

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

TUESDAY

10:00 A.M.

AUGUST 18, 2009

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

Others: Julie Kjorsvik, Clerk of the Board; Brenda Larsen, Fire Marshal; Dan Valoff, CDS Staff Planner; Dan Davis, Plans Examiner; Jerry Pettit, Auditor; Joseph Whalen, Human Resources Director; Cathy Bambrick, Public Health Administrator and 3 members of the public.

CALL TO ORDER

Chairman Crankovich called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Crankovich led the Pledge of Allegiance.

INTRODUCTION OF NEW COUNTY EMPLOYEES - NONE

PROCLAMATIONS - NONE

AWARDS & RECOGNITIONS

The Certificate of Recognition for Judy Pless for earning the "Professional Finance Officer Award" was continued to the September 1, 2009 Agenda.

APPROVAL OF AGENDA

Chairman Crankovich noted Consent Item C was removed from the Agenda; Item E was moved to Board Discussion & Decision; and Item A under Board Discussion & Decision was removed from the Agenda. He announced the Board may recess into Executive Session at the conclusion of the Agenda. Commissioner McClain moved to approve the Agenda, as amended. Commissioner Jewell 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.

Chairman Crankovich noted Consent Item C was removed from the Agenda and Item E was moved to Board Discussion & Decision. Commissioner Jewell moved to approve the Consent Agenda, as amended. Commissioner McClain seconded. Motion carried 3-0.

MINUTES

COMMISSIONER MEETINGS

COMMISSIONERS

DATE	MEETING	RE:
7-16-09	Special Meeting	U/C Town Hall Meeting
7-21-09	Regular Meeting	BOCC Agenda Session
7-27-09	Special Meeting	Cancelled Executive Session
7-27-09	Regular Meeting	BOCC Dept. Head Meeting Minutes
7-27-09	Regular Meeting	BOCC Office Admin Meeting Minutes
7-28-09	Special Meeting	Appeal Hearing
7-28-09	Special Meeting	DOE MOA
8-3-09	Special Meeting	DOE MOA
8-3-09	Regular Meeting	BOCC Office Admin Meeting Minutes
8-3-09	Regular Meeting	BOCC DH Meeting Minutes
8-3-09	Regular Meeting	BOCC Agenda Study Session
8-4-09	Special Meeting	Franchise on Mohar Rd
8-4-09	Special Meeting	Law & Justice
8-10-09	Regular Meeting	BOCC Office Admin Meeting Minutes
8-10-09	Special Meeting	Executive Session
8-10-09	Regular Meeting	BOCC DH Meeting Minutes
8-11-09	Regular Meeting	DPW Study Session

APPOINTMENT RICHARD KLOSS - BOARD OF ADJUSTMENT COMMISSIONERS

Approve the reappointment of Richard Kloss to the Kittitas County Board of Adjustment, for a six year term, effective immediately and expiring on December 31, 2016.

REQUEST TO APPROVE AN INTERLOCAL AGREEMENT WITH THE REGIONAL SUPPORT NETWORK - ITEM REMOVED FROM THE AGENDA AND WILL BE CONSIDERED AT A LATER DATE

MEMORANDUM OF UNDERSTANDING FIRST UNITED METHODIST CHURCH PUBLIC HEALTH

Approve a Memorandum of Understanding between the First United Methodist Church and the Kittitas County Public Health Department for the use of space for conducting harm reduction education, testing and counseling, and supply distribution from June 1, 2009 through May 31, 2010.

AGREEMENT FINANCIAL CONSULTANTS INTERNATIONAL SHERIFF

Approve a Professional Services Agreement between Kittitas County and Financial Consultants International, Inc. to provide services and materials set forth for the 2009 building of five vehicles, two trucks with emergency equipment and continued services, beginning August 4, 2009.

AGREEMENT WASPC-SEX OFFENDER ADDRESS VERIFICATION PROGRAM SHERIFF

Approve an Interagency Agreement between the Washington Association of Sheriffs and Police Chiefs and the Kittitas County Sheriff's Office, for a grant in the amount of \$75,311.84 for the Registered Sex Offender Address and Residency Verification Program, effective July 1, 2009 through June 30, 2010, noting it is expected to be renewed through June 30, 2011.

AGREEMENT HORTICULTURAL PEST & DISEASE BOARD AUDITOR

Approve an Interagency Agreement between the Washington State Department of Agriculture and Kittitas County and its Agent the Kittitas County Horticultural Pest and Disease Board, in an amount not to exceed \$70,000.00 for costs incurred directly related to the Kittitas County Apple Maggot Eradication and Control Program, beginning July 1, 2009 through June 30, 2011.

SET CLOSED RECORD MEETING MARION PERFORMANCE BASED CLUSTER CDS

Approve setting a Closed Record Meeting to consider an application from Chad Bala of Terra Design Works, Inc., authorized agent for Fowler Creek Trust, landowner, for an application for a 12-lot Performance Based

Cluster Plat pursuant to Kittitas County Code 16.09 on approximately 18.02 acres of land that is zoned Agriculture-3, located south of Nelson Siding road and west of the City of Cle Elum and Golf Course road, on Nelson Siding road, Cle Elum, Washington, to be held on Tuesday September 15, 2009 at 10:00 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue, Ellensburg, Washington.

SET CLOSED RECORD MEETING TEANAWAY RIDGE PLAT CDS

Approve setting a Closed Record Meeting to consider an application from Chad Bala, Terra Design Group, Inc., authorized agent for Teanaway Ridge LLC, landowner, for a 14-lot Preliminary Plat on approximately 54.36 acres of land that is zoned Agricultural-3, located West of Reecer Creek Road at Hillview Drive, Ellensburg, Washington, to be held on Tuesday September 15, 2009 at 10:00 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue, Ellensburg, Washington.

TASK ORDER RED BRIDGE ROAD SLIDE AREA CDS

Approve and authorize the Public Works Director to sign Task Order No. 03-09A, Exhibit A, a supplement for the original Agreement by and between Kittitas County and HDR Engineering, Inc. dated March 9, 2009, for Red Bridge Road Slide Area A (Right of Way only), Plans, Specifications and Construction estimate.

CORRESPONDENCE - NONE

ADMINISTRATIVE MATTERS - NONE

CITIZEN COMMENTS ON NON-AGENDA ITEMS - NONE

BOARD DISCUSSION/DECISION ITEMS

AGREEMENT BETWEEN KITTITAS COUNTY & ELMVIEW - ITEM REMOVED AND WILL BE CONSIDERED AT A LATER DATE

RESOLUTION 2009-112 ANNEX LIBERTY AREA - FIRE DIST. #7 FIRE MARSHAL

Commissioner McClain moved to approve Resolution No. 2009-112, Annexing real property in the Liberty Area of Kittitas County into Kittitas County Fire District No. 7, located in the East half of Section 10, the Northwest Quarter of Section 11, the Southeast Quarter of Section 03, the South half of Section 02 and Section 01 of Township 21 North, Range 17 East, of private land. Commissioner Jewell seconded. Motion carried 3-0.

RESOLUTION 2009-113 ANNEX HARKENSS RD - FIRE DIST. #7 FIRE MARSHAL

Commissioner Jewell moved to approve Resolution No. 2009-113, Annexing the Northwest Quarter of Section 12, Township 20 North, Range 17 East into Kittitas County Fire District No. 7, also known as the Harkness Annexation. Commissioner McClain seconded. Motion carried 3-0.

RESOLUTION 2009-114 ANNEX SKY MEADOWS - FIRE DIST. #7 FIRE MARSHAL

Commissioner Jewell moved to approve Resolution No. 2009-114, Annexing the Southwest Quarter of Section 7, and the Northwest Quarter of Section 18 and the South half of Section 18 of Township 19 North, Range 16 East, W.M. located in the Sky Meadows area of Kittitas County. Commissioner McClain seconded. Motion carried 3-0.

CLOSED RECORD HEARING DARROW REZONE & PRELIMINARY PLAT CDS

Dan Valoff, CDS Staff Planner, reviewed a request from Walter Darrow, landowner, for a rezone application from Forest & Range to Rural-3 along with a Preliminary Plat to subdivide approximately 27.16 acres into 6-lots, ranging in size from 3.01 acres to 12.09 acres, located Northeast of the City of Cle Elum, West of SR 970 off Teanway Road, Cle Elum, Washington, in Section 5, T20N, R16E, W.M. in Kittitas County, Washington (20-16-05020-0017). He indicated the Planning Commission held an open record hearing and the Hearing Examiner submitted recommendations for Findings of Fact, Conclusions of Law and Conditions of Approval of the Darrow Rezone and Preliminary Plat. He explained that due to the current moratorium in the Upper County placed by the Department of Ecology, he had asked the Prosecutors office to review the information and they indicated that final approval of the plat is conditioned upon the applicant obtaining a Determination of Water Neutrality from the Washington State Department of Ecology. At final approval, if the applicant can show that under the then existing Upper Kittitas County Ground Water Rule, such a determination is not required, than the applicant may be released from this condition. In order to secure such a release, the applicant must prove that either the withdrawal had already commenced before July 16, 2009 or that the Upper Kittitas County Ground Water Rule has changed and that under the new rule the applicant is not required to obtain a Determination of Water Neutrality and the applicant has met all the conditions that are required by the new rule.

Commissioner Jewell expressed concerns for Condition #11 (Archaeological resources), which would require cultural resource survey prior to final approval, and stated the Board had previously taken up that issue on a recent different plat appeal and their decision was to not require that condition. Commissioner McClain concurred with Commissioner Jewell's comments and felt Condition #12 addresses their concerns. He supported

removing condition #11. Brenda Larson, Fire Marshal, explained the requirements she had recommended as being a part of the conditions of approval.

Commissioner McClain moved to approve the Darrow Rezone (RZ-08-08) & Preliminary Plat (LP-08-25); adopt the recommended Findings of Fact & Conclusions of Law as suggested by the Hearings Examiner, but to strike item #11; add language regarding the water issue as recommended by the Prosecutors office and to direct staff to prepare enabling documents. Commissioner Jewell seconded. Motion carried 3-0.

CLOSED RECORD HEARING AKEHURST REZONE & PRELIMINARY PLAT CDS

Dan Valoff, CDS Staff Planner, reviewed a request from Don and Gregory Akehurst, landowners, for a rezone application from Agricultural-20 to Agricultural-5 along with a Preliminary Plat to subdivide approximately 71.29 acres into 4-lots, located East of Wilson Creek Road, West of Naneum Road, South of Lone Willow Lane off of the North side of Brickmill Road, Ellensburg, Washington, Section 20 T18N, R19E, W.M. (Map Numbers 18-19-20020-0006, 18-19-20020-0013, 18-19-20054-0001, 18-19-20054-0001). He indicated the Hearing Examiner conducted an open record hearing and submitted recommended Findings of Fact & Conclusions of Law, and Conditions of Approval.

Commissioner Jewell moved to approve the Akehurst Rezone (RZ-08-12) and Preliminary Plat (LP-08-33); adopt the recommended Findings of Fact & Conclusions of Law as suggested by the Hearing Examiner and to direct staff to prepare enabling documents. Commissioner McClain seconded. Motion carried 3-0.

CLOSED RECORD MEETING JB DEVELOPMENT PRELIMINARY PLAT CDS

Dan Valoff, CDS Staff Planner, reviewed a request from JB Development, for a 3-lot plat on approximately 10.10 acres of land that is zoned Ag-3, located South of Bowers Road and East of Pioneer Road, Ellensburg, Washington, Section 26, T19N, R18E, W.M. (Map Number 18-18-26089-0003). He indicated the Hearing Examiner conducted an open record hearing and submitted recommended Findings of Fact, Conclusions of Law, and Conditions of Approval.

Commissioner Jewell moved to approve the JB Development Preliminary Plat (LP-08-27); adopt the recommended Findings of Fact & Conclusions of Law, and Conditions of Approval as suggested by the Hearing Examiner and to direct staff to prepare enabling documents. Commissioner McClain seconded. Motion carried 3-0.

Dan Valoff, CDS Staff Planner, reviewed a request from Richard Susan, authorized agent for the Tacoma Motorcycle Club, Inc. landowner, for a 5-lot Plat on approximately 29.07 acres of land that is zoned Ag-5, located South of Nelson Siding Road and West of Talmadge Road, Cle Elum, Washington, in a Portion of Section 20, T20N, R14E, W.M. (Map Number 20-14-20030-0003). He indicated the Hearing Examiner conducted an open record hearing and submitted recommended Findings of Fact, Conclusions of Law and Conditions of Approval.

Commissioner Jewell moved to approve the TMC Preliminary Plat (LP-08-20); adopt the recommended Findings of Fact & Conclusions of Law and Conditions of Approval as suggested by the Hearing Examiner; but to strike item #11; add language regarding the water issue as recommended by the Prosecutors office (see above Darrow Rezone & Preliminary Plat) and to direct staff to prepare enabling documents. Commissioner Jewell seconded. Motion carried 3-0.

RESOLUTION 2009-115

PERMIT FEES - AGRICULTURAL STRUCTURES

CDS

Commissioner Jewell moved to approve Resolution No. 2009-115, for Permit Fees for Agricultural Structures, to be in compliance with Senate Bill 5120, as passed by the 2009 Regular Session of the Washington State Legislature, which limits the amount Kittitas County can charge for agricultural structure permit fees. Commissioner McClain seconded. Motion carried 3-0.

SPECIAL EVENT

MANASTASH METRIC - DRIEN RIDE

COMMISSIONERS

Commissioner Jewell moved to approve the Special Event Application request to hold the Manastash Metric - Drien Ride, sponsored by the Retired and Senior Volunteer Program, to be held on October 3, 2009. Commissioner McClain seconded. Motion carried 3-0.

APPLICATION

LODGING TAX GRANT FUNDS

COMMISSIONERS

Commissioner McClain moved to adopt the Kittitas County Lodging Tax Grant Funds Applications as recommended by the Lodging Tax Advisory Committee. Chairman Crankovich seconded. Motion carried 3-0.

RESOLUTION 2009-116

PERSONNEL POLICIES MANUAL

HUMAN RESOURCES

Commissioner McClain suggested amending the proposed Animal Policy to include exceptions for animals associated with law enforcement and striking the remainder of the sentence relating to fish and since it only applies to County personnel, to include patron's animals at the Kittitas Valley Events Center.

Commissioner McClain moved to adopt the policies as amended and approve Resolution No. 2009-116, creating new policy language for Item #3-13, Animal Policy and #4-18 ADA Compliance. Commissioner Jewell seconded. Motion carried 3-0.

MISCELLANEOUS - NONE

EXECUTIVE SESSION

At 10:45 a.m. Chairman Crankovich announced the Board would recess into an Executive Session for 15 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, with no action anticipated. Those in attendance at the Executive Session were Brent Bottoms, Deputy Prosecutor and Kirk Holmes, Director of Public Works/Interim Director of Community Development Services and Cathy Bambrick Public Health Administrator.

At 11:00 a.m. the Board reconvened out of Executive Session and announced the Board would recess back into Executive Session for another 15 minutes and did not anticipate any action.

At 11:15 a.m. the Board reconvened out of Executive Session. No action was taken.

ADJOURNMENT

Commissioner Jewell moved to adjourn at 11:15 a.m. Commissioner McClain seconded. Motion carried 3-0.

Meeting adjourned at 11:15 a.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie Kjorsvik

Alan Crankovich, Chairman