a shed on the leased property with the new HD transmitting equipment. The shed also holds some Christian Broadcasting equipment and FM radio equipment.

Commissioner Crankovich amended his motion to include directing staff to prepare enabling documents including a finding as directed and to

Jan Ollivier, Transportation Manager, explained that in working with Encompass Engineering on the Transfer of Development Rights (TDR's), they have found some clarification to be necessary that the Planning Commission agreed to during their hearings. Among the amendments she mentioned: to allow for zoning amendments to allow TDR's; to increase density, a TDR is needed and to allow Board of Commissioner discretion to allow management of TDR's by a non-profit.

Commissioner Crankovich asked if the 5 year period on the TDR's mirrored the 5 year period for Plat approvals.

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

Vice-Chairman Jewell asked **Wayne Nelson, Encompass Engineering, Inc.** where in the process was the TDR project. He replied it was moving forward and as soon as this clarification was done, other policy documents will be able to be considered.

ORDINANCE 2010-006

CODE AMENDMENTS

CDS

Vice-Chairman Jewell moved for Board Approval of Ordinance 2010-006 amending Kittitas County Code 17.13, Transfer of Development Rights; KCC 17.98 Amendments; KCC 17.36 Planned Unit Development zone; and 17.37, Master Planned Resorts as presented. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

PUBLIC HEARING ADDING VISTA VIEW PLAT RDS TO COUNTY SYSTEM PUBLIC WKS

At 2:45 p.m. **Chairman McClain** opened the public hearing continued from August 17, 2010 to consider the addition of portions of roads in the Vista View Div 1 Plat onto the County Road system, identifying placement of stop signs, and establishing speed limits.

Jan Olivier, Transportation Manager, said she had met with **Stephanie Happold, Deputy Prosecutor**, to research whether the \$61,000 performance/maintenance bond could be waived. She said the Prosecutor's Office said staff could not take issues before the Public Works Variance Committee because that would be against the Appearance of Fairness Doctrine, but the homeowners could. **Chairman McClain** asked if the County could bring something before the Variance Committee. She said that would also violate Appearance of Fairness.

Vice-Chairman Jewell asked if the warranty period on the roads had passed. **Ms. Ollivier** replied that it doesn't begin until construction is completed or the roads are accepted on system.

Stephanie Happold, Deputy Prosecutor said the issue is whether the County wants to waive the maintenance bond. She said it was not a Board issue, but whether the homeowners want to go before the Variance Committee. **Vice-Chairman Jewell** asked why. **Ms. Happold** said the County does not have a duty to maintain the roads, because they are public, but not on the maintenance system. The homeowners would need to go before the Variance Committee. She said the maintenance bond is needed as it is part of the 7 step process to place roads on the County system.

Commissioner Crankovich asked if this was the path of least resistance? **Ms. Happold** said it was.

Vice-Chairman Jewell suggested sending a letter to the petitioner stating the options.

Kirk Holmes said he had discussed the matter with **Steve Lathrop**, representative of a lot owner, and they have a plan which is to have the roads be taken on system, contingent upon the Variance Committee waiving the bond. He said these roads have gone through some winters and have performed.

Vice-Chairman Jewell suggested continuing the public hearing until after the Variance Committee meets again, which would be about 30 days. **Commissioner Crankovich** said that someone needs to ask for the variance. He said there were steps to be taken, either pay for the bond or a variance request which includes a \$400 fee.

Vice-Chairman Jewell moved to continue the public hearing to October 5, 2010 at 2:00 p.m. in the Commissioners Auditorium, to allow some work to be done on this matter, noting the Record is closed. **Commissioner Crankovich** seconded the motion. Motion carried, 2-1 (McClain opposed).

The meeting was adjourned at 3:10 p.m.

DEPUTY CLERK OF THE BOARD


Catherine Dunn

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Mark McClain, Chairman