

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
AGENDA SESSION**

TUESDAY

10:00 A.M.

AUGUST 19, 2008

Board members present: Chairman Mark McClain, Vice-Chairman Alan Crankovich and Commissioner Linda Huber.

Others: Julie Kjorsvik, Clerk of the Board; Darryl Piercy, Director of Community Development Services; Allison Kimball, Assistant Director of Community Development Services; Scott Turnbull, Staff Planner; Mackenzie Moynihan, Staff Planner; Kelly Carlson, Public Works Administrative Assistant/Airport Manager; Mandy Robinson, Deputy Clerk of the Board; Jan Ollivier, Transportation Manager; Jack MacDonald, Security Officer; Lisa Young, Interim Human Resources Director; Catherine Dunn, Deputy Clerk of the Board; Judy Pless, Budget & Finance Manager; Kirk Holmes, Public Works Director; Jerry Pettit, Auditor; William Holmes, Probation Services Director; Clayton Myers, Undersheriff; Marsha Weyand, Assessor; Neil Caulkins, Deputy Prosecutor; Dan Valoff, Staff Planner; Jim Goeben, Application Development Manager; Duke Senter, Director of Information Services and approximately 13 members of the public.

CALL TO ORDER

Chairman McClain called the meeting to order and asked for a moment of silence in honor of the late Nelson Ng, Ellensburg Police Officer who had died on Friday August 15, 2008.

PLEDGE OF ALLEGIANCE

Chairman McClain led the Pledge of Allegiance.

INTRODUCTION OF NEW COUNTY EMPLOYEES

Commissioner Crankovich introduced Kirk Holmes as the new Public Works Director.

William Holmes, Probation Services Director introduced Jerred Copenhaver as their new Juvenile Detention Coordinator.

Julie Kjorsvik, Clerk of the Board introduced Catherine Dunn as their new Deputy Clerk of the Board.

PROCLAMATIONS - NONE

AWARDS & RECOGNITIONS

CERTIFICATE SCOTT MARTIN-LAW & JUSTICE COUNCIL COMMISSIONERS

Commissioner Crankovich moved to approve a Certificate of Recognition to Scott Martin for his dedication and service to Kittitas County as a member of the Law & Justice Council. Commissioner Huber seconded. Motion carried 3-0.

APPROVAL OF AGENDA

Chairman McClain noted Items B and C of the Consent Agenda had been moved to Board Discussion & Decision, and two items has been added to Administrative Matters. He indicated the Board anticipated holding an Executive Session at the conclusion of the agenda.

Commissioner Crankovich moved to approve the Agenda as amended. Commissioner Huber seconded. Motion carried 3-0.

CONSENT AGENDA

Items listed under the Consent Agenda were distributed to the Board of County Commissioners in advance for study and were enacted by one motion with separate discussion to the extent any items were removed from the Consent Agenda at the request of a Board member.

Commissioner Crankovich moved to approve the Consent Agenda as amended. Commissioner Huber seconded. Motion carried 3-0.

MINUTES

DATE	MEETING	RE:
2-12-08	Regular Meeting	HR Study Session
2-20-08	Regular Meeting	HR Study Session
2-26-08	Regular Meeting	HR Study Session
3-11-08	Regular Meeting	HR Study Session
3-25-08	Regular Meeting	HR Study Session
4-8-08	Regular Meeting	HR Study Session
4-24-08	Regular Meeting	HR Study Session
5-13-08	Regular Meeting	HR Study Session
5-27-08	Regular Meeting	HR Study Session
6-10-08	Regular Meeting	HR Study Session
7-8-08	Regular Meeting	HR Study Session
7-30-08	Special Meeting	Rodeo Grandstands
7-31-08	Special Meeting	Executive Session
8-4-08	Regular Meeting	BOCC Office Admin

program, Tobacco Prevention & Control program and WIC Nutrition program, increasing the amount by \$59,909.00 for a maximum amount of \$999,107.00.

SET PUBLIC HEARING

AMEND 2008 BUDGET

AUDITOR

Approve setting a public hearing to consider amending the 2008 budget in the total amount of \$1,963,173.00, to be held on Tuesday September 2, 2008 at 2:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue, Ellensburg, Washington, and to authorize the Clerk to publish said notice.

AGREEMENT

CPS - HUMAN RESOURCE SERVICES

HUMAN RESOURCES

Approve an Agreement between Cooperative Personnel Services, dba CPS Human Resource Services for Test Rental renewal for 2008 Civil Service written testing.

CONTRACT AMENDMENT

DEPT. OF AGRICULTURE

AUDITOR

Approve Amendment No. 1 to Contract Number IA-08-01-05 between the Washington State Department of Agriculture and Kittitas County Horticultural Pest and Disease Board, in the amount of \$20,000.00 for the period July 1, 2007 through June 30, 2009.

RESOLUTION 2008-126 UPDATING PERSONNEL POLICIES MANUAL HUMAN RESOURCES

Approve Resolution No. 2008-126, In the Matter of Updating the Personnel Policies Manual, creating an Inmate Use Policy.

MYLARS

MIDFIELD LLC. PRELIMINARY PLAT (P-07-22)

CDS

Approve and authorize the Chair to sign the mylars granting final approval of the Midfield LLC Preliminary Plat (P-07-22), a 9-lot plat on 44.59 acres of land zoned Agricultural-3, submitted by Amerivest Development LLC, authorized agent for Midfield LLC, landowner, located South of Susan Road and West of Strande Road (Map Number 17-18-08000-0053).

CORRESPONDENCE - NONE

ADMINISTRATIVE MATTERS

GRANT

WA. ASSOC. OF SHERIFF'S & POLICE CHIEF'S

SHERIFF

Commissioner Crankovich moved to acknowledge and approve a budget amendment in the amount of \$5,500.00 for a grant awarded by the Washington Association of Sheriffs and Police Chief's to the Kittitas County Sheriff's office for gang related graffiti and tagging abatement,

for the period August 15, 2008 through June 30, 2009. Commissioner Huber seconded. Motion carried 3-0.

LETTER LAND USE ADVISORY COMMITTEE - CATHERINE CLERF COMMISSIONERS

Commissioner Crankovich moved to approve and authorize Board signature on a letter to Catherine Clerf, advising her that her participation on the Land Use Advisory Committee is no longer necessary. Commissioner Huber seconded. Motion carried 3-0.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Janice Jump said she has been in a lawsuit since 2003 and the laws state the counties have to have a law library funded by fees. She said she had tried to file motions for vacation of judgment yesterday and was told it was incorrect and when she tried to access documents the computer did not work. She stated she was going to write a letter to the editor and the Attorney General's office.

Chairman McClain said he takes pride in what the County provides and how the law library use to be housed in the basement and is now located next to District Court with two computers which can be accessed during business hours. He indicated Westlaw is available which is the same service the Prosecutors have, and felt Kittitas County does better than most counties by providing information for inmates. He said he had been working with the Volunteer Legal Service Corps trying to bring back volunteer legal services to Kittitas County.

BOARD DISCUSSION & DECISION

EVENT OLD #3 MOTORCYCLE POKER RUN COMMISSIONERS

Commissioner Crankovich moved to approve a request to hold the Old #3 Motorcycle Poker Run on Saturday August 23, 2008, contingent upon receiving documentation of proof of insurance with Kittitas County listed as required by the Prosecutors office, no later than Thursday August 21, 2008 by 5:00 p.m. Commissioner Huber seconded. Motion carried 3-0.

RESOLUTION 2008-124 RESCIND RESOLUTION 2007-59-EBG BUSINESS PARK AUDITOR

Commissioner Huber moved to approve Resolution No. 2008-124, Rescinding Resolution No. 2007-59, Allowing for the Relocation of Construction of Phase 2 of the Ellensburg Business Development Group Business Park. Commissioner Crankovich seconded. Motion carried 3-0.

SET PUBLIC HEARING**DECLARE SURPLUS PROPERTY****AUDITOR**

Commissioner Crankovich moved to set a public hearing to consider declaring surplus property to be held on Tuesday September 16, 2008 at 2:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse, 205 West 5th Avenue, Ellensburg, Washington, and to authorize the Clerk to publish said notice. Commissioner Huber seconded. Motion carried 3-0.

LEASE**WASHINGTON STATE UNIVERSITY - KIM FREIER****AUDITOR**

Commissioner Crankovich moved to approve a Lease Agreement between Kittitas County and Washington State University Center for Civic Engagement, in the amount of \$100.00 per month on a month-to-month basis commencing May 1, 2008, located at 507 Nanum Street, Room 2, Ellensburg, Washington to provide office space for Kim Freier. Commissioner Huber seconded. Motion carried 3-0.

RESOLUTION 2008-125**REET GRANT AUTOMATION GRANT PROGRAM****ASSESSOR**

Commissioner Crankovich moved to approve Resolution No. 2008-125, regarding Real Estate Excise Tax Automation Grant Program and to acknowledge Judy Pless, Budget and Finance Manager's signature on a Memorandum of Understanding between the State of Washington, Department of Revenue and Kittitas County, in the amount not to exceed \$100,000.00 to be paid prior to July 1, 2010.

LEASE**ADDENDUM - JACK CLERF****PUBLIC WORKS**

Commissioner Crankovich moved to approve an Addendum to a Lease Agreement between Kittitas County and Jack Clerf, for property located on the Kittitas County Airport, Bowers Field, beginning August 1, 2008 through July 31, 2013, noting after the fifth year, the Lessor shall have the right to increase the rental rates for one or more years effective at the beginning of the fifth, tenth, fifteenth and twentieth year. Commissioner Huber seconded. Motion carried 2-1 (Chairman McClain opposed the motion).

REPORT**SENIOR RENT ASSISTANCE PROGRAM****COMMISSIONERS**

Susan Grindle, Executive Director of HopeSource gave a report on the Senior Rent Assistance Program which was instituted in early 2007 for people over the age of 65 in Kittitas County who were suffering from housing insecurity. The program was funded by Kittitas County in the amount of \$50,000.00 per year for direct rent assistance payments and \$11,000.00 per year for an Outreach Coordinator. There were no funds designated for administration and local travel and HopeSource has

subsidized that cost out of its own unrestricted funds during 2007 and 2008. She said the program served 17 households for monthly payments ranging from a low of \$140.00 to the maximum of \$450.00. Forty seven percent accessed less than \$300.00 of the maximum of each month of their eligible months and fifty three percent accessed from \$300-\$450.00 each eligible month and if the trend holds as experienced, the total funds utilized for rent assistance in a twelve month period will be \$37,902.50. Using the guidelines of the program itself, the \$12,098.50 would be rolled over into the 2009 and the balance of \$37,902.00 added to bring it back up to \$50,000.00.

Willa Lou Bruketta said she appreciated the rent assistance program due to increased medical costs and especially with the rise in costs of food, gasoline, etc.

Leanne from Briarwood said she received assistance from the program last year and it is very difficult to accept help because pride and egos get in the way. She said she tries to help volunteer in the community, but that does not pay the bills. She thanked HopeSource and their staff for assistance and hoped the funding source would continue to next year.

Chairman McClain said it was evident from past discussions that the people over the age of 65 are very prideful and they would not ask for assistance unless they truly needed it. He felt the program was needed and was the right thing to do for the funds and did not want to see a gap between the 2163 committee when it comes to the fiscal side.

Commissioner Crankovich commented on the success of the program, noting that although \$50,000.00 was budgeted, not all of it was used, stating it was very responsible of HopeSource.

Commissioner Huber said she was proud of the previous Board of County Commissioners for initiating the program and thanked Scot Reeves for his passion.

Susan Grindle said he would be helpful if the Board of County Commissioners could make clear to the 2163 committee they were in favor of continuing the program, as opposed to HopeSource going to them.

Commissioner Huber moved to authorize the Board to draft a letter to the 2163 Committee in support of continuing the Senior Rent Assistance program. Commissioner Crankovich seconded. Motion carried 3-0.

PROSPECTUS

NELSON SIDING ROAD - NO. 6 ROAD

PUBLIC WORKS

Commissioner Crankovich moved to approve and authorize the Chair to sign a Rural Arterial Program Prospectus for the Nelson Siding Road Big Creek Bridge and the No. 6 Road projects, for the County Road Administration

Board. Commissioner Huber seconded. Motion carried 3-0.

ORDINANCE 2008-18

BEEDLE REZONE (Z-07-13)

CDS

Commissioner Huber moved to approve Ordinance No. 2008-18, for the Beedle Rezone (Z-07-13), a general rezone of approximately 1.36 acres from Agriculture-3 to Limited Commercial, submitted by John Ufkes, authorized agent for Lee Beedle, landowner, located North of Carek Road, South of No. 245 Road, East of SR 903 and West of Shaft Street (Map Number 20-15-21030-0011). Chairman McClain seconded. Motion carried 2-1 (Commissioner Crankovich voted against the motion). Commissioner Crankovich said he voted in opposition not because of the general request, but because the entire area has been a focus of the City of Roslyn, City of Cle Elum and the County, for being an island of its own.

CLOSED RECORD MEETING

McBETH PRELIMINARY PLAT (P-07-54)

CDS

Mackenzie Moynihan, Staff Planner, reviewed an application from Brooks and Deborah McBeth, landowners, for the McBeth Preliminary Plat (P-07-54), a subdivision of approximately 12.00 acres into 4-lots, located Southeast of South Cle Elum Ridge Road, South of Rocky Mountain Road, Cle Elum, Washington (Map Number 19-15-09051-0004). The Planning Commission voted to forward a recommendation of approval with by a vote of 4-1, noting the minority voting member stated he would not vote to approve the project until such time the required second access was constructed.

Commissioner Huber questioned if all additional accesses would be condition upon final plat approval? Ms. Moynihan indicated it would be part of final plat approval.

Commissioner Crankovich moved to approve the McBeth Preliminary Plat (P-07-54) and direct staff to prepare enabling documents for September 16, 2008 at 10:00 a.m. during the regularly scheduled Agenda Session. Commissioner Huber seconded. Motion carried 3-0.

CLOSED RECORD HEARING

WHITAKER REZONE (Z-06-41)

CDS

The Board of County Commissioners indicated they would like to receive clarification from the Prosecutors office on what is being requested by the Superior Court Case which was remanded back for a new Closed Record Hearing.

Commissioner Crankovich moved to continue the Closed Record Hearing to Tuesday September 16, 2008 at 2:00 p.m. in the Commissioners Auditorium. Commissioner Huber seconded. Motion carried 3-0.

Dan Valoff, Staff Planner explained the Board of County Commissioners held a closed record meeting on July 1, 2008 to consider the Thunder Ridge Preliminary Plat (P-07-23) and made a motion 2-1 to deny the request. He indicated the Prosecutors office reviewed the Resolution and has suggested the Board of County Commissioners provide detailed Findings of Fact on their decision to deny the preliminary plat. He noted during the Agenda Study Session, the Board requested the entire written record, copies of the tapes and minutes so they could review the issue.

Commissioner Crankovich moved to continue the Closed Record Meeting to consider the Thunder Ridge Preliminary Plat (P-07-23) to Tuesday September 16, 2008 at 10:00 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse. Commissioner Huber seconded. Motion carried 3-0.

Traci Shallbetter, representing the applicant stated the delay was unnecessary and it was not the applicants fault the findings of fact were not adequate for the Prosecutors office, and that time was of the essence.

ORDINANCE 2008-19**HEARING EXAMINER RULES OF PROCEDURE****CDS**

Commissioner Crankovich moved to approve Ordinance No. 2008-19, Amending the Kittitas County Code Title 1, adding Rules of Procedure for Proceedings before the Kittitas County Hearing Examiner. Commissioner Huber seconded.

Commissioner Crankovich noted that a previous Planning Commission member resigned due to the Hearing Examiner position being approved, claiming that the Board of County Commissioners disagreed with their recommendation 90% of the time. He explained that from January 1, 2007 to current, of the 69 decisions made by the Board of County Commissioner, 61 have followed the Planning Commission recommendations. He described how the Planning Commission's work load had increased for them and by having a Hearing Examiner it would help alleviate some of that for them. He recognized everyone's hard work on the Planning Commission. Chairman McClain felt the Hearing Examiner position was a measure to seek consistency and was encouraged with the direction they were going. Motion carried 3-0.

INTERLOCAL AGREEMENT**PLAYGROUND EQUIPMENT - S. CLE ELUM COMMISSIONERS**

Commissioner Huber moved to approve an Interlocal Agreement for Playground Equipment funding between Kittitas County and the Town of South Cle Elum, in the amount of \$29,698.33, to assist in constructing

improvements to the playground portions of South Cle Elum Firemen's Park, from the Real Estate Excise Tax fund. Commissioner Crankovich seconded. Motion carried 3-0.

CLAIM FOR DAMAGES MARILYN & CHUCK ALLRED/APPROVED PROSECUTOR

Commissioner Huber moved to approve payment in the amount of \$2,195.21, for a Claim for Damages filed with the Kittitas County Auditor on November 26, 2007, by Marilyn and Chuck Allred, conditioned upon signature on a Release of All Claims. Commissioner Crankovich seconded. Motion carried 3-0. Commissioner Crankovich noted he was reluctant to approve payment due to claims being filed from sand trucks who had previous damages to their vehicles, but voted in favor because it would cause unnecessary litigation since the Risk Pool's adjuster recommended paying the claim.

CLAIM FOR DAMAGES CHARLES & LAURA GORMAN/DENIED PROSECUTOR

Commissioner Huber moved to deny a Claim for Damages filed with the Kittitas County Auditor on June 30, 2008, by Charles and Laura Gorman, as recommended by the Prosecutors office. Commissioner Crankovich seconded. Motion carried 3-0.

CLAIM FOR DAMAGES KEVIN O'SHAUGHNESSY/APPROVED PROSECUTOR

Commissioner Huber moved to release a replacement grill from the County storage, to Kevin O'Shaughnessy as recommended by the Prosecutor's office, relating to a Claim for Damages filed with the Kittitas County Auditor on April 8, 2008. Commissioner Crankovich seconded. Motion carried 2-1 (Chairman McClain opposed the motion).

CLAIM FOR DAMAGES WILLIAM & MARY CORBETT/DENIED PROSECUTOR

Commissioner Crankovich moved to deny a Claim for Damages filed with the Kittitas County Auditor on July 28, 2008, by William and Mary Corbett, as recommended by the Prosecutors office. Commissioner Huber seconded. Motion carried 3-0.

CLAIM FOR DAMAGES DANIEL A. ROSS/DENIED PROSECUTOR

Commissioner Crankovich moved to deny a Claim for Damages filed with the Kittitas County Auditor on May 20, 2008, by Daniel A. Ross and Karen M. Ross, as recommended by the Prosecutors office. Commissioner Huber seconded. Motion carried 3-0.

CLAIM FOR DAMAGES DUSTIN GERSTNER/DENIED PROSECUTOR

Commissioner Crankovich moved to deny a Claim for Damages filed with the

Kittitas County Auditor on July 28, 2008, by Dustin Gerstner, as recommended by the Prosecutors office. Commissioner Huber seconded. Motion carried 3-0.

SET HEARING

DURKAN SHORT PLAT APPEAL

COMMISSIONERS

Darryl Piercy, Director of Community Development Services, indicated his staff had been discussing the matter with the appellant and they will be submitting a letter withdrawing their appeal and asked that the matter be continued to Monday August 25, 2008 at 1:30 p.m. during their study session with the Board of County Commissioners.

Commissioner Crankovich moved to continue the request to set a hearing to consider the Durkan Short Plat (SP-08-32) appeal, filed by Mr. Philip Talmadge on behalf of Martin J. Durkan, Jr. to Monday August 25, 2008 at 1:30 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse. Commissioner Huber seconded. Motion carried 3-0.

SET HEARING

J. THOMAS SHORT PLAT APPEAL

COMMISSIONERS

Darryl Piercy, Director of Community Development Services, indicated his staff had been discussing the matter with the appellant and they will be submitting a letter withdrawing their appeal and asked that the matter be continued to Monday August 25, 2008 at 1:30 p.m. during their study session with the Board of County Commissioners.

Commissioner Crankovich moved to continue the request to set a hearing to consider the J. Thomas Short Plat (SP-08-31) appeal, filed by Mr. Joel Thomas, to Monday August 25, 2008 at 1:30 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse. Commissioner Huber seconded. Motion carried 3-0.

MISCELLANEOUS - NONE

EXECUTIVE SESSION

At approximately 11:36 Chairman announced the Board would recess into an Executive Session for approximately 30 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He said the Board did not anticipate any action at the conclusion. He also indicated they would also be evaluating the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140 (4),

discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public. He anticipated no action following. Those present for the Executive Session were Neil Caulkins, Deputy Prosecutor, Allison Kimball, Assistant Director of Community Development Services and Darryl Piercy, Director of Community Development Services.

At approximately 11:54 a.m. the Board reconvened out of Executive Session and took the following action:

PERSONNEL

CHRIS GRIFFITH - PAF

CDS

Commissioner Crankovich moved to approve Board signature on a Personnel Action Form for Chris Griffith, effective August 1, 2008. Commissioner Huber seconded. Motion carried 3-0.

ADJOURNMENT

Commissioner Crankovich moved to adjourn the meeting at 11:54 a.m. Commissioner Huber seconded. Motion carried 3-0.

Meeting adjourned at 11:54 a.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Mark McClain, Chairman