

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

WEDNESDAY

2:00 P.M.

JANUARY 2, 2008

Board members present: Chairman Mark McClain; Vice-Chairman Alan Crankovich & Commissioner David Bowen.

Others: Julie Kjorsvik, Clerk of the Board; Amy Mills, Treasurer; Judy Pless, Budget & Finance Manager; Jan Olivier, Public Works Transportation Manager; Kelly Carlson, Public Works Airport Manager/Administrative Assistant; Kelly Bostick, Engineer Technician 1; Brandon Drexler, Public Works Director; Jennifer Steward, Public Works Engineer Technician 1 and approximately 20 members of the public.

PUBLIC HEARING

DISPOSE OF COUNTY ASSETS

COMMISSIONERS

At approximately 2:00 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider dissolving the Kittitas County TV Reception Improvement District and Board.

CHAIRMAN McCLAIN explained he had been contacted by Mr. Jim Mapes, a member of the TV Improvement District Board who felt it was an appropriate time to dissolve the Kittitas County TV Reception Improvement District and Board.

JIM MAPES explained that he felt by dissolving the TV Improvement District, it would be a win-win situation for everyone, claiming the tax payers would no longer have to pay taxes in the amount of \$15.00 per year, and Yakima would assume the lease with the Eaton's as well as the power charges with Puget Sound Energy. **AMY MILLS, KITTTITAS COUNTY TREASURER** said they bill for the TV District and was in agreement with Mr. Mapes recommendation to dissolve the District. She noted there was currently over \$171,000.00 in the fund and said if the District were to dissolve, the money could go into the County's current expense fund and the equipment would then need to be sold to Yakima. She asked for clarification as to what would happen to those delinquent taxes and if the Board dissolved the District, she recommended returning those payments. **COMMISSIONER BOWEN** indicated that in past discussions, Yakima did not want to lose the broadcast to Kittitas County and they would be interested in assuming the lease as well as the assets, noting the tower and equipment would become obsolete next year.

APPROVED
1/15/08

THOSE PRESENT & TESTIFYING: **JIM MAPES** explained the TV stations will be going digital in 2009 and it will be up to the Yakima stations to change to high definition TV and claimed the equipment would not be worth much. **JACK EATON** said he was the landowner that has an agreement with the TV District and he would be willing to turn the lease over to Yakima, as long as the same conditions were kept which expire in 2013. **TERRY DAVIS** expressed his support of dissolving the District as long as the current system wouldn't be cancelled in the near future. He said the TV Improvement District Board members are the ones who provide the County a list of who to bill and it has not been done fairly in the past. He felt there should be a local listing available of public owned channels. **BEN KERN** said he is a former TV Improvement District Board member and explained the negotiation process began over ten years ago with Yakima which at that time, was met with resistance. He encouraged the Board to dissolve the District and take the remaining funds and use them to convert and enhance the channels to digital if necessary. He thanked the TV Improvement District Board members for their service and dedication over the years. **THERE BEING NO ADDITIONAL TESTIMONY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER BOWEN felt it was time to move forward, but also felt the Board members should have the issue reviewed by the Prosecutor's office. He expressed his appreciation to the TV District members for their countless hours of dedication and service. He supported the idea of holding the funds in reserves until everything goes through to ensure the service is continued for the citizens and the project has been completed. **COMMISSIONER CRANKOVICH** expressed his support to dissolve the Board and agreed to have the issue further reviewed by legal counsel relating to the Eaton's lease of property and TV stations. **COMMISSIONER BOWEN** said the TV Board District Members could vote to not charge for this year so the Treasurer's office does not have to worry about notices going out.

COMMISSIONER CRANKOVICH moved to continue the public hearing to Tuesday February 5, 2008 at 10:00 a.m. in the Commissioner's Auditorium, Room 109, Kittitas County Courthouse, Ellensburg, Washington, to allow additional time for review by the Prosecutors office. **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

PUBLIC HEARING

LEASE AT AIRPORT

PUBLIC WORKS

At approximately 2:26 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider a Lease within the Kittitas County Airport Binding Site Plan Lot C-17 in Section 25, Township 18, Range 18, Kittitas County Washington.

KELLY CARLSON, PUBLIC WORKS AIRPORT MANAGER, reviewed a proposed 35 year lease with Tim Adamson and said there were a couple of issues that still needed to be reviewed by the Prosecutor's office and asked for a continuance of the public hearing to Tuesday January 15, 2008. She said Mr. Adamson is interested in conducting a helicopter repair/refurbish business. **CHAIRMAN McCLAIN** wanted to be sure environmental issues would be addressed in the lease.

THERE WAS NO ONE IN ATTENDANCE REQUESTING TO TESTIFY ON THE MATTER, HOWEVER THE BOARD KEPT THE RECORD OPEN.

COMMISSIONER BOWEN moved to continue the public hearing to Tuesday January 15, 2008 at 2:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse, noting the record is open. **COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

PUBLIC HEARING TOZER ROAD ONTO COUNTY ROAD SYSTEM PUBLIC WORKS

At approximately 2:33 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider adoption of a portion of Tozer Road onto the County Road Maintenance System.

BRANDON DREXLER, PUBLIC WORKS DIRECTOR reviewed a request from Shane Jump, of Edgemont Development to accept a portion of Tozer Road onto the County Road System. He recommended approval of the request.

COMMISSIONER CRANKOVICH asked if Mr. Drexler was satisfied with the standards. **MR. DREXLER** said as long as a KRD continues to allow the use and referenced a memo from John Nixon dated August 5, 2003, where a crossing agreement is referenced for the purpose of ingress and egress to their property for snow plowing turn around, school buses and any other public access requirements.

THOSE PRESENT & TESTIFYING: **JANICE JUMP** said the School District will not bring a school bus into the area unless there is a cul-de-sac available and questioned whether or not they would allow it.

JENNIFER STEWARD, PUBLIC WORKS said she could not find an agreement with the KRD but indicated their Board would be meeting next week to consider it and they will put it in the file once it's been fully executed.

THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

MR. DREXLER said there is currently adequate space for a school bus to go down and turn around, but was unaware of one going down there are this time.

RESOLUTION 2008-04 TOZER ROAD ONTO COUNTY ROAD SYSTEM PUBLIC WORKS

COMMISSIONER CRANKOVICH moved to approve Resolution No. 2008-04, Adopting Tozer Road onto the County Road System. **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

PUBLIC HEARING "NO PARKING AREAS" PUBLIC WORKS

At approximately 2:44 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider the revision of Kittitas County Code Chapter 10.07.010 "Areas Designated - No Parking".

JENNIFER STEWARD, PUBLIC WORKS DEPARTMENT explained the request was to correct road names, inconsistent language, and missing signed "No Parking Areas". She said some of the changes were due to fulfill emergency 911 requirements that were needed to be reflected in Kittitas County Code.

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

ORDINANCE 2008-02 "NO PARKING AREAS" PUBLIC WORKS

COMMISSIONER CRANKOVICH moved to approve Ordinance No. 2008-02, Revising Kittitas County Code Chapter 10.07.010, "Areas Designated - No Parking". **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

PUBLIC HEARING SUNCADIA GUARANTEE REVISIONS PUBLIC WORKS

At approximately 2:50 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider Suncadia Guarantee Revisions/Modifications: removal of Jeldwen's contractual obligation from past performance and general guarantee's and extension of Resolution No. 2006-150 to 2008.

BRANDON DREXLER, PUBLIC WORKS DIRECTOR explained Suncadia and JELD-WEN, Inc. have supplied Performance Guarantees to Kittitas County Public Works for the Infrastructure work projects. He said Suncadia requests the removal of JELD-WEN's contractual obligation from past Performance and General Guarantees, and an extension of Resolution No. 2006-150, for the calendar year of 2008. He indicted both the Public Works Department and the Prosecutors office has reviewed a proposed Resolution for the Boards consideration.

STEVE LATHROP, REPRESENTING SUNCADIA said the request was a result of a series of transactions which had taken place over the past few months. He said the County has been provided with audited financial

statements and information as well as projections and the proposal is a year-to year program. **COMMISSIONER CRANKOVICH** asked what type of financial liability the County would be exposed to if they approved the request. **MR. LATHROP** explained it would be the net worth of the entity signing the document. He felt the only risk to the County is to consider if the entity is credit worthy, ensuring there is a reasonable expectation of work being done as required by the County. He reminded the Board of their past performances and noted they have letters of credit in the amount of five million dollars, and estimated that this year's exposure is approximately eleven million dollars of work being done at one time. He said the remaining that JELD-WEN signed on to is approximately eleven million dollars.

THOSE PRESENT & TESTIFYING: JANEICE JUMP said she is suspect of anyone who wants to be removed as a guarantor and noted she had submitted a letter for the Board's consideration. She felt it was a large project and has the potential for lawsuits. **THERE BEING NO ONE ELSE REQUESTING TO TESTIFY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

MR. DREXLER said the Mr. Caulkins had reviewed the document briefly and did not have any concerns relating to the document, if the Board was to approve the request. He explained if the Board approved the request, he could have Suncadia's representative's sign off as well as the Prosecutors office.

COMMISSIONER BOWEN felt there was not a problem extending the Resolution, but is cautious until the work has been completed. He acknowledged the program has worked well in the past, but hesitant until it gets down to less than five million dollars noted in the letters of credit. **COMMISSIONER CRANKOVICH** questioned the urgency for JELD-WEN to have their name removed. **DEL GOEHRING, SUNCADIA'S SENIOR VICE-PRESIDENT OF FINANCE** said JELD-WEN had been guaranteed 30-35 million dollars in projects and since their major portion of the development has been completed at Suncadia, there has been a significant reduction in future requirements. He said it presents problems for JELD-WEN on their financial statements and a liability they must disclose. **MR. LATHROP** explained that at one point in time, there was 33.6 million outstanding, which had been recently reduced to 22-23 million, due to work being completed and inspected by the County. **COMMISSIONER McCLAIN** said he was concerned with removing JELD-WEN in total, and suggested a further analysis be done by the Prosecutor's office.

MR. LATHROP said there were no pending applications coming forward that they would need to use the guarantee program, and a couple of weeks more time would not be a problem. **MR. GOEHRING** currently

going through year end audits and would be appreciated if the issue could be resolved within two weeks.

COMMISSIONER CRANKOVICH moved to continue the public hearing to Tuesday January 15, 2008 at 2:00 p.m. in the Commissioners Auditorium and to direct Public Works staff to work with the Prosecutors office in additional review of the request. **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

PUBLIC HEARING

APPEAL & PARCEL HISTORY FEES

CDS

At approximately 3:20 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider modifications to the fees collected for appeals and parcel history requests.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES reviewed a request to modify the appeal fees collected by Kittitas County and to consider instituting a fee for parcel history requests. He said they conducted an analysis based on cost recovery for administrative appeal and SEPA appeals and noted it was approximately \$1,645.00. He suggested a proposed fee of \$500.00 for 2008, \$1,000.00 for 2009 and \$1,600.00 in 2010. He said there is currently no fee for parcel history requests and cost recovery would be \$281.25. The proposed fee for 2008 is \$125.00, \$250.00 for 2009 and \$300.00 for 2010.

THOSE PRESENT & TESTIFYING: STAN BLAZYNSKI felt parcel history requests nothing other than public records requests and felt the proposal to implement a fee was more for a title history request which is a completely separate request. He presented a copy of RCW 82.02.020 relating to certain tax fields, fees prohibited for the development of land or buildings, voluntary payments by developers authorized - limitations and exceptions. He felt the fees currently in place were sufficient and by raising the appeal fees as recommended by staff is unreasonable and more of a hindrance to citizens. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

MR. PIERCY replied to the concerns expressed by Mr. Blazyinski and his references. He said the Board had previously passed a Resolution in which tax payers are to not subsidize land use activities and previous analysis conducted by staff have been accurate. He agreed their department could provide the raw data for parcel history requests, but the citizens are requesting more than just history requests, they are requesting an analysis and determination that is being requested for property. **COMMISSIONER BOWEN** said there had been previous discussions if their department should be providing analysis and determinations or if those should be sent to the

Assessor's office. **MR. PIERCY** felt they would be doing the same work whether done by the private sector of the Assessor's office.

COMMISSIONER BOWEN moved to approve to increase the fees for Administrative Appeals and SEPA Appeals in the amount of \$500.00 for 2008 and to establish a fee in the amount of \$125.00 for Parcel History requests. **COMMISSIONER CRANKOVICH** seconded.

COMMISSIONER BOWEN explained the Board had previously tasked Community Development Services for cost recovery analysis for work being conducted, noting the citizens have been vocal about not raising taxes to fund land use activities. He felt access to the process is important, but can also be abused, with the current fee of \$200.00 and an increase to \$500.00 is warranted. **COMMISSIONER CRANKOVICH** said the increase was appropriate but could not support the increase to \$1,000.00 and then \$1,600.00 but may look at more of a graduated scale. **COMMISSIONER McCLAIN** felt cost recovery is a goal, and agreed that \$1,600.00 may be a barrier, but \$500.00 may not be enough either. He felt it was important for people to have access and would be in favor of \$750.00 beginning in 2009. He supported the fee for parcel history requests.

Motion carried 3-0.

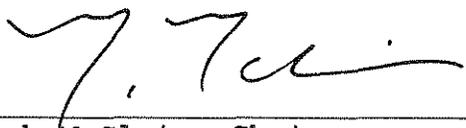
Meeting adjourned at 3:50 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Julie A. Kjorsvik



Mark McClain, Chairman